

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 APRIL 2008

**07/1052/FL: CHANGE OF USE FROM HOUSE TO NON-RESIDENTIAL INSTITUTION
VISITOR ATTRACTION, TOURIST FACILITY WITH INTERNAL ALTERATIONS,
FORMATION OF CAR PARKING AND COACH PARKING WITH UPGRADED
FOOTPATHS AND ASSOCIATED ACCESS IMPROVEMENTS
AT DUMFRIES HOUSE AND ESTATE, CUMNOCK**

**APPLICATION BY THE GREAT STEWARD OF SCOTLAND'S
DUMFRIES HOUSE TRUST**

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Formal permission is sought to change the use of the mansion house to a non – residential institution as a visitor attraction and tourist facility. This will involve internal alterations to the mansion house to provide access for the disabled, public toilet facilities, staff facilities, administrative offices and a shop and tea bar, with these works being carried out within the ground floor level. With the exception of the installation of a lifting platform, no alterations are proposed in the upper levels of the mansion house.

1.2 Primary access for visitors will be via the main entrance to the mansion house located on the south façade. Built heritage issues associated with the Category A Listed Building preclude the introduction of a ramp or lift to this main entrance door. However, a DDA compliant ramp will be provided for wheelchair and other ambulant disabled users to access the north entrance of the west wing of the mansion house. It is also proposed to install a scissor lifting platform to facilitate access to the upper level. It is proposed to make provision for a drop off point for disabled visitors and two dedicated car parking spaces for the disabled adjacent to the north entrance.

1.3 It is proposed to use the chapel / library accommodation on the ground floor to provide for a temporary tea bar and shop facility. No food preparation will take place within the temporary facility as food will be brought in and limited at this stage to hot beverages, sandwiches cakes etc. Future proposals for a more permanent shop and café centred on the former coach house and stables within the estate will be the subject of future planning and listed building consent applications.

1.4 A Traffic Impact Assessment has been undertaken in respect of the proposed development which has raised a number of concerns regarding public access to the mansion house and estate from the existing access on the busy A70 Cumnock – Ayr Road (at Dumfries Mains Farm), primarily in terms of safety, cost and impact on the Designed Landscape. As a result of the submission of amended proposals, public access will now be taken from the B7036 Barony Road along the historic 'Avenue'

leading to Pennyland Cottage and ultimately to Dumfries House. This proposed access offers a number of advantages over the original proposals including:

- (i) the relatively quiet B7036 Road;
- (ii) less contentious site for parking of cars and coaches adjacent to the existing cow sheds near Pennylands Cottage (rather than the Grade 'A' Listed Avenue Bridge);
- (iii) less impact on the Designed Landscape;
- (iv) an opportunity to act as a catalyst for the wider estate (such as the Walled Garden and the former P.O.W. camp); and
- (v) the potential for a more ceremonial promenade for visitors crossing the Avenue Bridge, past the Coach House and Stables before sweeping up to the mansion house.

1.5 Improvements will be carried out to the junction of The Avenue with the B7036 Barony Road, together with improvements to the surface of the access road itself and the provision of passing places. Parking arrangements at this time are temporary in nature but car parking for 42 cars will be provided immediately north of the cow sheds, with an area for potential overspill identified to the east of the sheds. A separate parking area for 5 coaches will be provided to the west of the car parking area. This will require upgrading and extending existing hard standing areas adjacent to the cow sheds. Immediately west of the cow sheds a drop off / pick up area for visitors will be formed. Visitors arriving by car and coach will have the opportunity of walking from the parking areas to Dumfries House or alternatively can be taken by mini-bus transport to the mansion house. Temporary facilities in the form of 'portaloo' type toilets and a shelter will be sited at the visitor drop off / pick up point.

1.6 Information provided by the applicant's agents indicates that it is anticipated that the mansion house and its contents will be open to visitors on 06 June 2008. The opening first season will run from June until September / October, subject to visitor demand. The visitor season thereafter will run from March until October. In terms of visitor management, advanced bookings are to be encouraged with limited timeslots available for visitors. This will facilitate the management and co-ordination of vehicle arrivals, particularly coach tours.

1.7 Dumfries House will be open to visitors 5 days a week from Friday to Tuesday and a tour around the house is expected to last one hour, with a tour running every 15 minutes. Due to the restricted size of the mansion house, a maximum of 20 people per tour will be operated. With programmed timeslots, a maximum of 320 visitors per day will be catered for (approximately 1600 visitors per week).

1.8 In relation to special unique events that will ultimately be attracted to Dumfries House, these will be fully discussed in detail with the Council and other stakeholders. Organisers will liaise with the police and road services, and a comprehensive traffic management plan and contingency package will be drafted to facilitate traffic flow and ensure public safety is maintained.

1.9 The opening date of 06 June 2008 has been set as the date for a 'soft' opening of the facility. This limited timescale therefore dictates that there will be a need to focus

on essential works, namely visitors Ladies and Gents toilets, an accessible toilet and emergency lighting. Phase 1 works therefore are to be divided into five sub-phases:

- Phase 1a: Roads and Tree Trimming
- Phase 1b: Bridge Repairs
- Phase 1c: Visitor Facilities

to be completed before 6.6.08 opening. Thereafter:

- Phase 1d: Staff Facilities
- Phase 1e: Installation of Lifting Platform

Phase 2 of the development would focus on the conversion of the Stables and Coach House. It is intended to promote the first season as a 'preview' with the real opening (including lifting platform, etc.) taking place in Easter 2009.

1.10 A separate listed building consent application (Ref. No. 07/1054/LB) has also been lodged for the proposed alterations to the listed mansion house. It is intended that this application will be determined under Delegated Powers but will however be the subject of reference to Historic Scotland for final determination.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

3.2 The proposal to change the use of this Category A listed mansion house and its designed landscape to a major visitor attraction will be of significant benefit to the local economy of the area, contribute to the tourism offer within East Ayrshire

3.3 The internal alterations to the mansion house itself represent a minimal intervention approach, with the works being carried out being entirely reversible if found necessary in the future. The works generally relate to providing visitor facilities and making the mansion house more accessible for disabled people. Externally a DDA compliant access ramp will be provided at an appropriate location, albeit not at the main entrance to the mansion house.

3.4 Visitor access will be taken from the B7036 Barony Road, which the TIA demonstrates is the safest, most cost effective way of accessing Dumfries House and

Estate. The main benefit of this is the amended location of car and coach parking at the cow sheds on 'The Avenue', addressing the concerns of some of the consultees. This utilises the existing hard standing areas around the cow sheds and overall this proposal takes these areas away from the core designed landscape around the mansion house.

3.5 Junction improvements will be carried out on the Barony Road access with provision of passing places along the historic 'Avenue' together with trimming of some of the trees along the visitor access. Visitors will have the option of walking from the parking areas along the avenue and existing footpaths to the mansion house, or alternatively utilise the minibus shuttle service to be offered. Disabled visitors will have access to parking spaces immediately adjacent to the north entrance of the house which will have an access ramp for wheelchair users.

3.6 It is recognised that this application represents the works necessary at this stage to allow the opening of Dumfries House and Estate to the public and that this visitor attraction will develop further over time. Future applications are expected in relation to the development of the listed coach house and stables to provide further visitor facilities.

3.7 While no indication is given in terms of the information provided within this application, the proposed development will have the potential for job creation, both immediate and in the future. Together with the significant benefits which would accrue from attracting tourists and visitors to the Cumnock and Auchinleck area, this represents a major boost to the economy of the area and will greatly assist in the regeneration of these communities.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would require to be referred to the Principal Planning Committee as such a decision would, by the scale of the development proposed, represent a significant departure from the development 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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APPLICATION BY THE GREAT STEWARD OF SCOTLAND'S DUMFRIES HOUSE TRUST

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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is considered that the application raises new and significant issues meriting determination of the proposal at Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to Dumfries House and a significant part of the associated Dumfries Estate that extends to approximately 302 hectares. The Category 'A' listed mansion house lies approximately 2 km west of Cumnock, 1.5 km south west of Auchinleck and 3.3 km east of Ochiltree. The site is bounded to the south by the A70 Cumnock – Ayr Road, to the east by the A76 Cumnock – Auchinleck By – Pass, by agricultural lands to the south of the B7036 Barony Road and by agricultural land and the site of the former Barony Colliery to the west. The mansion house and wider estate was designed and built by Robert Adam and John Adam for the 15th Earl of Dumfries and is widely acknowledged as an attraction with national architectural, heritage and historical value.

2.2 The application site is characterised by significant built heritage interests associated with and including the listed mansion house. There are a number of listed bridges, buildings and artefacts of architectural and historic interest lying within the estate. The application site also forms part of a formally confirmed Dumfries Estate Historic Garden and Designed Landscape relating to the wider estate. The Designed Landscape also contains a number of designated Ancient Woodlands and two Provisional Listed Wildlife Sites primarily noted for their woodland interests. Although there are no formally designated Rights of Way within the application site itself, there are a number of footpaths and tracks within the estate.

2.3 **Proposed Development:** Formal permission is sought to change the use of the mansion house to a non – residential institution as a visitor attraction and tourist facility. This will involve internal alterations to the mansion house to provide access for the

disabled, public toilet facilities, staff facilities, administrative offices and a shop and tea bar, with these works being carried out within the ground floor level. With the exception of the installation of a lifting platform, no alterations are proposed in the upper levels of the mansion house.

2.4 Primary access for visitors will be via the main entrance to the mansion house located on the south façade. Built heritage issues associated with the Category A Listed Building preclude the introduction of a ramp or lift to this main entrance door. However, a DDA compliant ramp will be provided for wheelchair and other ambulant disabled users to access the north entrance of the west wing of the mansion house. It is also proposed to install a scissor lifting platform to facilitate access to the upper level. It is proposed to make provision for a drop off point for disabled visitors and two dedicated car parking spaces for the disabled adjacent to the north entrance.

2.5 It is proposed to use the chapel / library accommodation on the ground floor to provide for a temporary tea bar and shop facility. No food preparation will take place within the temporary facility as food will be brought in and limited at this stage to hot beverages, sandwiches cakes etc. Future proposals for a more permanent shop and café centred on the former coach house and stables within the estate will be the subject of future planning and listed building consent applications.

2.6 A Traffic Impact Assessment has been undertaken in respect of the proposed development which has raised a number of concerns regarding public access to the mansion house and estate from the existing access on the busy A70 Cumnock – Ayr Road (at Dumfries Mains Farm), primarily in terms of safety, cost and impact on the Designed Landscape. As a result of the submission of amended proposals, public access will now be taken from the B7036 Barony Road along the historic ‘Avenue’ leading to Pennyland Cottage and ultimately to Dumfries House. This proposed access offers a number of advantages over the original proposals including:

- (vi) the relatively quiet B7036 Road;
- (vii) less contentious site for parking of cars and coaches adjacent to the existing cow sheds near Pennylands Cottage (rather than the Grade ‘A’ Listed Avenue Bridge);
- (viii) less impact on the Designed Landscape;
- (ix) an opportunity to act as a catalyst for the wider estate (such as the Walled Garden and the former P.O.W. camp); and
- (x) the potential for a more ceremonial promenade for visitors crossing the Avenue Bridge, past the Coach House and Stables before sweeping up to the mansion house.

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areas to Dumfries House or alternatively can be taken by mini-bus transport to the mansion house. Temporary facilities in the form of 'portaloo' type toilets and a shelter will be sited at the visitor drop off / pick up point.

2.8 Information provided by the applicant's agents indicates that it is anticipated that the mansion house and its contents will be open to visitors on 06 June 2008. The opening first season will run from June until September / October, subject to visitor demand. The visitor season thereafter will run from March until October. In terms of visitor management, advanced bookings are to be encouraged with limited timeslots available for visitors. This will facilitate the management and co-ordination of vehicle arrivals, particularly coach tours.

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2.11 The opening date of 06 June 2008 has been set as the date for a 'soft' opening of the facility. This limited timescale therefore dictates that there will be a need to focus on essential works, namely visitors Ladies and Gents toilets, an accessible toilet and emergency lighting. Phase 1 works therefore are to be divided into five sub-phases:

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Phase 2 of the development would focus on the conversion of the Stables and Coach House. It is intended to promote the first season as a 'preview' with the real opening (including lifting platform, etc.) taking place in Easter 2009.

2.12 A separate listed building consent application (Ref. No. 07/1054/LB) has also been lodged for the proposed alterations to the listed mansion house. It is intended that this application will be determined under Delegated Powers but will however be the subject of reference to Historic Scotland for final determination.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council and Auchinleck Community Council have not yet responded to the consultation letter.

Noted.

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

Noted.

3.3 East Ayrshire Environmental Health Division has no comments or objections to make on the proposed development.

Noted.

3.4 Scottish Natural Heritage has no comments to make on the development. SNH is no longer a statutory consultee on planning casework affecting Gardens and Designed Landscapes, with sole responsibility for advising on inventory interests now vested in Historic Scotland.

Noted.

3.5 Scottish Power has indicated that it has operational apparatus within the development site and reserves its right to protect and / or deviate its apparatus at the applicant's expense.

It is not considered that the works proposed as part of this application will have any significant impact on Scottish Power apparatus. A note can be attached to any consent granted advising the applicant of this infrastructure issue.

3.6 The Scottish Wildlife Trust has no objections to the proposed development. Any tree felling should be kept to a minimum and replanting should use native species.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SWT. The amended proposals as submitted would not suggest the works will necessitate any significant tree felling works, although some trimming works are proposed along the visitor access route.

3.7 Scotland Gas Networks has no objections to the proposed development.

Noted.

3.8 East Ayrshire Economic Development Section states that the proposal to use Dumfries House as a major visitor attraction and tourist facility is most warmly welcomed, as an important contributor to the regeneration of the economy of the area. The development will provide a significant boost to the tourism product which East

Ayrshire has to offer and it is noted that not only is the property of immense heritage value, it will provide a centre for education, appreciation of art, architecture and the countryside. In all these aspects, it will enhance the range and quality of the tourism product by complimenting and extending what is already available in the area. Although not specifically the subject of this planning application, it is noted that the overall proposals for the estate include the development of a new 'neighbourhood eco-village' and again this is warmly welcomed, as together with the use of the mansion house and estate, they will act as a catalyst for the realisation of the economic and social regeneration of the immediate and wider area.

Noted.

3.9 East Ayrshire Roads and Transportation Division (Flooding Section) has no objections to the proposals in relation to any issues under flooding legislation.

Noted.

3.10 The Garden History Society in Scotland confirms that it fully supports the change of use of the building but feels that there are others, better qualified to comment on the detail of the interior alterations. However, the Society would like to offer some observations about the location of the proposed car park. From historical information, the car park appears to be situated in an area close to the former Leifnorris House and its garden and within the core landscape of Dumfries House. The Society would wish to be assured that if this is the only location available for a car park, that a full archaeological investigation be undertaken to record any underlying garden features. At this stage we are uncertain whether this location is temporary to allow the opening of Dumfries House this year, or whether it is to be a permanent solution. A further concern in this area has to be the close proximity of cars to the large Wellingtonias, and the safety issue this will pose. However, the Society is confident with all the professional input into this high profile and important project, these issues will already have been raised by others and will be addressed separately.

Since the comments were made by the Society, amended proposals have been received that effectively addresses the concerns raised by the Society. With the alterations to the access arrangements, the amended proposals promote the relocation of the proposed car parking and coach parking areas to the cow sheds south-west of Pennyland Cottage. This resolves the potential impacts on the site of the former Leifnorris House and garden, the trees and effectively relocates these facilities outwith the core landscape of Dumfries House. At the time of writing this report, further comments from the Society in respect of the amended proposals are awaited.

3.11 Historic Scotland welcomes the proposals which will allow public access to this nationally important house and landscape. The minimal intervention approach being taken in this sensitive context and the supporting initial Conservation Statement are very much welcomed and HS is generally very supportive of the current proposals. The principal of a ramp to the rear entrance is acceptable and details of the design should be submitted for approval.

The details of the construction of the ramp have been provided and will be submitted to Historic Scotland for approval as part of the notification of the associated Listed Building Consent application.

3.12 With regard to the proposed lifting platform, HS states that in its view a glass lift platform of minimal contemporary design, as proposed, would be a suitable installation in the Tapestry Room corridor and is supportive of this honest intervention approach. Discussions have however developed towards the idea of concealing the lift by constructing an archway, architraves and door to replicate the style of the existing corridor. HS understands that this idea has developed because of possible limitations with a platform design and the need to install a more substantial structure and housing. HS would advise against creating a false impression of the corridor design and would favour the current approach if it is at all possible.

The proposals for the scissor lifting platform remain as the glass shaft design with minimal corridor intervention.

HS is content that the car park location adjacent to the Avenue Bridge will not have a significant impact on either the integrity of the Dumfries House designed landscape or on the setting of the A listed Avenue Bridge. The proposed site is a low lying area of parkland separated from the mansion house by a magnificent avenue of Wellingtonias and partially screened in views to and from the bridge. The proposals are low key with no additional planting to define the area; therefore when the car park is not in use, it will not be immediately apparent. HS notes that this is the site of the Walled Garden of Leifnorris House and recommends that development plans include provision to investigate potential garden archaeology. HS would also recommend that plans are developed for the replanting / replacement of some of the more mature trees with appropriate species to ensure the long term screening of view between the car park and the bridge. HS is also content that the coach parking area will not have a significant impact on the listed doocot and the designed landscape could accommodate the development at this location.

Since the comments were made by HS, amended proposals have been received that effectively addresses the points raised by HS. With the alterations to the access arrangements, the amended proposals promote the relocation of the proposed car parking and coach parking areas to the cow sheds south-west of Pennyland Cottage. This resolves the potential impacts on the site of the former Leifnorris House and garden and the trees and effectively relocates the facilities outwith the core landscape of Dumfries House. While HS had not expressed any particular significant reservations over the original proposals, it is considered that the amended proposals will present even lesser impacts overall to the designed landscape, trees and built heritage interests associated with Dumfries House. At the time of writing this report, further comments from HS in respect of the amended proposals are awaited.

3.13 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to conditions as follows:

1. Access to the development is to be taken from the B7036 Barony Road. The junction improvements shown in the TIA, drawing 60042360/SK/002 are to be implemented prior to the public opening. This will require the issue of a road opening permit for works within the verge of the public road
2. The existing footway on the south side of Barony Road is to be extended into the development, as shown on drawing 60042360/SK/002. This will require the issue of a road opening permit for works within the verge of the public road.
3. Visibility sightline splay areas of 2.5m by 215m will require to be formed and maintained at the access point, with no obstruction greater in height than 1m allowed within the splay areas formed.
4. Any gates must only be able to open inwards, away from the public road.
5. The location of any signing must be agreed with East Ayrshire Council prior to erection of the signs.
6. Car and coach parking to be provided within the estate, provision for overflow parking at peak times should be indicated.
7. The location of the proposed bus-stops is to be agreed with East Ayrshire Council and must be installed within 12 months of the opening of the development to the public. Provision of bus-stops and shelters to be at the Developers expense.
8. Internal roads to be upgraded to provide passing places and to improve drainage. These roads will not be adopted by East Ayrshire Council.
9. The 30mph limit on Barony Road to be extended westward. The developer is to pay East Ayrshire Council to promote the required Orders to achieve this. The timescale for this works to be agreed with East Ayrshire Council following opening of the development to the public.

Conditions can be attached to any grant of planning consent to meet the requirements of the Roads and Transportation Division.

3.14 East Ayrshire Access Panel (Southern Area): Architects for the Great Steward of Scotland's Dumfries House Trust have met with representatives from the Access Panel. The Panel notes that the main visitor access would be via the main stairs to Dumfries House with an alternative rear access proposed. This was felt not to be inclusive and it was suggested that full details of both accesses be placed on the web site for the development so people may decide whether they wished to use the level rear access or stepped main access. The terminologies "north" and "south" entrances would be preferable to "main" and "accessible". Otherwise the lift and general proposals were acceptable.

The Disability Awareness Advisor notes that the proposed lift will not be ready for the "soft" opening of Dumfries House in June 2008. As a consequence the bulk of the

house will not initially be accessible despite assurances given. This may appear as 'tokenism' by the Access Panels

Noted.

4. REPRESENTATIONS

4.1 No third party representations have been received with regard to the proposed development.

Noted.

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 (2007) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ECON12 states that the three Ayrshire Councils shall, in conjunction with other agencies, promote the development of tourism to increase the range, geographic spread and quality of accommodation, facilities, attractions and supporting infrastructure, where it contributes to environmental quality, extends the visitor season, provides further job opportunities, supports communities and encourages rural diversity.

The change of use from a house to a non-residential institution/ visitor attraction will contribute to the spread and quality of tourism attractions within East Ayrshire, and will contribute significantly to the wider Ayrshire tourism offer. The proposal will also create further job opportunities and will support the local business community within the nearby towns by attracting visitors to the area. The proposal is therefore clearly in accordance with this Structure Plan policy.

East Ayrshire Local Plan

5.3 Through Policy TLR3 there will be a presumption in favour of tourist related development including the development of camping and caravan sites. Wherever possible, encouragement will be given to the use of existing buildings in preference to the construction of new build facilities. Proposals will require to meet all of the following criteria:

(i) the proposed use and any associated structures is not visually or environmentally intrusive, is of a nature and scale compatible with surrounding land uses and is not detrimental to the character and amenity of the area within which it is proposed;

Dumfries House and the grounds of its Estate are of high environmental and visual quality, demonstrated by the number of national designations. The opening up of the house as a tourist attraction has the potential to detract from the high landscape value of the area, by attracting a large number of visitors and the associated increase in volume of traffic. It is considered however that the proposal is being carried out in a sympathetic manner. The proposed car and coach parking, potentially the most intrusive elements of the proposal in terms of visual and environmental impact, are to be sensitively sited and designed in order to have the least the impact on the landscape. Because of this, it is considered that the development will not cause undue detriment to the environmental and visual qualities or the character and amenity of this important area.

- (ii) there is no adverse impact on the natural environment and in particular on recognised natural or built heritage resources requiring conservation;

The proposed change of use of Dumfries House and the development of associated car parking and access arrangements will impact upon a number of significant built and natural heritage resources. The mansion house itself is a Category A listed building, whilst there are a number of other listed buildings within the grounds of the estate, including the 3 further A listed structures. The grounds of Dumfries House are designated as a Historic Garden and Designed Landscape, as well as a provisional wildlife site. Certain parts of the grounds are also designated as areas of ancient woodland.

Due to the above designations, it is crucial that the opening up of this house and land for the general public is done in a sensitive manner. The alterations to the external appearance of the estate house, essentially to make the building DDA compliant, appear to be kept to a minimum and are sited to the rear of the building on one of the less visible elevations. On the basis of the information submitted by the applicant it is considered that the siting and design of the car and coach parking is broadly acceptable, in relation to the environmental designations. The car and coach parking provision is now located in an area that will have minimal impact on the stated interests.

- (iii) the proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision;

The amended proposals can be justified in terms of the stated criteria.

5.4 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.

The proposal involves the change of use of the A-listed Dumfries House into a non-residential visitor attraction. The proposal will help ensure this important building is retained in perpetuity, thus protecting one of East Ayrshire's important historical and architectural assets. The proposal therefore meets the provisions of this policy.

5.5 Through Policy ENV4, 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 of building concerned.

As stated above, the installation of disabled access as well as the creation of staff facilities will impact upon the A listed building. It is however considered that the proposed alterations to the house are in keeping with the building as it currently stands. The extent of the proposed alterations seem to represent the minimum required to make the building suitable for public access, therefore respecting the character and appearance of the building. In addition, the very nature of the proposal to turn the house into a visitor attraction means the house will be preserved and both the internal and external features enhanced and incorporated into the development. Furthermore, the alterations are considered to be reversible if required at a future time.

The development of car parking, coach parking and improved access to the house and its grounds will impact upon the setting of the A listed building. However, the scale and siting of these infrastructure requirements are considered to be sympathetic to the setting and will not unduly impact upon the listed building.

5.6 Policy ENV5 states that the Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes. In instances where a proposed development affects a Historic Garden or Designed Landscape, which is included in the 'Inventory of Historic Gardens and Designed Landscapes in Scotland' a landscape management plan will require to be submitted as an integral part of any application submitted to the Council for consideration. Outline planning applications for such developments will not be accepted by the Council.

No reference is made by the applicant to the submission of a Landscape Management Plan. However, a conservation statement has been prepared for the project, which will be expanded into a more detailed Conservation Plan. It is assumed that the Conservation Plan could take into account the requirements of a landscape management plan.

5.7 As stated in Policy ENV10, the protection and enhancement of areas of nature conservation interest within the Local Plan area will be achieved in five ways, one of which is relevant to this application:

(iii) development likely to affect local nature reserves and provisional wildlife sites (Appendix 2) will be resisted and all sites or recognised nature conservation value will be safeguarded whenever possible. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites biological or geological interested and to provide for replacement habitats or features where damage is unavoidable.

Scottish Natural Heritage and the Scottish Wildlife Trust have confirmed that they have no objections to the proposed development in respect of their interests.

The change of use of the A listed Dumfries House into a visitor attraction will be of benefit to the tourism offer within East Ayrshire and beyond, and is therefore in accordance with ECON12 of the Structure Plan and TLR3 of the Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies.

Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate subject to appropriate conditions being approved.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise through the promotion of the extended 30mph speed limit on Barony Road.

Noted.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application which are also generally supportive of the proposed development.

8.2 The proposal to change the use of this Category A listed mansion house and its designed landscape to a major visitor attraction will be of significant benefit to the local economy of the area, contribute to the tourism offer within East Ayrshire

8.3 The internal alterations to the mansion house itself represent a minimal intervention approach, with the works being carried out being entirely reversible if found necessary in the future. The works generally relate to providing visitor facilities and making the mansion house more accessible for disabled people. Externally a DDA compliant access ramp will be provided at an appropriate location, albeit not at the main entrance to the mansion house.

8.4 Visitor access will be taken from the B7036 Barony Road, which the TIA demonstrates is the safest, most cost effective way of accessing Dumfries House and Estate. The main benefit of this is the amended location of car and coach parking at the cow sheds on 'The Avenue', addressing the concerns of some of the consultees. This utilises the existing hard standing areas around the cow sheds and overall this proposal takes these areas away from the core designed landscape around the mansion house.

8.5 Junction improvements will be carried out on the Barony Road access with provision of passing places along the historic 'Avenue' together with trimming of some of the trees along the visitor access. Visitors will have the option of walking from the parking areas along the avenue and existing footpaths to the mansion house, or alternatively utilise the minibus shuttle service to be offered. Disabled visitors will have access to parking spaces immediately adjacent to the north entrance of the house which will have an access ramp for wheelchair users.

8.6 It is recognised that this application represents the works necessary at this stage to allow the opening of Dumfries House and Estate to the public and that this visitor attraction will develop further over time. Future applications are expected in relation to the development of the listed coach house and stables to provide further visitor facilities.

8.7 While no indication is given in terms of the information provided within this application, the proposed development will have the potential for job creation, both immediate and in the future. Together with the significant benefits which would accrue from attracting tourists and visitors to the Cumnock and Auchinleck area, this represents a major boost to the economy of the area and will greatly assist in the regeneration of these communities.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development, the application would require to be referred to the Principal Planning Committee as such a decision would, by the scale of the development proposed, represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

HM/HM
07 April 2008
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (2007).
6. Listed Building Consent application 07/1054/LB

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Site of Proposal:	Dumfries House and Estate CUMNOCK KA18 2NJ
Proposed Development:	Change of use from house to non-residential institution visitor attraction, tourist facility with internal alterations, formation of car parking and coach parking with upgraded footpaths and associated access improvements
Name & Address of Applicant:	The Great Steward of Scotland's Dumfries House Trust Dumfries House Dumfries Estate CUMNOCK KA18 2NJ
Name & Address of Agent:	Oliver Chapman Architects Ltd 313 Cowgate EDINBURGH EH1 1NA

PPOs Reference: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the application form and plans received by the planning Authority on 17 December 2007, and the amended plans (Drawing Nos. 295001 Rev. A, 295109, 295185 Rev. B, 295290 Rev. C, 295221, 295222, 295223, and 295260) received by the Planning Authority on 19 March 2008.

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

2. Visitor access to the development shall be taken from the B7036 Barony Road. The junction improvements as detailed in the Traffic Impact Assessment submitted on 19 March 2008, (Drawing No. 60042360/SK/002) shall be implemented in full prior to the first opening of the proposed development to the public.

REASON – In the interests of public road safety.

3. The existing public footway on the south side of Barony Road shall be extended into the development, as detailed within the Traffic Impact Assessment submitted on 19 March 2008 (Drawing No. 60042360/SK/002) and shall be implemented in full prior to the first opening of the proposed development to the public.

REASON – In the interests of public road safety.

4. Visibility sightline splay areas of 2.5m by 215m shall be formed and maintained at the access point with the B7036 Barony Road, with no obstruction greater in height than 1m allowed within the splay areas formed prior to the first opening of the proposed development to the public.

REASON – In the interests of public road safety.

5. Any proposed access gates must open inwards, away from the public road. The details of any such gates shall be submitted, and approved by the Planning Authority in consultation with the Roads Authority, prior to their installation.

REASON – In the interests of public road safety and visual amenity.

6. The details of any directional signing of the proposed development shall be submitted to and approved by the Planning Authority, in consultation with the Roads Authority, prior to the erection of any such signage.

REASON – In the interests of public road safety and visual amenity.

7. Prior to the first opening of the proposed development to the public, car and coach parking shall be provided within the proposed development as indicated on the approved plans together with the provision for overflow parking at peak times, as indicated in the approved plans.

REASON – In the interests of public road safety.

8. Within three months of the first opening of the development to the public, the applicant shall submit to and have approved by the Planning Authority in consultation with the Roads Authority, details of the proposed provision of bus-stops and shelters to serve the proposed development. The details as approved shall be implemented in full within 12 months of the first opening of the proposed development to the public.

REASON – In the interests of pedestrian and public road safety.

9. Internal visitor access roads shall be upgraded to provide passing places and to improve drainage.

REASON – In the interests of public safety.

10. Within three months of the opening of the proposed development to the public, the applicant shall provide details for the 30mph limit on Barony Road to be extended westward. The timescale for the subsequent implementation of these works shall be agreed with the Planning Authority in consultation with the Roads Authority

REASON – In the interests of public road safety.

11. The consent hereby granted for the portacabin toilet facilities at the visitor pick up / drop off area shall be limited to an initial period of 5 years, after which the structures will be removed from the site and the land re-instated, unless a further application is made for their retention on site.

REASON – The structures are of a temporary nature only and in the interests of visual amenity.

12. No trees shall be felled within the development site without the prior written consent of the Planning Authority, unless such works form part of any Conservation Plan or Landscape Management Plan that may be submitted to and agreed by the Planning Authority.

REASON – In order to protect the integrity of the designed landscape and in the interests of visual amenity.

13. The drainage arrangements for the proposed development shall be to the satisfaction of the Planning Authority in consultation with The Scottish Environment Protection Agency.

REASON – In the interests of public health and safety.

14. Provision shall be made within the development site for the parking of cycles, the details and location of which shall be submitted to and approved by the Planning Authority within three months of the first opening of the proposed development. The details as approved shall be implemented in full within 12 months of the first opening of the proposed development to the public.

REASON – To encourage more sustainable modes of transport.

15. The details of any bridge repairs to be carried out on the Avenue Bridge shall be submitted to and approved by the Planning Authority, in consultation with Historic Scotland, prior to such works being implemented on site.

REASON – To ensure that such works do not compromise the character and appearance of listed buildings

Notes to Applicant

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site.
2. The applicant should make early contact with Power Systems with regard to the protection or diversion of apparatus that may be affected by the proposed development.

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