

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 MARCH 2001 01/0081/FL: PROPOSED ERECTION OF 24 DWELLINGHOUSES AND FLATS AT HORWOOD PLACE, MAUCHLINE FOR SHIRE HOUSING ASSOCIATION

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of twelve 3 and 2 storey flatted dwellings, two single storey dwellinghouses, two 2-storey semi detached dwellinghouses and eight 2-storey terraced dwellinghouses. The majority of the flats and dwellinghouses are proposed to be sheltered housing. It is proposed that the 3-storey flatted dwellings will be erected on the corner of Horwood Place and Cowgate. The frontage would continue along Horwood Place and Cowgate and comprise two storey flatted dwellings and two storey terraced dwellinghouses, whilst forming a courtyard area to the rear. The remainder of the semi-detached, terraced and single storey dwellings are proposed to be sited within the courtyard area.

1.2 The applicant proposes to access the site via an access road from Cowgate, which would lead to 24 residents' and visitors' car parking spaces. The flatted and terraced dwellings fronting onto Horwood Place and Cowgate are to be situated between 5 and 11 metres from the carriageway. A new 2 metre wide footpath is to be formed along the site's frontage within Horwood Place and Cowgate as well as within the Courtyard area. Communal and private garden ground is to be provided between the flatted terraced dwellings fronting into Horwood Place and Cowgate and the footpath. A 2 metre high wooden fence with stone piers is also proposed to separate the private garden areas from the footpath along Horwood Place and Cowgate.

1.3 The development proposals incorporate several traditional design features appropriate to this part of the Conservation Area including, vertically proportioned window openings with wooden sash and casement windows, cement bandings to the windows, exposed purlins and piend dormers. The applicant proposes to externally finish the development with concrete slate style tiles, white painted render and stone facing blocks.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 in the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.5 in the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version) should be considered as a prime material consideration. As has been noted above, the proposal is contrary to the provisions of the EALP(FV).

3.3 Nevertheless, the existing buildings on the site, including the traditional sandstone buildings are of no particular historic or architectural merit, and their retention would not easily lend itself to incorporation with any amended scheme. The proposed new development is of a design and scale appropriate to its location within this part of the Mauchline Conservation Area given that it incorporates traditional design features and external finishes. The applicants have also proposed to include a public art feature as part of the development. It is therefore considered that the material considerations relevant to this application outweigh the policy provisions of the Adopted Mauchline-Drongan-Ochiltree Local Plan and the EALP(FV).

3.4 It is therefore recommended that an exception to policy be made and that the application be approved. The proposal is, in the circumstance of this case, not considered to be a departure from policy of such significance as to require determination of the application by the Development Services Committee.

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 as the proposed development is a larger proposal of area significance and is subject to objections from consultees.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site presently comprises a group of buildings situated in Horwood Place and Cowgate, Mauchline and measures some 1.05 acres in area. Several of the buildings are currently disused whilst others are in use as workshops and office accommodation. The buildings fronting Horwood Place and Mauchline are traditional red sandstone structures. They are of no particular architectural merit, vacant, in a run down condition and are situated immediately adjacent to the carriageway. The remainder of the buildings within the site comprise a series of modern workshop buildings. The buildings lie within the Mauchline Outstanding Conservation Area and are not listed. The applicant proposes to demolish the existing buildings within the site and has submitted the necessary application for Conservation Area Consent in that regard. (Ref. No. 00/0851/CA).

2.2 **Proposed Development:** Full planning permission is sought for the erection of twelve 3 and 2 storey flatted dwellings, two single storey dwellinghouses, two 2-storey semi detached dwellinghouses and eight 2-storey terraced dwellinghouses. The majority of the flats and dwellinghouses are proposed to be sheltered housing. It is proposed that the 3-storey flatted dwellings will be erected on the corner of Horwood Place and Cowgate. The frontage would continue along Horwood Place and Cowgate and comprise two storey flatted dwellings and two storey terraced dwellinghouses, whilst forming a courtyard area to the rear. The remainder of the semi-detached, terraced and single storey dwellings are proposed to be sited within the courtyard area.

2.3 The applicant proposes to access the site via an access road from Cowgate, which would lead to 24 residents' and visitors' car parking spaces. The flatted and terraced dwellings fronting onto Horwood Place and Cowgate are to be situated between 5 and 11 metres from the carriageway.

A new 2 metre wide footpath is to be formed along the site's frontage within Horwood Place and Cowgate as well as within the Courtyard area. Communal and private garden ground is to be provided between the flatted terraced dwellings fronting into Horwood Place and Cowgate and the footpath. A 2 metre high wooden fence with stone piers is also proposed to separate the private garden areas from the footpath along Horwood Place and Cowgate.

2.4 The development proposals incorporate several traditional design features appropriate to this part of the Conservation Area including, vertically proportioned window openings with wooden sash and casement windows, cement bandings to the windows, exposed purlins and piend dormers. The applicant proposes to externally finish the development with concrete slate style tiles, white painted render and stone facing blocks.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on the planning permission relating to the standard and construction of the site's access and the provision of the proposed footways, visibility splays and parking spaces.

Should the application be granted, appropriate conditions in respect of the above can be included in the planning permission.

3.2 The West of Scotland Water Authority has objected to the proposal on the grounds that the existing drainage system has insufficient capacity to accommodate any additional outflow from the proposed development. In recent years there has been surcharging of the sewerage system in Mauchline, and a drainage area study has been commissioned by W.o.S.W.A to identify constraints and investment solutions. At the present time upgrading the system to accommodate this proposal would be outwith "reasonable cost" criteria.

Should the application be approved, a suspensive condition can be included on the planning permission prohibiting the development of the site until such time as the West of Scotland Water Authority has indicated that the drainage system has sufficient capacity to accommodate the additional outflow from the development.

3.2 The Scottish Environment Protection Agency has not responded to the consultation letter.

Noted.

3.4 Scottish Power and British Gas Transco have no objection to the proposal subject to the protection of their plant during construction.

Should the application be granted, a note can be attached to the planning permission advising the applicant to make early contact with Scottish Power and British Gas Transco.

3.5 The Coal Authority has no objection to the proposal.
Noted

3.6 British Telecom has not responded to the consultation letter.
Noted.

3.7 Historic Scotland has stated that it does not wish to comment on the proposal until such time as the principle of the demolition of the existing buildings has been established.

The principle of the demolition of the existing buildings on the site is considered within the report relative to application no. 00/00851/CA. The quality of this proposal contributes towards any assessment regarding the Conservation Area Consent application.

3.8 The Scottish Civic Trust has objected to the application on the grounds that it objects to the demolition of some of the existing buildings.

This objection cannot be considered in the determination of the application as the demolition does not form part of the proposals to which this application for planning permission relates.

3.9 The Architectural Heritage Society has not responded to the consultation letter.

Noted.

3.10 The West of Scotland Archaeological Service has stated that the application site is located within the defined sensitive archaeological area of the historic settlement of Mauchline. It has therefore recommended that, if the application is approved, an archaeological watching brief condition should be included on the planning permission.

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

3.11 Mauchline Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 Mauchline Burns Club has stated that it has given careful consideration to the demolition and redevelopment proposals as part of the site comprised the site of the home of Jean Armour's parents. However, the Club states that its research has indicated that none of the remaining buildings within the site comprise the original house. It nevertheless states that, should the application be approved, it would be delighted if a statue of Jean Armour could be erected within the site.

The applicants have agreed in writing, in respect of the proposals for the redevelopment of the site, that they are willing to provide a public art feature within the site to commemorate the site's history.

4.2 Historic Scotland and the Scottish Civic Trust have objected to the proposed demolition as detailed in Section 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 Ayrshire Joint Structure Plan (1999) and the Adopted Mauchline - Drongan- Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies within the Mauchline Conservation Area as defined in the Adopted Mauchline – Drongan – Ochiltree Local Plan (1993). The application therefore requires to be determined with regard to Policy ENV13 of the Mauchline – Drongan – Ochiltree Local Plan. Policy ENV 13 states that:-

“There will be a presumption against the demolition or partial demolition of Listed Buildings, or of unlisted Buildings within Conservation Areas, in the Local Plan Area. The District Council will actively encourage the restoration and renovation of all such properties and will take positive action to ensure that these buildings do not fall into a state of increasing disrepair.”

As noted above, the existing buildings on the site comprise either modern workshop accommodation or traditional sandstone buildings which are vacant and of no particular historic or architectural merit. It has also been noted above that the proposed new build is of design appropriate to its location within the Outstanding Conservation Area. Furthermore, the applicant has indicated in writing that the buildings are not suitable for renovation and incorporation within an amended scheme as their

internal layout would result in the need for short, inconvenient flights of stairs and their window and door openings do not meet modern standard. Notwithstanding this, the applicant has also submitted an economic argument which indicates that the re-use of the sandstone buildings and their incorporation into the site would preclude the development of the site in terms of economic viability. It is therefore considered that whilst the proposal does not accord with the provisions of Policy ENV13, the material considerations referred to above justify setting aside those provisions in this instance.

5.3 Policy ENV11 of the Adopted Mauchline – Drongan – Ochiltree Local Plan is also of relevance. Policy ENV11 states that:-

“The District Council will ensure through the development control process that any proposed development in the central areas of Mauchline and Ochiltree is in keeping with the character and appearance of the areas in terms of its size, scale, design siting material used etc.”

It is considered that the scale and appearance of the proposed dwellings is in keeping with the character and scale of the area, given that the surrounding properties are generally two or three storey flatted properties.

5.4 Policy IND2 of the adopted Mauchline-Drongan-Ochiltree Local Plan is also of relevance. Policy IND2 states that:-

“There will be a presumption that existing industrial buildings should be retained for industrial use.”

Given that several of the industrial premises on the site are vacant and the availability of other industrial premises in Mauchline, it is not considered that there is a sufficiently large demand for industrial premises in Mauchline to an extent that would justify a refusal of the application. Furthermore, the proposal represents an opportunity to redevelop and enhance the character and amenity of the site. It is therefore considered that the provisions of Policy IND2 should be laid aside and that, in this instance, a grant of planning permission is justified.

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), and National Planning Policy Guidance.

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 (EALP) should, be considered as a prime material consideration.

6.3 The application site lies within the Mauchline Conservation Area as defined in the East Ayrshire Local Plan (Finalised Version). Policies ENV 2 and ENV4 are therefore of relevance. 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 a presumption against the demolition or partial demolition of all such properties”

Policy ENV4 further 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”.

See responses to 5.2 and 5.3 above

6.4 Guidance on the determination of development proposals affecting Conservation Areas is given in NPPG18 Planning and the Historic Environment. NPPG18 states that:-

“In considering development proposals that affect the character or appearance of a Conservation Area, the Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area”.

See responses to 5.2 and 5.3 above

6.5 The applicants have stated that they are willing to provide a public art feature as part of the development.

It is considered that a public art feature, linked appropriately to the historic significance of the Mauchline Conservation Area, or to the site’s history as the site of Jean Armour’s parents’ home, would further add interest and character to the area. Should the application be granted, a condition in respect of the public art feature can be included on the planning permission.

6.6 Policy IND8 of the EALP addressed the loss to other uses of land currently or formerly in industrial use.

“Other than those sites specifically safeguarded for industrial use under Policy IND4 above, proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:

- (i) The proposed use not being detrimental to surrounding established uses;*
- (ii) The proposal meeting with the requirements of all other relevant local plan policies; and*
- (iii) The existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.*

The Council will be particularly supportive of any proposals for such sites which incorporate or retain an element of industrial use as an integral part of their redevelopment.”

It is considered that the proposal will not adversely affect surrounding uses. The proposal has been considered against the policies in the EALP and due to the condition and quality of the buildings on site, it is felt that an exception to Policy ENV2 is appropriate. Alternative industrial premises are available to accommodate the limited known demand for same.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.5 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version) should be considered as a prime material consideration. As has been noted above, the proposal is contrary to the provisions of the EALP(FV).

8.3 Nevertheless, the existing buildings on the site, including the traditional sandstone buildings are of no particular historic or architectural merit, and their retention would not easily lend itself to incorporation with any amended

scheme. The proposed new development is of a design and scale appropriate to its location within this part of the Mauchline Conservation Area given that it incorporates traditional design features and external finishes. The applicants have also proposed to include a public art feature as part of the development. It is therefore considered that the material considerations relevant to this application outweigh the policy provisions of the Adopted Mauchline-Drongan-Ochiltree Local Plan and the EALP(FV).

8.4 It is therefore recommended that an exception to policy be made and that the application be approved. The proposal is, in the circumstance of this case, not considered to be a departure from policy of such significance as to require determination of the application by the Development Services Committee.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
16 March 2001
DS/YW/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Mauchline-Drongan-Ochiltree Local Plan.
6. NPPG18: Planning and the Historic Environment.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Application no: 01/0081/FL

Location	Horwood Place MAUCLINE KA5 5AQ
Nature of Proposal:	Proposed housing/rented development – single storey housing, terraced housing, amenity flats two/three storey
Name and Address of Applicant:	Shire Housing Association Netherthird House, 15 Glaisnock Road CUMNOCK KA18 3DB
Name and Address of Agent	Taylor Associates 17 Barns Street AYR KA7 1XB

DPO's Ref: Derek Scott]
PPO's Ref; []

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

1. There shall be no commencement of development on site until such time as West of Scotland Water Authority have confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the houses granted by this consent.

REASON – To ensure adequate drainage and sewerage infrastructure for the proposed development.

2. The proposed development shall be carried out in accordance with the application form and plans submitted on 29 January 2001 as revised by the elevational drawings of the buildings fronting Horwood Place and Cowgate, received by the Planning Authority on 2 February 2001, the floor plan of the type E house type and entrance hall/stair well, received by the Planning Authority on 9 February 2001 and the amended site layout plan, received by the Planning Authority on 3 March 2001.

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

3. The vehicular access to the site from Cowgate shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

4. All roads and footways within the site shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interests of public road safety.

5. Prior to the occupation of any of the dwellinghouses, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay area of 2.5 metres by 35 metres at the junction of the proposed access to the site with Cowgate.

REASON – In the interests of public road safety.

6. There shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5 metres by 35 metres at the proposed internal road junction within the site.

REASON – In the interests of public road safety.

7. Prior to the occupation of any of the dwellinghouses, the proposed 2 metre wide footway along the site's frontage with Cowgate shall be formed to East Ayrshire Council's specification.

REASON – In the interests of public road safety.

8. Prior to the occupation of any of the dwellinghouses, the proposed footpath link from Loudoun Street shall be formed to East Ayrshire Council's specification.

REASON – In the interests of public road safety.

9. The internal parking areas and access roads shall be formed and suitably surfaced such that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

10. Notwithstanding any specification on the approved plans or application form, 24 no. parking spaces shall be provided within the site and shall be formed to East Ayrshire Council's specifications.

REASON – To ensure that the adequate car parking is provided.

11. Notwithstanding the provisions of Condition 9 above, two disabled car parking spaces shall be provided at Plots 20 and 24 and shall be formed to East Ayrshire Council's specification.

REASON – To ensure that adequate car parking is provided.

12. A landscaping scheme including details for the treatment and maintenance of the boundary of the site and areas of public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development. The landscaping shall be implemented not later than the next appropriate planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter.

REASON – To ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

13. Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

14. Notwithstanding any specification on the approved plans or application form and before any work commences on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

15. During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 0800 to 1900 Monday to Saturday nor at any time on a Sunday.

REASON – In the interests of residential amenity.

16. Prior to the occupation of any of the dwellinghouses, details of the location and form of the public art feature as described in paragraph 6 of the letter from the applicant to the Planning Authority of 21 February 2001, shall be submitted to and approved by the Planning Authority.

REASON – To ensure that the public art feature is provided and in the interests of visual amenity.

17. Within 12 months of the occupation of the last dwellinghouse, the approved public art feature referred to in condition 16 above, shall be installed in the approved location within the development.

REASON – To ensure that the public art feature is provided.

18. The applicant shall afford access at all reasonable times to the West of Scotland Archaeology Service and shall allow them to observe work in progress and research items of interest and finds. The applicant shall give notice of the date of commencement of works on site to the Regional Archaeologist, West of Scotland Archaeology Service, Charing Cross Complex, 20 India Street, Glasgow, in writing, not less than 14 days before development commences

REASON – In the interests of recording any archaeological features uncovered during demolition works.

NOTES TO APPLICANT

1. The applicant is advised to make early contact with Transco at 95 Kilbirnie Street, Glasgow G5 8JD with regard to the location of any apparatus on site.
2. The applicant is advised to make early contact with Scottish Power at Greenholm Street, Kilmarnock KA1 4YE with regard to the location of any apparatus on site.

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AGENDA