

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003**

**02/0996/FL: PROPOSED ERECTION OF A DETACHED VILLA FOR  
RESIDENTIAL USE AT SCHOOL ROAD, AUCHINLECK**

**APPLICATION BY NEW CITY HOMES LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a two-storey modern villa style dwellinghouse on the site. It is of a pitched roof configuration and the proposed finishing materials are interlocking roof tiles with a render and brickwork external wall finish.

1.2 It is proposed to form an access to the house by removing a section of the existing wall, which forms part of the listing for the school, and to form a driveway of slabs and chip to the house which would be situated 19 metres back from the public highway. Garden ground would be formed at the rear of the property as well as to the front with an indicative garage position shown in the south west of the site.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated in section 5 of 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 in section 6 of the report, there are material considerations relevant to this application. However, the EALP and a consultee response both indicate that the proposal should be refused planning permission. There are no other material considerations that would indicate otherwise.

3.2 The proposed development for a single residential unit on a brownfield gap site within the settlement envelope is generally considered to be acceptable in principle. However, this is subject to the particulars of the site and the likely impact which the development will have on its surrounding environment. The vicinity in which the site is located is predominantly residential although there are other uses close by. The former school currently has planning permission to change its use to business space with a temporary use for storage only. The whole site pertaining to the school is sizeable and does indeed offer much scope to be redeveloped in an appropriate, comprehensive manner.

3.3 The single house that has been proposed will inhibit the development potential of the site as a whole and it is reasonable to describe what is currently proposed as piecemeal development. To develop the site in this manner would be detrimental to the overall character of the area and would forego an opportunity to secure cohesive development to the benefit of the wider community.

3.4 The site comprises part of the former primary school which has status as a Category C(s) Listed Building, including the wall and railings which pertain to the building. The design scheme as proposed is a modern styled two storey dwelling which has no merit in terms of being complimentary to the school building. The materials are more akin to those found on an urban housing development rather than an individual site which by virtue of its location adjacent to a listed building requires a design which emulates the vernacular style and uses locally found traditional materials in its construction. Therefore irrespective of whether or not the principle of this development is acceptable it is not considered that the design scheme as currently proposed is one which can be recommended favourably.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant breach of 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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**02/0996/FL: PROPOSED ERECTION OF A DETACHED VILLA FOR  
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**APPLICATION BY NEW CITY HOMES LTD**

**Report by the 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 recommendation is one of refusal and it is subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is an elongated piece of land which forms part of the curtilage of the former primary school on School Road in the settlement of Auchinleck. The former school is a traditional sand stone building which is a Category C(s) listed structure and its function as a primary school ceased approximately two years ago.

2.2 The site, which is a brownfield site, is located in what is a predominantly residential area although it does back onto the Main Street through the village and as such there are commercial properties within the general vicinity. The Indoor Bowling Green is adjacent to the site on the east side.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a two-storey modern villa style dwellinghouse on the site. It is of a pitched roof configuration and the proposed finishing materials are interlocking roof tiles with a render and brickwork external wall finish.

2.4 It is proposed to form an access to the house by removing a section of the existing wall, which forms part of the listing for the school, and to form a driveway of slabs and chip to the house which would be situated 19 metres back from the public highway. Garden ground would be formed at the rear of the property as

well as to the front with an indicative garage position shown in the south west of the site.

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

3.1 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to standard conditions regarding visibility splays, car parking provision, standard of access and surfacing, and opening of any gates.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.2 East Ayrshire Property Services Section has advised that the erection of a house so close to the listed building could be detrimental to the setting of the building. The Section has also stated that when the school was sold there was a title condition imposed that it be used for a business centre only.

***Noted. With regard to the condition of sale, this is a legal matter that will require to be resolved outwith planning processes, should permission be granted.***

3.3 Scottish Water has advised that there is a public water main located in the street adjacent to the site and that there is a public sewerage system to which a connection may be made from the proposed development.

***Noted.***

3.4 The Architectural Heritage Society of Scotland has objected to the proposed development for the following reasons:

- a house on this narrow plot will greatly detract from the setting of the listed building;
- cutting off adequate access space on the south side of the former school may have unacceptable implications regarding making new openings on its front boundary i.e. listed wall, railings;
- the proposed two storey house with its exceptionally narrow frontage for the size of house shown will not enhance the adjacent listed building

***It is agreed that the proposed development, in terms of its location and design of the dwellinghouse, will detract from the setting of the existing listed building.***

3.5 The Coal Authority has advised that the property is within a likely zone of influence on the surface (workings ceased in 1971) but that ground movement from the past coal workings should by now have ceased.

***Noted.***

3.6 Scottish Power has advised that in principle it has no objection to the proposed development.

***Noted.***

3.7 National Air Traffic Services have advised that the proposed development does not conflict with their safeguarding criteria and therefore they have no safeguarding objections to the proposed development.

***Noted.***

3.8 Transco has recommended that the information pack submitted as part of their consultation response should be passed to the contractor on site in order to prevent Transco plant damage and potential direct or consequential costs to the developer.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Two letters of objection have been received with regard to the proposed development, including the letter of objection from the Architectural Heritage Society referred to in section 3.4 above.

4.2 Objection is made to the proposed development for the reason that it would be inappropriate and would mean that any future plans for extending the hotel at the rear of the site would be impossible. This is an industrial site bordering a commercial property and a leisure facility.

***The objection relates to how the development, if approved, would prejudice any possible future development of an adjoining property. This in itself is not a material planning consideration and would not constitute a valid reason for recommending refusal. This objection therefore bears no weight in the consideration of this application.***

## 5. ASSESSMENT AGAINST THE 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 Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

### Cumnock and Auchinleck Local Plan

5.2 POL16 of the adopted local plan advises that subject to other policies, the Council will encourage residential development on gap sites considered to be appropriate for residential use. A presumption against demolition or part demolition of listed buildings unless proven to be structurally unsound is stated in the terms of POL85.

***The proposed development for a dwellinghouse on this site would involve a partial demolition of the wall and railings pertaining to the school, and thereby also part of the listing and therefore it does not comply with POL85. Hence it is also contrary to POL16.***

### Ayrshire Joint Structure Plan

5.3 Policy E19 states that development proposals which are considered to have an adverse effect on heritage resources, including listed buildings shall not conform to the structure plan.

***It is considered that the proposed house would indeed have an adverse effect on the setting of the former primary school thereby compromising its integrity as a listed structure. It does not therefore comply with this policy.***

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2002, (EALP), representations received and consultation responses.

### East Ayrshire Local Plan

6.2 The Adopted Local Plan covering the development site is considerably out of date and therefore it is considered appropriate that greater weight should be

attached to more recent expressions of policy. The Council has agreed that the EALP is a material consideration in the determination of development proposals.

6.3 Policy SD6 states that the Council will positively encourage the re-use and redevelopment of brownfield land. Policy RES4 advises that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites and will be assessed against the impact on the surrounding natural and built environment and adjacent uses as well as compatibility with surrounding densities and house types and in conformity with the Council's Design Guidance.

***The proposed development is a redevelopment of a gap brownfield site in the settlement for residential use and hence it is arguable that the proposal is acceptable in principal, therefore complying with Policy SD6. However, it is considered that the particular scheme currently under consideration is not one which will enhance or make best use of the existing urban environment. It is considered that it would indeed have a significant negative impact on the surrounding built environment and as such it does not comply with Policy RES4.***

6.4 Policy ENV2 encourages the retention and re-use of listed buildings and states a presumption against the demolition or partial demolition of such properties. Policy ENV4 states that the Council will ensure that all development affecting the setting of a listed building is sympathetic in terms of its layout, size, scale, design, siting, materials and colour of finish. The requirement to comply fully with the Council's Design Guidance is set out in Policy ENV7.

***The proposed development involves a partial demolition of the listed structure and therefore does not comply with Policy ENV2. The design scheme as submitted is not of a scale and design sympathetic to the character of the listed building. The materials proposed are not considered to be appropriate for the location adjacent to a listed building which is constructed of traditional sandstone and hence the proposal does not comply with Policy ENV4. The Council's Design Guidance for New Residential Development requires that residential development on gap sites reflects and respects the built form of the surrounding area. It is not considered that the proposal adheres to this and therefore does not comply with Policy ENV7.***

#### Representations

6.5 The letter of representation does not raise any valid material planning considerations. The objection that it is inappropriate is not qualified and therefore cannot be considered as having any materiality in the consideration of this planning application.

## Consultation Responses

6.6 The consultation response received from the Architectural Heritage Society indicates that the recommendation should be one of refusal. The Society objects on valid grounds that the proposal will be detrimental to the setting of the listed building.

### Planning History

6.7 The former primary school has an extant permission (Ref: 02/0496/FL) for a change of use to form a business centre with an element of temporary storage also, granted on 06 September 2002.

## **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 in section 5 of 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 in section 6 of the report, there are material considerations relevant to this application. However, the EALP and a consultee response both indicate that the proposal should be refused planning permission. There are no other material considerations that would indicate otherwise.

8.2 The proposed development for a single residential unit on a brownfield gap site within the settlement envelope is generally considered to be acceptable in principle. However, this is subject to the particulars of the site and the likely impact which the development will have on its surrounding environment. The vicinity in which the site is located is predominantly residential although there are other uses close by. The former school currently has planning permission to change its use to business space with a temporary use for storage only. The whole site pertaining to the school is sizeable and does indeed offer much scope to be redeveloped in an appropriate, comprehensive manner.

8.3 The single house that has been proposed will inhibit the development potential of the site as a whole and it is reasonable to describe what is currently proposed as piecemeal development. To develop the site in this manner would be detrimental to the overall character of the area and would forego an

opportunity to secure cohesive development to the benefit of the wider community.

8.4 The site comprises part of the former primary school which has status as a Category C(s) Listed Building, including the wall and railings which pertain to the building. The design scheme as proposed is a modern styled two storey dwelling which has no merit in terms of being complimentary to the school building. The materials are more akin to those found on an urban housing development rather than an individual site which by virtue of its location adjacent to a listed building requires a design which emulates the vernacular style and uses locally found traditional materials in its construction. Therefore irrespective of whether or not the principle of this development is acceptable it is not considered that the design scheme as currently proposed is one which can be recommended favourably.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

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

26 March 2003  
NM/NM  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. Adopted Cumnock-Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
8. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above should contact Miss Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1996

Application no: 02/0996/FL

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Location:	School Road Auchinleck
Nature of Proposal:	Proposed erection of detached villa for residential Use
Name and Address of Applicant:	New City Homes Ltd The Mews Glaisnock House Glaisnock Road CUMNOCK KA18 4PJ
Name and Address of Agent:	Drew Deans Design 11 Dryburgh Walk Moodiesburn GLASGOW G69 0HH

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DPO' Ref : [Nicola Monroe]  
PPO's Ref : [Hugh Melvin]

The above FULL planning application should be refused for the reasons that:

1. The erection of the proposed dwellinghouse would result in a piecemeal development of the site. This would be to the detriment of the comprehensive and cohesively design development of the wider site.
2. The proposed development would result in the partial demolition of the front boundary wall and railings which form part of the listing of the former primary school. This is not considered acceptable in terms of POL85 of the statutory Cumnock and Auchinleck Local Plan (1992) and Policy ENV2 of the East Ayrshire Local Plan (Finalised Version with Modifications) the provisions of which state a presumption against demolition or partial demolition of any listed structure unless it is demonstrated to be structurally unsound.
3. The design scheme as proposed is not one that is in keeping with the character of the listed former school building. The style of the house and materials proposed are considered to be detrimental to the setting of the Category C(s) Listed Building and therefore the proposal does not comply with Policies E19 and ENV4 of the Ayrshire Joint Structure Plan and the emerging local plan respectively. The provisions of these policies require that any development affecting the setting of a listed building is sympathetic in terms of its scale, design and materials.
4. Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications), whilst encouraging the sympathetic residential development of gap sites, indicates that the development will be assessed against, amongst other things, the Council's Design Guidance. Policy ENV7

similarly highlights the requirement to comply with the Council's Design Guidance and the proposed development fails to have regard to its setting or to the character of the adjacent listed building and is consequently contrary to both RES4 and ENV7.

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