

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 MARCH 2002

**01/0875/CA: PROPOSED DEMOLITION OF ALL BUILDINGS WITHIN SITE
& 02/002/FL: ERECTION OF TWO FLATTED UNITS WITH ASSOCIATED CAR
PARKING AND AMENITY SPACE AT 5 NEW STREET, DALMELLINGTON**

APPLICATION BY MR T BOWIE & MR W JOHNSTONE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Conservation Area Consent is sought for the demolition of all buildings within the site. It should be noted that at the time of writing, demolition works had commenced prior to receiving the necessary consent. This application is therefore retrospective.

1.2 Full planning permission is sought for the erection of two flatted residential units with associated car parking and amenity space. The flats would have a pitched roof, with the ridge running parallel to New Street, and would also incorporate a projecting frontage to New Street that would have a hipped roof. One flat would be accessed from the side, and the other from the rear. The external finishes proposed for the building are an off-white dry dash render and slate substitute roof. Two parking spaces and an area of open space would be provided within the site.

2. RECOMMENDATION

2.1 It is recommended that the Conservation Area Consent application 01/0875/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 02/0002/FL should be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at paragraph 5.1 of the report, the applications are considered to be generally 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 applications should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications, however it is considered that these are generally supportive of the applications.

3.2 In terms of the objection from the Scottish Civic Trust, it is considered that the proposed development, subject to conditions, will result in an acceptable re-development of this site within the Conservation Area.

3.3 The site is currently unsightly and an eyesore within the Conservation Area. The garage buildings, which have now been demolished, did not contribute to the character of the Conservation Area and were not of architectural or historic merit. A further justification for the demolition is the acceptable proposal for a new flatted development within the site, which is sympathetic to the Conservation Area in terms of design and finishes, subject to alterations to the roof pitch and the use of wet dash render.

CONTRARY DECISION NOTE

Should the Committee agree that the application(s) be refused 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 they would not be a significant departure from the East Ayrshire Local Plan.

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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01/0875/CA: PROPOSED DEMOLITION OF ALL BUILDINGS WITHIN SITE & 02/002/FL: ERECTION OF TWO FLATTED UNITS WITH ASSOCIATED CAR PARKING AND AMENITY SPACE AT 5 NEW STREET, DALMELLINGTON

APPLICATION BY MR T BOWIE & MR W JOHNSTONE

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 proposals and because they are subject to an objection .

2. APPLICATION DETAILS

2.1 Site Description: The application site is located on the north side of New Street, Dalmellington, approximately 15 metres west of its junction with High Street. The site comprises two former garage buildings and their curtilage at this location. The smaller building has a hipped natural slate roof with a smooth concrete render. The larger building has a pitched roof clad in metal sheeting and is also concrete rendered. The remaining part of the site is currently in an untidy condition. The site is attached to the east by a one and half storey dwellinghouse and is bound to the south by New Street and dwellinghouses, to the north by residential properties and a public house and to the west by further residential properties. The site is located within Dalmellington Conservation Area.

2.2 Proposed Development: Conservation Area Consent is sought for the demolition of all buildings within the site. It should be noted that at the time of writing, demolition works had commenced prior to receiving the necessary consent. This application is therefore retrospective.

2.3 Full planning permission is sought for the erection of two flatted residential units with associated car parking and amenity space. The flats would have a pitched roof, with the ridge running parallel to New Street, and would also incorporate a projecting frontage to New Street that would have a hipped roof. One flat would be accessed from the side, and the other from the rear. The external finishes proposed for the building are an off-white dry dash render and slate substitute roof. Two parking spaces and an area of open space would be provided within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council, and the Architectural Heritage Society have not responded to the consultation letter at the time of writing.

Noted.

3.2 West of Scotland Water Authority, Scottish Power and the QJill Authority have no adverse comments to make on the proposed development.

Noted

3.3 The Scottish Environment Protection Agency advises that there are no objections in principle to the proposed development, provided drainage arrangements are to its satisfaction. In this regard, all foul drainage from the development must be connected to the public sewer to the satisfaction of West of Scotland Water. SEPA also advises that with regard to any waste from demolition on site, this should be disposed of at a licensed landfill in accordance with Waste Management Licensing Regulations and Special Waste Regulations. If any of the waste is to be reused on site, SEPA should be contacted for registration of a waste management licence exemption.

A note advising the applicant of the above could be attached to any conservation area consent granted for the proposed development.

3.4 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. The existing narrow footway crossing across the frontage will require to be retained and a minimum of two off road parking spaces shall require to be provided within the site. Any damage to the road surface, footway surface, drainage or street lighting systems as a result of the applicants' proposals, shall be made good at their expense to the satisfaction of the Roads Authority.

Conditions with regards to the requirements of the Roads Division could be attached to any conservation area consent and planning consent granted for the proposed development.

3.6 The Scottish Civic Trust advises that it does not object to the demolition of this building in this instance as it offers little to the character of the Conservation Area. The Trust can however not support demolition until it is satisfied that it will be replaced by a building of a quality and character that will reflect and enhance the essence of the Conservation Area. The Trust therefore recommends that this application be refused and look forward to receiving a more sensitive application, which provides fuller details of the proposals.

This objection to the demolition of the building pending a more acceptable redevelopment scheme is no longer considered relevant in the determination of the conservation area consent

application, as the building has now been demolished. In terms of the redevelopment of the site, it is considered that the appearance and character of the conservation area would be enhanced by the removal of existing unsightly buildings and the redevelopment of the site with the proposed flatted development which is considered to be of an acceptable design. The overall effect on visual amenity is considered to be beneficial to the character of the Dalmellington Conservation Area.

3.7 West of Scotland Archaeology Service indicates that the site lies close to the site of the old parish church, in what is presumed to be the earliest part of the built-up area of the town. The site appears to occupy an area that was developed in the period before the date of the burgh charter in 1607. Despite successive phases of building in the intervening centuries it is possible that new development in this area may still raise archaeological issues. As the date and character of the first settlement use of the site is not known, so any dateable archaeological remains within the site could add considerably to understanding of the town's development. Modern development methods mean that new construction work is likely to seriously damage or destroy any archaeological remains that survive within the footprint of the development. Due to a current lack of accurate information regarding the intensity of the recent development of the site, it is impossible to accurately assess the adverse archaeological impact of the proposed development. From WOSAS's present understanding of the archaeological resources within the town, it is unlikely that deep and complex archaeological remains survive within the site, but it remains possible that some significant deposits do survive. WOSAS does not consider it likely that remains are of such significance to warrant refusal of the planning application on purely archaeological grounds. In this case WOSAS recommends that the issues be addressed through the use of archaeological conditions on any consents that the Council may grant. With regard to the conservation area consent, the Council is advised to consider attaching an archaeological watching brief condition to any consent that may be granted. With regard to the planning application, as the presence or absence of sensitive archaeological deposits within the site has not been confirmed, the only form of condition which would be appropriate in this case would be a negative suspensive condition which would require the developer to undertake archaeological recording work that matched the scope of the development's threat to such archaeological remains that may survive. The use of such a condition ensures that the developer puts in place a scheme of work to identify and record significant archaeological remains in advance of development commencing.

Given that the existing buildings have now been demolished, it would no longer be appropriate or relevant to attach a watching brief condition to the conservation area consent. A suspensive condition regarding the implementation of a programme of archaeological work to be secured prior to the commencement of development could however be attached to any planning consent.

3.8 Historic Scotland indicate that whilst they do not object to the proposed demolition of the existing buildings on this site, it has strong reservations about the design of the house intended to replace it which appears to be requiring too much of the available space resulting in a plan that seems to be difficult to resolve in elevation. The design shows a bedroom projection on the side which faces the opening to the main square of the town. The Inspectorate would recommend that the plan is reduced to observe the simple rectangular forms of the area, so that this important elevation can be resolved in a more satisfactory manner.

It is acknowledged that the design of the front elevation of the proposed development is not of a standard expected within a Conservation Area. In this respect, it is considered appropriate to impose a condition on any planning consent, requiring the hipped roof to have a steeper pitch. With regards to the rear elevation referred to in Historic Scotlands response, due to the location of the site to the rear of existing buildings which front the main square of the town, the windows on the rear elevation would not be readily visible from the main square.

4. REPRESENTATIONS

4.1 One letter of objection, from the Scottish Civic Trust has been received. This is outlined in paragraph 3.6 of the report.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the 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, 37, 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 Policy 37 indicates a presumption in favour of retaining retail and commercial uses.

The proposed redevelopment of the site for flats would result in the loss of a commercial site and would therefore be contrary to the above policy. The premises have not however been used for commercial purposes for some time.

5.5 Policies 48 and 50 of the Adopted Local 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 will not adversely affect the Conservation Area. It is considered that the proposed flatted development, in terms of its design and finishes would be sympathetic to Dalme1/ington Conservation Area, subject to the imposition of a number of conditions (See Paragraph 6.6).

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 (2001), East Ayrshire Council Design Guidance and consultation responses.

East Ayrshire Local Plan

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 Built Heritage 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 an existing disused garage within the Conservation Area, the application for Conservation Area Consent is contrary to the provisions of the above. The garage buildings were however unsightly and were an eyesore within the Conservation Area. Although the buildings have now been demolished, it is considered that they did 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 design and finishes of the proposed flats are generally in keeping with the character and appearance of Dalmellington Conservation Area. It is considered appropriate however that a number of conditions relating to design and finishes be attached to any planning consent. These relate to the use of a wet dash render instead of the dry dash render proposed, and a requirement for the hipped roof to have a steeper pitch. The uPVC windows proposed are compliant with the Councils Design Guidance. The proposed development therefore generally conforms to 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. Furthermore, the proposal would generally be compliant with the Councils Design Guidance.

East Avrshire Council Desian Guidance

6.6 The Council's Design Guidance on Listed Buildings and Buildings within Conservation Areas has specific advice on new build development in Conservation Areas. The Guidance states that where a new build development is proposed within a Conservation Area, the proposed building will require to reflect the character of adjoining buildings in terms of building line, height, massing, scale, choice of materials, colour, fenestration and solid/void proportions. When determining an appropriate building height for any new proposals, the height of surrounding buildings and the impact of the

proposal on the skyline must be taken into account. All materials used should be of a sympathetic and suitable colour and finish.

It is considered that the proposed flatted development would be generally in accordance with the Council's Design Guidance (See Paragraph 6.4).

6.7 The Design Guidance also has specific advice on new and replacement windows. The Guidance indicates that in respect of Category C(s) listed buildings and unlisted buildings in Conservation areas, consideration will be given to the use of high quality uPVC window exactly replicating timber and preferably with traditional methods of opening. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design.

The windows proposed are of sash and case appearance. The use of uPVC would therefore be compliant with the above guidance.

Consultation Responses

6.8 The Scottish Civic Trust has no objection in principle to the demolition of the buildings, but recommends refusal due to the design of the redevelopment proposals. It is considered however that the appearance and character of the conservation area would be enhanced by the proposed new build and the effect on visual amenity would be beneficial.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.1 of the report, the applications are considered to be generally 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 applications should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications, however it is considered that these are generally supportive of the applications.

8.2 In terms of the objection from the Scottish Civic Trust, it is considered that the proposed development, subject to conditions, will result in an acceptable redevelopment of this site within the Conservation Area.

8.3 The site is currently unsightly and an eyesore within the Conservation Area. The garage buildings, which have now been demolished, did not contribute to the character of the Conservation Area and were not of architectural or historic merit. A further justification for the demolition is the acceptable proposal for a new flatted development within the site, which is sympathetic to the Conservation Area in terms of design and finishes, subject to alterations to the roof pitch and the use of wet dash render .

9. RECOMMENDATIONS

9.1 It is recommended that the Conservation Area Consent application 01/0875/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.

9.2 It is also recommended that the planning application 02/0002/FL should be approved subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application(s) be refused 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 they would not be a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control
14 February 2002
VE/NE
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 Dalmellington/Patna/Dalrymple Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0875/CA

Location 5 New Street, Dalmellington

Nature of Proposal: Proposed demolition of all buildings within site

Name and Address of Applicant: Mr T Bowie & Mr W Johnstone
10 Gateside Road
DALMELLINGTON
KA6 7RU

DPO's Ref: [VE
PPO's Ref; [

The above CONSERVATION AREA CONSENT application should be approved subject to the following condition:-

1. Any damage to the road surface/footway surface, drainage or street lighting as a result of the demolition works must be made good at the applicants' expense to the satisfaction of the Planning Authority and Roads Authority.

REASON -In the interests of road safety.

2. Notwithstanding the approved plans, if the redevelopment proposals approved under application 02/0002/FL have not commenced within six months of the date of this consent, the exposed gable wall of 1 New Street, Dalmellington shall be made good to the satisfaction of the Planning Authority.

REASON -In the interests of visual amenity.

NOTES

1. The developer should make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr to discuss the disposal of waste and/or re-use of waste.

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0002/FL

Location 5 New Street, Dalmellington

Nature of Proposal: Proposed erection of 2 flatted units with associated car parking and amenity space

Name and Address of Applicant: Mr T Bowie & Mr W Johnstone
11 Gateside Road
DALMELLINGTON
KA6 7RU

DPO's Ref: [VE
PPO's Ref: [

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

1. The proposed development shall be carried out in accordance with the application form received on 20 December 2001 and the amended plans received by the Planning Authority on 11 February 2002 .

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

2. Notwithstanding the application form and approved plans, the roof of the flats hereby approved shall be clad in slate or slate size tiles, details/samples of which shall be submitted to and approved by the planning authority prior to the commencement of development.

REASON -In the interests of visual amenity.

3. Notwithstanding the application forms and approved plans, the external walls of the flats hereby approved and the 0.9metre high wall proposed along part of the frontage shall be wet dash rendered in a colour to be agreed with the planning authority prior to the commencement of development.

REASON -In the interests of visual amenity.

4. Notwithstanding the plans hereby approved, the proposed hipped roof shall have a steeper roof pitch, which shall extend to and join with the ridgeline of the main roof. This roof shall be clad in slate or slate size tiles to match the main roof of a type to be agreed with the Planning Authority prior to the commencement of development.

REASON -In the interests of visual amenity.

5. The existing narrow footway across the site frontage shall be retained.

REASON -In the interests of road safety.

6. Parking spaces for two cars shall be provided prior to the occupation of the flats and shall be maintained within the site at all times thereafter.

REASON- In the interests of road safety.

7. Any damage to the road surface/footway surface, drainage or street lighting as a result of the development hereby approved shall be made good at the applicants' expense to the satisfaction of the Planning Authority and Roads Authority.

REASON -In the interests of road safety.

8. The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service, 20 India Street, Glasgow.

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

- NOTES TO APPLICANT

1. The developer shall ensure the stability of the site for construction purposes.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA