

**EAST AYRSHIRE COUNCIL
NORTHERN LOCAL PLANNING COMMITTEE: 4 JUNE 2010**

10/0236/PP: ERECTION OF 5 NO. DWELLINGHOUSES

**AT: LAND AT MOUNT HOUSE, DUNDONALD ROAD, KILMARNOCK
BY LABOUREASE CONSTRUCTION LTD**

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current planning application proposes the erection of five dwellings set on the east side of the western access road. Three of the proposed houses are detached and two are semi-detached. The three larger detached houses are on the site of the old tennis court. The detached units are to be two storey, with a pitched roof, projecting bay windows, finished in a buff stone block to the front elevation and a white dry dash render to the side and rear elevations. The roof is proposed to be a mock tile of slate grey colour and windows and door fittings are modern in design and materials. The two semi-detached dwellings are proposed to be single storey with the main entry to the side, in the same materials as the detached dwellings.

1.2 The overall design of the dwellings is simple and unadorned. The detached houses are relatively ambitious in scale given the parkland setting and existing housing within Mount House estate, albeit the proposed plots are large. The semi-detached dwellings are more domestic in scale and are similar to the style of estate workers houses. Garden ground as proposed meets with the Council's private space standards.

1.3 The applicant has provided an independent tree survey which categorises the trees depending on their condition, for retention or for removal as a result of the proposal.

2. RECOMMENDATION

2.1 It is recommended that the planning application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the planning application is not considered to be in accordance with 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.

3.2 As indicated in Section 6 of the report there are no material considerations relevant to the planning application which are considered to be significant enough to outweigh refusal of the proposal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to the Full Council as there would be no significant departure from the Adopted Local Plan.

Alan Neish
Head of Planning and Economic Development

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 Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to more than 10 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises approximately 0.65 hectares of ground (plus access road) within Mount House Estate, on the western outskirts of Kilmarnock. Mount House was a former home for the elderly, converted to flats with a new extension under application 01/0028/FL. The property is bounded to the south by estate parkland, a tree buffer zone and then the railway line and residential properties located on Dundonald Road. The site is bounded to the north and east by Annanhill Golf Course and the newer housing estate of Moorfield. The property is bounded to the west by the rear estate road to the site which leads to the B7064. The site is principally accessed from Dundonald Road. The tree lined driveway passes under the railway bridge, with the trees on the site being covered by Tree Preservation Orders. The western approach road follows from the B7064 and continues east and then north to Mount House, with the remains of the walled garden on the western side and an old tennis court on the eastern side.

2.2 Mount House is a Category 'B' listed building. The main body of the house was erected around 1793, extended around 1900 with a three storey extension to the right, loft development and a single storey extension to the front left of the building. In the 1930's a further two storey extension was added to the right hand side of the property. The new build element from application 01/0028/FL sits to the rear of the main house and is detailed in a domestic cottage style commensurate with the Arts and Craft style to the rear of the main building.

2.3 Proposed Development: The current planning application proposes the erection of five dwellings set on the east side of the western access road. Three of the proposed houses are detached and two are semi-detached. The three larger detached houses are on the site of the old tennis court. The detached units are to be two storey, with a pitched roof, projecting bay windows, finished in a buff stone block to the front elevation and a white dry dash render to the side and rear elevations. The roof is proposed to be a mock tile of slate grey colour and windows and door fittings are modern in design and materials. The two semi-detached dwellings are proposed to be single storey with the main entry to the side, in the same materials as the detached dwellings.

2.4 The overall design of the dwellings is simple and unadorned. The detached houses are relatively ambitious in scale given the parkland setting and existing housing within Mount House estate, albeit the proposed plots are large. The semi-detached dwellings are more domestic in scale and are similar to the style of estate workers houses. Garden ground as proposed meets with the Council's private space standards.

2.5 The applicant has provided an independent tree survey which categorises the trees depending on their condition, for retention or for removal as a result of the proposal.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Grange/Howard Community Council

The Community Council has objected to the application. The points of objection are very similar to those raised via the representations process, and which are discussed in summary at Section 4 below.

3.2 East Ayrshire Council's Roads and Transportation Service

The Roads Service have recommended refusal of the proposal on the grounds that the eastern access is not suitable for further development. This access road (3.5m wide with passing places) was adopted by EAC in 2006, from Dundonald Road up to the car park at the front Mount House. Beyond this car park the existing road/track is private. Due to the low height of the existing railway bridge this road is only suitable for light vehicles. No access would be possible for refuse vehicles or fire appliances to the House via this route. Currently, refuse collection is from large wheeled bins located before the low rail bridge, as the lorry cannot get underneath. The five dwellings would be accessed via the public road, through the Mount House car park and along the private section of road/track, via the hairpin bend. The private road is narrow with poor horizontal alignment and is currently poorly surfaced.

Currently, the car park to the front of Mount House is the effective terminus of the estate road, as there is no need for the residents to drive beyond the house. Approval of the application would therefore result in increased traffic passing through the estate, in front of Mount House and beyond to the new development. Beyond the house, the road is identified as being under the applicant's control and it is feasible that improvements could be made. Larger vehicles can access the estate from the western estate road, although due to earlier advice from the Council's Area Engineer, this road is not suitable for cars, given the sightlines, and was assessed as extremely dangerous for other than occasional use by service vehicles.

3.3 East Ayrshire Council Department of Neighbourhood Services

Neighbourhood Services (Outdoor Amenities) recommend refusal of the application in its current form, noting however, that the tree survey carried out accords broadly with the Service's view on the condition of most of the trees.

The Council's Senior Arbor officer noted that if adequate tree protection zones were to be put in place to avoid damage to the trees during construction works, there wouldn't be sufficient space for either the three detached houses proposed or the parking spaces.

3.4 The Scottish Civic Trust

The Trust has objected to the proposal, and voice their strong concerns, via their previous involvement in 2001 as consultees when the new build to the rear of Mount House was approved, noting that this element was justified at that time as the enabling part of the proposal to allow the conversion of the main house. The new build was considered at that time as the minimum necessary to fund the restoration and in summary, the current proposal by its very nature, would fundamentally compromise the setting of Mount House. The encroachment of surrounding newer houses is generally eroding the setting of the listed building as a whole.

3.5 In addition, the three larger houses were noted to be rather suburban in style and possibly too high at two storeys for this setting, and the two smaller dwellings were a more appropriate scale for a parkland setting. The Trust also noted, however, that use of modern building materials in the proposed houses was inappropriate given the proximity to the listed building and that the fenced boundary between the new development and the estate gardens would be too harsh.

3.6 Scottish Wildlife Trust

The SWT have a number of observations commenting on trees to be retained or removed, as per the tree survey submitted by the applicants, noting that there is also scope to retain more trees than suggested by the proposal. In addition, the Trust indicated that Giant Hogweed was present on the site and should be removed as a matter of urgency.

Noted

3.7 Scottish Natural Heritage

SNH have noted that part of Mount House estate is long established Ancient Woodland and that this environment provides important bat habitats, albeit they have insufficient information to enable SNH to provide any analysis of bat impacts. It was observed that although the drawings indicated no TPO trees would be endangered, if other trees were damaged or removed, this could have implications for wildlife in the vicinity. SNH advised a number of species surveys should be undertaken at the outset: breeding birds, badgers and bats.

3.8 SNH also noted the site lies on the boundary of an area of designed landscape from the 17th -19th century, and although the site has been developed previously to some extent, the current proposal's location would dramatically change the views from the house and the field to the south.

Loss of woodland in the area bordering the lawn and field adjacent to the house will have a significant effect on the setting of the listed building and the manner in which the edge of the proposed site is detailed is of particular importance. The fences as submitted would provide a harsh boundary feature and loss of woodland in this area would have an impact on the bio-diversity of the area.

4. REPRESENTATIONS

4.1 The planning application was advertised in the local press and 21 letters of objection have been received in relation to the proposal. In addition, a petition was received with 21 signatures from Mount House and a petition of 314 names comprising other members of the public. The grounds of objection are:

4.2 There have been numerous new houses in the immediate area near or adjacent to Mount House, why are any more needed?

The large expanse of housing at the Moorfield development to the north has encroached considerably on Mount House and its setting. The main setting of the listed building is now the southern approach only, from Dundonald Road, which has a number of newer built properties also, around the gatehouse and Mount Village.

4.3 The proposal would destroy wildlife in the area. The area proposed to be developed is not derelict scrubland but free growing woodland. Residents note they wished to restore the formal spaces in the Estate including the walled garden but due to the outstanding works required on completion of the restoration of Mount House, which residents had to fund themselves, they have been unable to do work as yet. The area in question is home to various species of wildlife such as bats, owls, woodpeckers and buzzards; has any consideration been given to the harm and distress that this proposed development could potentially cause to local wildlife?

The application site is in a naturalised condition, due to the time elapsed since it was a formal space, and has some intrinsic value from the flora evident but also has value as part of the original estate. The location of spaces such as the tennis court and walled garden also has a bearing on the setting of the listed building generally. The works left requiring completion at Mount House are not a consideration in the determination of this application.

The Council is not aware of any protected species inhabiting the site nor is the application site afforded any protective wildlife designation. It is acknowledged that should planning permission be granted any construction development is likely to result in some adverse effect on wildlife. However this adverse effect would be of a relatively temporary nature during any works. Any long term effects are not known.

4.4 Impact on the listed building.

The houses are proposed in fairly close proximity to the listed building and will have an effect of the setting of the building, and on the formal front lawn in particular, which comprises part of the curtilage of the listed building. The houses proposed are forward of the building line, in comparison with the enabling housing which sits to the rear of Mount House.

4.5 Through vehicular traffic

The houses will require to take access from Dundonald Road via the estate road and therefore will pass beyond the house to the application site. Currently, there is no traffic which goes beyond

Mount House. This will cause some detriment to the existing Mount House residents who currently enjoy an almost pastoral setting, with the exception of the public passing through on foot or on bicycle.

4.6 Pedestrian and Cyclist safety. Is the road suitable for such volume of vehicular traffic?

The petition has been gathered largely from members of the public who use the Mount Estate to dog walk, cycle or take recreation generally. Many are concerned also for the school children who use the estate as a route to school from the surrounding area. As well as commenting on possible destruction of trees and wildlife, the main concern is the safe access the public currently enjoy when using the Mount House estate.

It is anticipated the additional traffic the proposal will generate could lead to safety issues in terms of conflict between vehicles and the public. The Roads Service have advised earlier in this report they do not consider the road to be suitable for the proposal generally.

4.7 Previously, the works which were carried out to Mount House were left in a less than satisfactory manner by the developer. If this proposal is to go ahead, could a bond be put in place to ensure works to the Roads are able to be enforced?

The estate road from Dundonald Road is already adopted and a bond is therefore not required.

4.8 Removal or destruction of trees in the estate. There are a number of protected trees that may be potentially affected.

It is acknowledged that the application site forms part of a designated Tree Preservation Order (TPO) area, however, the applicant has advised of the Tree Protection measures to be put in place to ensure the existing trees covered by TPO are not harmed. The Council's Senior Arbor officer has already advised that the application be refused in terms of damage to trees.

4.9 Design issues - significant concerns that the houses as proposed would detract from the setting of the listed building and seem totally lacking in sensitivity and character. This is a complex setting which requires a design brief to ensure any units are of the requisite level of design which enhances the area and does not detract from it. The exercise should be to develop an individual approach for this site.

If the principle of five dwellings in this location was considered appropriate but not the design, then any refusal on design grounds could be followed with a further application duly amended. The details as submitted do not respect the listed building, in terms of design or materials.

4.10 Rear fence details

Loss of a quiet country outlook ruining the aesthetics of the setting of the listed building – the rear garden fences for the proposed houses will provide a harsh urban element to this location as it sits adjacent to the front lawn.

The fences as proposed would provide a harsh edge to the proposal and would be detrimental to the setting i.e. the lawn of Mount House. This element could be conditioned to form new hedging instead of fencing to maintain an appropriate species of planting and less formal edge to the lawned area.

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 East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no relevant Ayrshire Structure Plan policies.

East Ayrshire Local Plan (2003)

5.3 Policy RES1 – the Council will support residential use on the Housing Opportunity sites identified in the Local Plan.

Mount House and its surrounding areas were identified as a housing opportunity site when the plan was adopted in 2003; it was the intention to develop the site but also to protect the house and its setting. The policy 'Kilmarnock 2' notes that 'developers will be required to pay special attention to the landscaped setting of Mount House by avoiding built development in the area immediately to the south of the House and preserving and ensuring the long term enhancement, maintenance and management of the existing woodland. Mount House Estate has come under considerable

previous development pressure – Mount Village, built around the original gatehouse, the enabling extension to the house itself, and the proximity of Moorfield residential estate from the north.

5.4 Policy ENV1, (whereby the council will protect and enhance all listed building and their settings), and Policy ENV 4, (development affecting the setting of a listed building) are relevant. These policies have been developed to ensure the preservation of all buildings of historical or architectural importance in the area.

This development of five houses will impact on the setting of the listed building to an unacceptable degree and given the large residential scheme of Moorfield to the north, the enabling development to the rear of Mount House, as well as the grouping of houses around the entrance on Dundonald Road, consideration has to be given to the extent of development in and around the estate and the cumulative effect this has on the listed building and its overall environment.

5.5 Under Policy ENV15 the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular the Council will support hedgerows, and individual groups and areas of trees (under Tree Preservation Orders).

The Council's Senior Arbor officer recommended refusal of the application, as noted in Section 3 above.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the consultation responses received, the planning history, impact on amenity and the Alteration to the East Ayrshire Local Plan, Finalised Version with Modifications.

6.2 For clarity, whilst development proposals will continue to be assessed first and primarily against the Adopted Local Plan, the Council has now given Authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, significant weight can be given to Policy RES4 and ENV18 of the Alterations.

Alteration to the East Ayrshire Local Plan, Finalised Version with Modifications

6.3 The land will no longer be allocated for housing purposes in the Alteration to the Local Plan, and will have no designation in particular. Policies

ENV1, ENV4, and ENV 18 are very similar to the adopted Policies ENV1, ENV4, and ENV 15, above, which explore the pertinent issues.

Consultations responses

6.4 The consultation response received from the Council's Neighbourhood Services Roads and Outdoor Amenities Sections indicates concerns in relation to the proposal and in particular the access road and its suitability for further development, and impacts on trees.

6.5 The consultation responses from the heritage bodies also suggest refusal of the application on the grounds that Mount House has had a sufficient amount of development within the estate and that the overall setting off the listed building could be harmed by the proposal.

Representations received

6.6 The letters received indicate a high level of concern and objection from both the adjacent residents but also from members of the public who use the estate.

Planning History

6.7 01/0028/FL and 01/0029/LB: Proposed change of use, alterations and Extension to form 15 dwellings, approved with conditions 24 April 2001 at Development Services Committee.

Impact on Amenity

6.8 Taking into account that the planning application is for five houses in relatively close proximity to a listed building, the proposals would result in an adverse affect on the setting of Mount House and on the amenity of the area in general.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 None.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the planning application is not considered to be in accordance with 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.

8.2 As indicated in Section 6 of the report there are no material considerations relevant to the planning application which are considered to be significant enough to outweigh refusal of the proposal.

9. RECOMMENDATION

9.1 It is recommended that the planning application be refused for the reasons indicated 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 Economic Development then the application will not require to be referred to the Full Council as there would be no significant departure from the Adopted Local Plan.

Alan Neish
Head of Planning and Economic Development.

MF/RH
27 May 2010

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation responses
3. Letters of objection
4. Adopted East Ayrshire Local Plan (2003)
6. East Ayrshire Local Plan, Finalised Version with Modifications
7. Statutory Notices and Certificates
8. Planning application 01/0028/FL and 01/0029/LB.

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0236/PP

Location	Land At Mount House Dundonald Road Kilmarnock East Ayrshire
Nature of Proposal:	Erection of 5 no. dwellinghouses
Name and Address of Applicant:	Labourese Construction Ltd 11 Cedar Road Kilmarnock KA1 2HP
Name and Address of Agent	James Mair 25 Woodside Avenue Kilmarnock KA1 1TU

Officer's Ref: Marion Fergusson
01563 576769

The above Planning Permission application should be refused for the following reasons:

Reason 1: Due to the number, scale and proximity of the proposed houses, the proposal does not comply with Kilmarnock Development Opportunity (Kilmarnock 2) of the adopted East Ayrshire Local Plan (2003) because it would result in detriment to the setting of Mount House.

Reason 2: Due to the number, scale and proximity of the proposed houses, the proposal does not comply with Policy ENV1 of the adopted East Ayrshire Local Plan (2003) because it would not protect, preserve or enhance the listed building and its respective setting.

Reason 3: Due to the layout, size, scale, design, siting and materials of the proposed houses, the proposal does not comply with Policy ENV4 of the adopted East Ayrshire Local Plan (2003) because it would not be sympathetic to the adjacent listed building or its surroundings, and would not contribute positively to the character or appearance of the area.

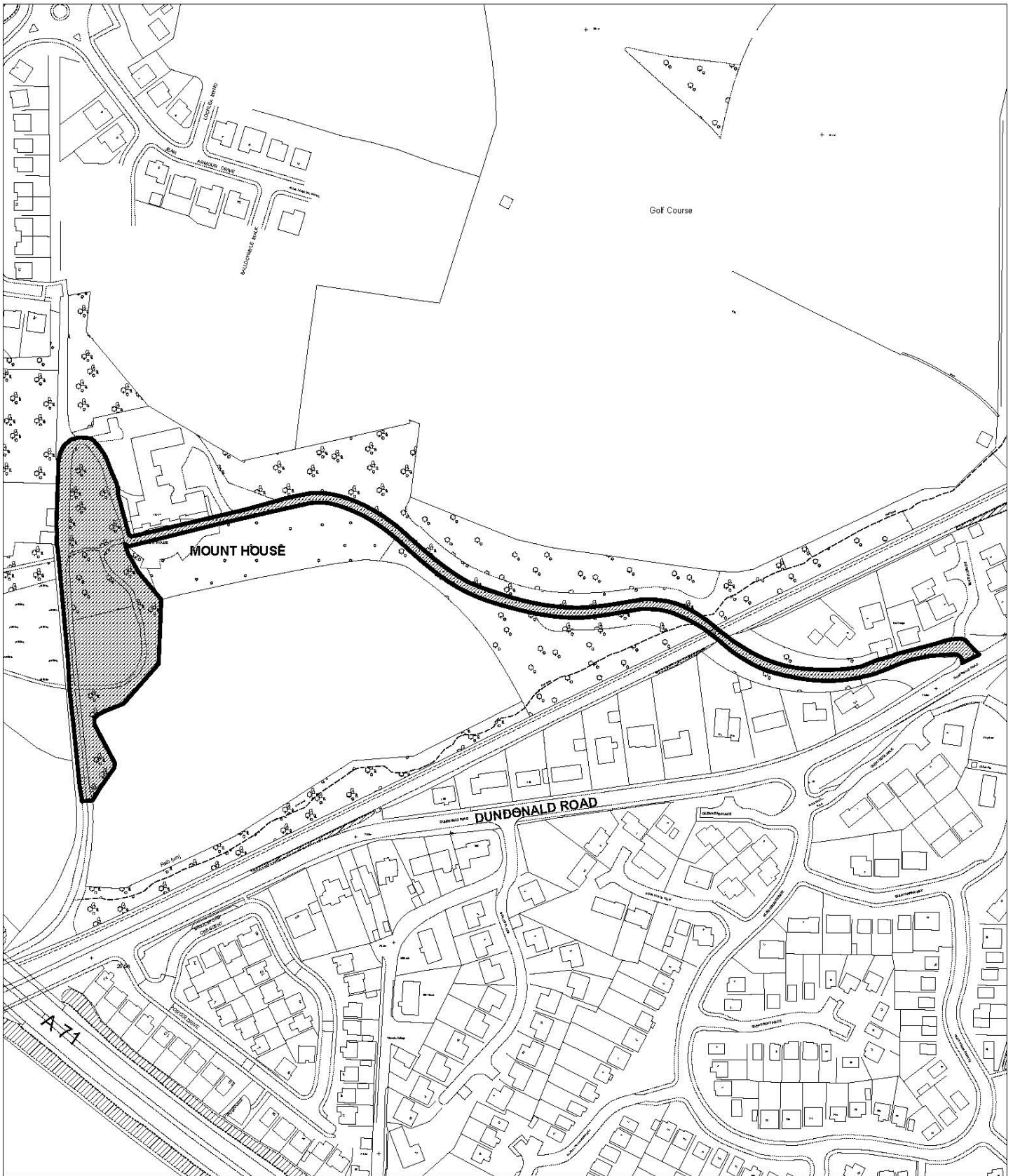
Reason 4: Due to the siting of the proposed houses and the loss of trees in the vicinity, the proposal does not comply with Policy ENV15 of the adopted East Ayrshire Local Plan (2003) because it would not protect individual or groups of trees which contribute significantly to the landscape quality of the area.



Reason 5: Due to the lack of access and servicing arrangements, the proposal is contrary to road safety in the locale as it would cause unacceptable transportation implications because of the restricted headway of the adjacent rail bridge from the Dundonald Road entrance, and because the site cannot achieve satisfactory sightlines via the entrance/exit onto the B7064.

Reason 6: Due to the number, scale and proximity of the proposed houses, the proposal does not comply with Policy ENV1 of the Alteration to the East Ayrshire Local Plan (2003) because it would not protect, preserve or enhance the listed building and its respective setting.

Reason 7: Due to the layout, size, scale, design, siting and materials of the proposed houses, the proposal does not comply with Policy ENV4 of the Alteration to the East Ayrshire Local Plan (2003) because it would not preserve or enhance the setting of the adjacent listed building, and would not contribute positively to the character or appearance of the area.

Reason 8: Due to the siting of the proposed houses and the loss of trees in the vicinity, the proposal does not comply with Policy ENV18 of the Alteration to the East Ayrshire Local Plan (2003) because it would not protect individual or groups of trees which contribute significantly to the landscape quality of the area.



<p>Title/Location Land at Mount House, Kilmarnock Application No. 10/0236/PP</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p>
<p>Key</p>  <p>Application Site</p>	<p>Com Date: 4/6/2010 Checked By</p> 

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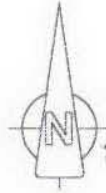
WIDEN EXISTING ROAD TO 5500mm

PRIVATE ACCESS ROAD

PRIVATE ACCESS ROAD

2 No. PASSING PLACES

PRIVATE ACCESS ROAD



PLOT 1

PLOT 2

PLOT 3

PLOT 4

PLOT 5

Department of Corporate Support
Planning & Economic Development Division
13 APR 2010

11 MAR 2010

25 MAR 2010

JWM (Architectural Drawing Services)
25 Woodside Avenue
Kilmarnock
KA1 1TU
Tel / fax. (01563) 542338
mobile 07843 583149
James W. Mair MCIAT Architectural Technologist

Project
**PROPOSED ERECTION OF
5 No. DWELLINGHOUSES for
LABOUREASE CONSTRUCTION LTD. at
MOUNT HOUSE, KILMARNOCK.**

Drawing No. A002 Revision

Scale 1:500 Date March 2010

BLOCK PLAN 1:500

SCANNED

SCANNED