

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2002

**01/0406/FL: PROPOSED ERECTION, ALTERATION AND CONVERSION TO
FORM 22 HOUSES**

AND

**01/0383/LB: PROPOSED ALTERATIONS TO HOUSE INCLUDING PARTIAL
DEMOLITION AND REBUILDING OF WING BLOCKS AT DRAFFEN FARM,
STEWARTON
FOR JOHN DICKIE HOMES LTD**

1. BACKGROUND

1.1 The Northern Area Local Planning Committee agreed on 21 December 2001 that the report in respect of the above noted applications (and attached hereto) be removed from the Committee Agenda to allow further discussion of a Section 75 Legal Agreement.

1.2 The Planning Authority subsequently made a written request to the applicant's agent requesting that a contribution of 1% of the construction costs be made to the Leisure and Recreation Fund under the terms of Policy TLR5. The applicant's agent responded in writing on 9 January 2002, stating that their client is not prepared to agree to a request for any such payment.

2. CONSIDERATION

2.1 It is not considered that payment to the Leisure and Recreation Fund can be justified in this instance. The site benefits at present from a detailed planning permission granted on appeal and a valid listed building consent. Both consents pre-date the decision to approve Policy TLR5. A development similar to that which is the subject of the current application could therefore be commenced on the site without any payment to the Fund. In these particular circumstances the principle of residential development without any payment to the Leisure and Recreation Fund has already been established on the site.

3. RECOMMENDATION

3.1 It is recommended that the report be considered.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2002

**01/0406/FL: PROPOSED ERECTION, ALTERATION AND CONVERSION TO
FORM 22 HOUSES
AND**

**01/0383/LB: PROPOSED ALTERATIONS TO HOUSE INCLUDING PARTIAL
DEMOLITION AND REBUILDING OF WING BLOCKS
AT DRAFFEN FARM, LOUDOUN STREET, STEWARTON,
FOR JOHN DICKIE HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 17 dwellinghouses in front of and to the rear of the farm buildings and for the conversion of the farm buildings to form 5 further dwellinghouses. Listed Building Consent is sought for the works insofar as they relate to Listed farm buildings.

1.2 The applicant proposes to erect 12 dwellinghouses on the land to the front of the farm buildings. It is proposed that those will be two-storey, four-bedroom detached dwellinghouses, finished in a combination of white painted render, red or buff facing brick and grey concrete roofing tiles. It is also proposed to retain a substantial area of amenity and public open space immediately adjacent to and in front of the farm buildings.

1.3 The dwellings which are proposed to be erected to the rear of the farm buildings are in the form of a courtyard, comprising 5 one and a half storey, three bedroom dwellings. The applicant proposes to externally finish those dwellings with white painted render and grey concrete roof tiles.

1.4 The proposed alterations to the farm buildings involve the demolition of the rubble masonry rear portions of the wing blocks and their subsequent rebuilding. The ashlar fronted section of the wing blocks, which form part of the principal façade, are proposed to be retained. The height of the ridgeline of the rebuilt wing sections is proposed to be no higher than the existing ridgeline, thereby maintaining much of the character of the original wings. The applicant, nevertheless, proposes to form new window and door openings in the rebuilt wing sections, required to accommodate the conversion of the wing blocks to residential use. However, the proposed new openings reflect the proportions of the existing windows on the principal farmhouse. The applicant also proposes to install dormer windows in the rebuilt wing sections as well as on the portion of the wing sections which comprises part of the principal elevation. The central section of the farmhouse is proposed to be internally modified such that it is retained as one dwellinghouse. No external alterations are proposed to the central section other than the conversion of a window opening on the rear elevation to form a doorway. The applicant proposes to externally finish the rebuilt wing blocks with white painted render and natural slate. It is also proposed to

replace the missing natural slate on the remainder of the farm buildings in a like-for-like manner.

1.5 It is proposed that the mature trees which form the tree-lined avenue, and which are covered by a Tree Preservation Order, will be removed to make way for the proposed development. The applicant proposes to form 2 new accesses to the site. One access would be formed approximately 20m east of the existing access, serving two of the detached dwellings which are proposed to be orientated such that they front Loudoun Street. The main access to the site would be formed approximately 65m east of the existing access and would serve the remainder of the detached dwellings, the farm buildings and the terraced units.

1.6 The applicant also proposes to provide 2100m² of public open space, additional tree planting, associated landscaping and an extension of the public footpath from Loudoun Street to the principal access to the site.

2. RECOMMENDATION

2.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the listed building application be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the attached sheet.

3. CONTRARY DECISION

3.1 Should the Committee agree that the applications be refused contrary to the recommendations of the Head of Planning and Building and if that decision was arrived at on the basis of the principle of the development, then the applications would require to be referred to the Development Services Committee.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at paragraph 5.2 of the report, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, with regard to the planning application and Section 25 with regard to the Listed Building Application, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.20 of the report, there are material considerations relevant to the determination of these applications.

4.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the principle of the 17 newbuild dwellinghouses is contrary to the Adopted Local Plan, it is nevertheless in

accordance with the site's designation for residential development in the East Ayrshire Local Plan (Finalised Version with Modifications). Furthermore, the proposal generally complies with the specific policies of the East Ayrshire Local Plan, Finalised Version with Modifications.

4.3 Notwithstanding the comments of the Scottish Civic Trust and the Architectural Heritage Society of Scotland, it is considered that the proposal for the conversion of the Listed Building generally respects its character and appearance. No further adverse consultation responses have been received. The new build courtyard element of the proposal is considered to be compatible with the listed building as converted.

4.4 In respect of the points of objection, it is considered that the proposal would not result in an unacceptable degree of overlooking to properties on Loudoun Street, given the sloping nature of the site and the orientation of the detached dwellinghouses.

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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 FEBRUARY 2002

**01/0406/FL: PROPOSED ERECTION, ALTERATION AND CONVERSION TO
FORM 22 HOUSES**

AND

**01/0383/LB: PROPOSED ALTERATIONS TO HOUSE INCLUDING PARTIAL
DEMOLITION AND REBUILDING OF WING BLOCKS
AT DRAFFEN FARM, LOUDOUN STREET, STEWARTON,
FOR JOHN DICKIE HOMES LTD**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present a full planning application and an associated application for Listed Building Consent which are to be considered by the Local Planning Committee under the Scheme of Delegation as both applications are subject to objections and are of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The site of both applications lies on the south eastern edge of Stewarton, between Loudoun Street and Cutstraw Road. It extends to some 1.5 hectares. Part of the site is presently under pastoral use whilst the remainder, which was formerly the garden ground and yard associated with the abandoned farm buildings, is in an overgrown state. The land slopes generally upwards from the southern part of the site adjacent to Loudoun Street, to the northern part of the site. An unsurfaced access road in the form of an avenue, partially lined on both sides by mature trees, several of which are dead or decaying, runs from the access to the site at Loudoun Street (in the south west corner of the site) to the former farm buildings. The start of the access road is flanked by two stone gate piers. To the west of the access road the land slopes downwards towards the rear of the properties on Loudoun Street and toward an open field, which lies to the west of the site.

2.2 The former farm buildings, which are Category B Listed, occupy an elevated position in the northern section of the site. They take the form of an early 19th century, 2 storey, u-plan classical farmhouse with single storey pavilion wings. The wings extend back as barns and byres and form a courtyard to the rear of the buildings. The principal farmhouse building is of ashlar construction and is characterised by a single storey projecting porch, large pilasters, cornice and regular window arrangement in the form of 4-pane timber sash and case. The wings are of rendered and off-white painted rubble masonry. The roof of the entire complex was originally of slate, although much of this has been removed and the timber sarking exposed.

2.3 Existing residential properties lie adjacent to and opposite the southern part of the site on Loudoun Street. Open fields lie to the east and west of the site, although planning permission has been granted for the erection of 29 dwellinghouses on the land to the west of the site on 29 March 2000. Further residential properties lie some 50m from the north west of the site, on Cutstraw Road.

2.4 **Proposed Development:** Full planning permission is sought for the erection of 17 dwellinghouses in front of and to the rear of the farm buildings and for the conversion of the farm buildings to form 5 further dwellinghouses. Listed Building Consent is sought for the works insofar as they relate to Listed farm buildings.

2.5 The applicant proposes to erect 12 dwellinghouses on the land to the front of the farm buildings. It is proposed that those will be two-storey, four-bedroom detached dwellinghouses, finished in a combination of white painted render, red or buff facing brick and grey concrete roofing tiles. It is also proposed to retain a substantial area of amenity and public open space immediately adjacent to and in front of the farm buildings.

2.6 The dwellings which are proposed to be erected to the rear of the farm buildings are in the form of a courtyard, comprising 5 one and a half storey, three bedroom dwellings. The applicant proposes to externally finish those dwellings with white painted render and grey concrete roof tiles.

2.7 The proposed alterations to the farm buildings involve the demolition of the rubble masonry rear portions of the wing blocks and their subsequent rebuilding. The ashlar fronted section of the wing blocks, which form part of the principal façade, are proposed to be retained. The height of the ridgeline of the rebuilt wing sections is proposed to be no higher than the existing ridgeline, thereby maintaining much of the character of the original wings. The applicant, nevertheless, proposes to form new window and door openings in the rebuilt wing sections, required to accommodate the conversion of the wing blocks to residential use. However, the proposed new openings reflect the proportions of the existing windows on the principal farmhouse. The applicant also proposes to install dormer windows in the rebuilt wing sections as well as on the portion of the wing sections which comprises part of the principal elevation. The central section of the farmhouse is proposed to be internally modified such that it is retained as one dwellinghouse. No external alterations are proposed to the central section other than the conversion of a window opening on the rear elevation to form a doorway. The applicant proposes to externally finish the rebuilt wing blocks with white painted render and natural slate. It is also proposed to replace the missing natural slate on the remainder of the farm buildings in a like-for-like manner.

2.8 It is proposed that the mature trees which form the tree-lined avenue, and which are covered by a Tree Preservation Order, will be removed to make way for the proposed development. The applicant proposes to form 2 new accesses to the site. One access would be formed approximately 20m east of the existing access, serving two of the detached dwellings which are proposed to be orientated such that they front Loudoun Street. The main access to the site would be formed

approximately 65m east of the existing access and would serve the remainder of the detached dwellings, the farm buildings and the courtyard units.

2.9 The applicant also proposes to provide 2100m² of public open space, additional tree planting, associated landscaping and an extension of the public footpath from Loudoun Street to the principal access to the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the installation of road safety/traffic calming features on Loudoun Street, the provision of the proposed footpath extension, the provision of a 2.5m x 90m visibility splay and the relocation of the 30mph speed limit signs (a traffic order in respect of which is presently nearing completion).

Should the proposal be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 East Ayrshire Council's Department of Education and Social Services states that it has no specific objection to the proposals. It does, however, state that Stewarton Academy may be unable to accommodate children from the development.

Noted. If secondary school children cannot be guaranteed accommodation at Stewarton Academy, the Council would be required to maintain its statutory duties by redirecting pupils to alternative schools.

3.3 West of Scotland Water Authority have confirmed that there is both a public sewerage system and public water supply main available for the proposed houses.

Noted. WoSWA have since commented, through the current Local Plan Public Local Inquiry process, on the potential to service this site. They indicate that development of the site will be facilitated by investment within the 2002/2006 financial expenditure allocation. It would be prudent for development to proceed only upon the receipt of confirmation from WoSWA that the necessary infrastructure was in place to accommodate the development.

3.4 SEPA has no objection to the proposal, provided the foul drainage is connected to the public sewer. In addition, SEPA has requested that any planning permission includes a condition requiring the applicant to treat surface water from the site in accordance with CIRIA's Sustainable Urban Drainage Manual 2000.

Should the application be approved an appropriate note and condition can be included in the Planning Permission.

3.5 Scottish Power has no objection to the proposal, provided its apparatus is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 British Gas Transco has no objection to the proposal, provided its apparatus is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.7 The Coal Authority has no objection to the proposal.

Noted

3.8 Stewarton Community Council has not responded to the consultation letter.

Noted

In response to the consultation request in respect of the application for Listed Building Consent:

3.9 Historic Scotland, whilst indicating that it fully supports the views of the Scottish Civic Trust as set out in section 3.10 below, has advised that additional information should be submitted in respect of the application. This information includes details of the treatment of the principal elevation and roof of the farmhouse, details of the design and construction of the proposed dormers on the rebuilt wing sections and on the new-build courtyard element. Historic Scotland also advises that it would wish to see the gate piers adjacent to the farmhouse retained in situ and the gate piers at the start of the avenue re-sited to the entrance of the courtyard, adjacent to the area of public open space.

It is considered that, should the application be approved, suspensive conditions in respect of this additional information can be included on the planning permission.

3.10 The Scottish Civic Trust has objected to the proposal, stating that the demolition of the wings cannot be justified in terms of structural instability or vandalism. Furthermore, the Trust states that the rebuilt wings, with their additional window openings, door openings and dormers, fail to comply with any form of symmetry and as such, they would lack the simple finesse of the principal farmhouse and are suburban in appearance. The Trust also states, with regard to the wings, that the proposed new-build courtyard to the rear appears to increase their footprint and belies the original concept of the design of this farmhouse villa. The Trust considers that this is exacerbated by the proposed arch which would link the west wing to the new-build courtyard. The Trust is also concerned that the two bathrooms within the farmhouse would be altered, one of which is decorated and fitted out in the 1920s Art Deco style. The Trust also objects to the erection of the dwellinghouses to the south of the farm building, stating that they would destroy its setting and interrupt the vista of the principal elevation.

The applicant has commissioned the services of a structural engineer to prepare a report in terms of suitability of the existing farm buildings for conversion. The report concludes that the main farmhouse is suitable for redevelopment on the basis contained within the proposal. However, given the proposals for the wings, the structural report advises that extensive repair and structural alterations would be required and recommends that partial demolition and rebuild is the most appropriate method of realising the proposals. Furthermore, it is considered that the proposed dormers and window openings on the rebuilt wing sections do respect the elegance and balance of those on the principal elevation. It is considered that the new-build courtyard element, proposed to be erected to the rear of the farm buildings, reads as a natural extension to the wings, taking the form of a series of agricultural outbuildings. As such, it is considered that the courtyard element is appropriate and does not detract significantly from the character and appearance of the Listed Building. The Committee should also note that a previous approval on the site incorporated a courtyard development to the rear which was very similar in appearance and form. It is not considered that the loss of the Art Deco bathroom would justify a refusal of the applications as it is in a ruinous state, contributes little to the character of the building and is not an original feature. It is considered that the erection of the dwellinghouses to the south of the farm buildings would have an impact on the setting of the listed building. However, it is considered that this has been minimised by the provision of an area of amenity public open space immediately in front of the farm buildings, providing a vista when viewed from the proposed access road.

3.11 The Architectural Heritage Society of Scotland has objected to the loss of the original tree-lined avenue and to the rebuilding of the original stone frontages to the wings which form part of the principal facade.

The avenue is narrow and of insufficient width to allow two vehicles to pass. It is therefore considered that it would be inappropriate to retain it as the principal entrance to the site. Notwithstanding its contribution to the setting of the farm buildings or the fact that the trees are covered by a TPO, many of the trees are dead or decaying. The applicant has indicated on the submitted plans that a substantial degree of replanting is proposed within the site, including the northernmost part of the former avenue (which is to be retained as far as is practicable). It is therefore considered that the southern part of the avenue (where it is proposed to erect the detached dwellings) need not be retained in this instance.

With regard to the Society's point of objection in respect of the frontage, the applicant has indicated that the sections of the wings, which form part of the principal façade, are to be retained.

4. REPRESENTATIONS

Further to the objections received from Historic Scotland, The Scottish Civic Trust and The Architectural Heritage Society of Scotland, referred to in section 3 above, one other representation has been received from the occupier of a dwellinghouse on Cutstraw Road in respect of the application for full planning permission. That objection can be summarised as follows:

4.1 The proposal would result in a loss of privacy.

It is not considered that the development would give rise to an unacceptable degree of overlooking in respect of the existing dwellings on Cutstraw Road, given that the development lies some 50m from Cutstraw Road. It is, nevertheless, considered that, as the two-storey detached dwellinghouses are proposed to be erected on a sloping, elevated site, an unacceptable degree of overlooking would occur in respect of the existing dwellinghouses on Loudoun Street, particularly given the current proposed orientation of the houses. Nevertheless, should the application be approved, an appropriate condition can be attached to the planning permission to ensure that any overlooking is minimised.

4.2 Lack of facilities in the town.

The site is included as a housing site in the East Ayrshire Local Plan (Finalised Version with Modifications) and as such, the principle of development on the site has been established. Furthermore, there remain live consents for 5 houses south of Draffen, 11 dwellings within a conversion and extension of Draffen (Full) and 19 houses to the west of Draffen (Outline).

4.3 Stewarton Academy is presently overcrowded.

See response to 3.2 above which presents no objections from the Department of Education and Social Services.

4.4 The public water system is struggling to cope.

West of Scotland Water Authority have raised no objections to the proposal (see para 3.3 above)

4.5 The access is unsuitable to serve the development.

The applicant proposes to relocate the access and, subject to conditions, the Roads and Transportation Division has no objections to the proposals.

Following re-neighbour notification subsequent to the submission of amended plans in respect of the proposal, two further letters of objection have been received. (One of the letters is from the occupier of a dwelling on Cutstraw Road who had previously objected to the initial

submission). The letters raise no additional points to those addressed in Sections 4.1 to 4.5 above, other than:

4.6 The proposed access to the B778 is dangerous in the extreme as it is blind in both directions.

See response to 3.1 above where it is noted that the Roads and Transportation Division has no objection to the proposal, subject to the inclusion of conditions on any planning permission granted.

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 and applications for Listed Building Consent 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 Stewarton Local Plan (1987). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies outwith the settlement boundary of Stewarton, as defined by the Adopted Plan and in the countryside where there is a presumption against development.

It is considered that the erection of the dwellinghouses on the site would be contrary to the site's designation as an area of countryside, outwith the settlement boundary.

5.3 Nevertheless, insofar as the conversion of the existing farm buildings is concerned, Policy 5.3.6 of the Adopted Local Plan is of relevance. Policy 5.3.6 provides for the conversion of existing derelict buildings in the countryside where a maximum of 5 dwellings would be formed as a result.

It is considered that the aspect of the proposal which only relates to the conversion of the existing farm buildings is in accordance with Policy 5.3.6. Nevertheless, the planning authority is required to consider the application as a whole, and as such, the overall proposals are contrary to the provision of the Adopted Local Plan.

5.4 The application for Listed Building Consent also requires to be considered in accordance with Policy E20 of the Approved Ayrshire Joint Structure Plan. Policy E20 states that development proposals considered to have an adverse effect on listed buildings will not conform to the Structure Plan.

See response to 3.10. It is considered that the proposal respects the character and setting of the Listed Building. It is therefore considered that the proposal complies with the Approved Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), government guidance on listed buildings as contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas, the Approved Ayrshire Joint Structure Plan, the site's planning history and the consultation responses detailed above.

In respect of the application for full planning permission:

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) should be considered as a prime material consideration in respect of the application for full planning permission.

6.3 The application site forms part of a larger site identified for housing purposes in the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES1 states that the Council will support residential development on designated sites.

It is considered that the proposal is consistent with the site's designation and with the terms of Policy RES1.

6.4 Policy RES6 of the East Ayrshire Local Plan (Finalised Version with Modifications) is also of relevance. Policy RES6 states:

"Subject to the provisions of other policies contained in the Local Plan, the Council will support the sympathetic conversion of:

(i) large residential properties into smaller residential units or to other residential uses of an institutional care related nature."

It is considered that the proposal generally complies with the provisions of the above Policy insofar as it relates to the conversion of the existing farm buildings.

6.5 Policy RES7 of the East Ayrshire Local Plan (Finalised Version with Modifications) states:

"The rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings both within settlement and the rural area will be encouraged. The proposed development will require to meet all of the following criteria:

(i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;"

As noted above, the structural report submitted by the applicant indicates that the principal farmhouse is capable of beneficial conversion. It also states, however, that the wing blocks would require

to be partially demolished and rebuilt to accommodate the applicant's proposals. The report states that the east wing has insufficient foundations for the conversion to dwellinghouses.

“(ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;”

Since both wings of the farmhouse are to be demolished with new buildings proposed in their place, the proposals do not comply with the above policy, either in terms of floorspace or external wall area.

“(iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority.”

See response to Section 3 above.

“(iv) the proposal is fully in keeping with the character and appearance of the area within which it is located.”

It is considered that the proposed redevelopment is in keeping with the general character of the surrounding area.

“(v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site.”

See response to 3.10 above; this indicates the proposal reflects the design principles of the original building.

“(vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.”

See response to 3.10 above; this illustrates that the proposal would not have an adverse impact on the appearance of the listed building.

“The Council may consider a relaxation of criteria (ii) above with regard to the conversion of traditionally designed and constructed outbuildings forming an integral part of an existing farm courtyard grouping where the proposal would preserve and enhance the integrity of the group of buildings concerned. “

It is considered that as the detailed design of the proposed rebuilt wing sections is of an appropriate standard, a relaxation of criteria (ii) of RES7, is acceptable. It is therefore considered that the proposal complies with the provisions of Policy RES7.

6.6 The proposal also requires to be considered with regard to Policy RES19 which states that developers will be required to meet the standards of public open space as defined in Schedule 3 of the East Ayrshire Local Plan (Finalised Version with Modifications). Part 1 of Schedule 3 requires that a minimum of 300m² of open space shall be provided for each 10 dwellinghouses. In this instance, the applicant proposes to provide 2100m² of public open space to serve the 22 dwellinghouses proposed in this application and a further 29 dwellinghouses granted planning permission under 99/0265/FL.

It is considered that the proposal meets the requirements of Policy RES 19.

6.7 Policy RES22, which requires developers to observe the minimum private open space standards as detailed in Schedule 4 of the East Ayrshire Local Plan (Finalised Version with Modifications), also requires to be considered. Schedule 4 provides that each dwellinghouse should have a minimum of 100m² of private open space.

In this instance each of the proposed dwellings would have a private open space provision of at least 100m². It is therefore considered that the proposal can satisfy the terms of Policy RES22.

6.8 Policy ENV15 of the East Ayrshire Local Plan (Finalised Version with Modifications) seeks to protect individual, groups and areas of trees which make significant contribution to the landscape quality of both the built and rural environment, through the serving of Tree Preservations Orders.

As noted in paragraph 3.11 above, the applicant proposes to remove the tree-lined avenue to accommodate the development. It is therefore, considered that the proposal is contrary to the terms of Policy ENV15. Nevertheless, as is also noted above, many of the trees are dead or decaying. It is therefore considered that the provision of this policy can be laid aside in this instance.

In respect of the determination of the application for Listed Building Consent:

6.9 Policy ENV1 of the East Ayrshire Local Plan (Finalised Version with Modifications) requires to be considered. Policy ENV1 states that:

“The Council will seek to protect, preserve and enhance heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.”

As noted in paragraph 3.10 above, the proposed works to the Listed Building, including the proposed rebuilding of the wing blocks, are considered to respect the appearance of the principal listed farmhouse. The proposal is therefore considered to be consistent with Policy ENV1.

6.10 Policy ENV2 is also of relevance and 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.”

Given that the proposal involves the demolition of a substantial part of a listed building, it is considered that the proposal is contrary to the provisions of Policy ENV2 of the East Ayrshire Local Plan (Finalised Version with Modifications). Nevertheless, in this instance it is considered that the redevelopment proposals for the rebuild sections are of sufficient design quality to justify the partial demolition.

6.11 Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications) requires to be considered with respect to the development of the wider site. Policy ENV4 states:

“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.”

Whilst further residential development is proposed in the grounds of the listed farm buildings it is not considered that the present proposed site layout would adversely affect the setting of the Listed Building. The applicant has shown, on the submitted plans, a substantial area of public amenity open space in front of the farm buildings. It is considered that this helps to maintain their setting whilst providing a vista when viewed from the proposed access to the site. Furthermore, it is considered that the courtyard development proposed to be erected to the rear of the listed building respects the appearance and setting of the farm buildings given its form and architectural detailing. It is therefore considered that the proposal complies with the terms of Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications).

6.12 Historic Scotland’s Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 is also a material consideration in the determination of both applications. Section 2.10 of the Guidance states that “no worthwhile building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it”.

The applicant has advised, through the submission of the structural report, that the east wing is not suitable for conversion given the condition of the existing foundations. The structural report states, however, that the condition of the foundations of the west wing is less critical, but that it still could not accommodate the applicant’s proposals. Therefore the applicant proposes to demolish and rebuild both wings(

whilst maintaining that part of the wings which comprise the principal façade), as the current proposals cannot be accommodated within the existing structure. It is considered, however, that the scheme respects the character and appearance of the Listed Building. The application is therefore considered to comply with Historic Scotland's Memorandum of Guidance.

The site has been the subject of several previous applications for planning permission:

6.13 Planning Permission 96/0363/OL for the erection of 19 dwellinghouses was granted on 8 November 1996.

Noted.

6.14 Planning Permission 96/0364/OL for the erection of 5 dwellinghouses was granted on 8 November 1996. This application related to a smaller site which formed part of the site of the current application.

Noted.

6.15 Planning Permission 99/0157/FL, for the conversion and extension of the Listed farm buildings to form 11 dwellings was granted on 3 May 2000. This consent remains live.

Noted.

6.16 Listed Building Consent 99/0250/LB for the partial demolition, extension and conversion of listed farm buildings to form 11 dwellings was granted on 3 May 2000. This consent remains live.

Noted.

6.17 Planning Permission 99/0788/FL for a variation of time condition on 96/0364/OL was granted on 24 March 2000.

Noted. In this instance, it was also considered that the high design quality of the redevelopment proposals justified the partial demolition of the wing blocks.

6.18 Planning Permission 99/0789/FL for a variation of time condition on 96/0363/OL was granted on 24 March 2000.

Noted

6.19 Planning Permission 99/0265/FL for the erection of 41 dwellinghouses on a larger site which included part of the present application site was refused by the Local Planning Committee on 10 September 1999. This decision, however, was the subject of an appeal to the Scottish Ministers. The Reporter subsequently granted Planning Permission subject to conditions on 29 March 2000.

Noted.

6.20 Planning Permission 00/0578/FL for the erection of 37 dwellinghouses on a larger site which included part of the present application was granted on 26 January 2001. The proposal was similar to that in respect of 99/0265/FL, although it proposed the removal of the tree-lined avenue.

This proposal did not relate directly to the listed buildings but paid adequate regard to their setting, notwithstanding the removal of the tree-lined avenue.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Should the Committee be of a mind to approve the application for Listed Building Consent, the application would require to be referred to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, with regard to the planning application and Section 25 with regard to the Listed Building Application, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.20, there are material considerations relevant to the determination of these applications.

8.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the principle of the 17 newbuild dwellinghouses is contrary to the Adopted Local Plan, it is nevertheless in accordance with the site's designation for residential development in the East Ayrshire Local Plan (Finalised Version with Modifications). Furthermore, the proposal generally complies with the specific policies of the East Ayrshire Local Plan, Finalised Version with Modifications. With regard to Policy TLR5, it is not considered that a payment to the Leisure and Recreation Fund can be justified in this instance, as the site benefits at present from a detailed Planning Permission granted at appeal and a valid Listed Building consent. The principal of residential development is therefore considered to have been set without the requirement for any such payment.

8.3 Notwithstanding the comments of the Scottish Civic Trust and the Architectural Heritage Society of Scotland, it is considered that the proposal for the conversion of the Listed Building generally respects its character and appearance. No further

adverse consultation responses have been received. The new build courtyard element of the proposal is considered to be compatible with the listed building as converted.

8.4 In respect of the points of objection, it is considered that the proposal would not result in an unacceptable degree of overlooking to properties on Loudoun Street, given the sloping nature of the site and the orientation of the detached dwellinghouses.

9. RECOMMENDATION

9.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the listed building application be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the attached sheet.

Alan Neish
Head of Planning and Building Control

11 January 2002
(DS/MLS/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of objection.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Adopted Stewarton Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Memorandum of Guidance on Listed Buildings and Conservation Areas.
9. Planning applications: 96/0364/OL, 99/0157/FL, 99/0250/LB, 99/0788/FL, 99/0789/FL, 99/0265/FL and 00/0578/FL.
10. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Derek Scott on 01563 576769.

Implementation Officer: Dave Morris

010406fl&01383lb

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0406/FL

Site of Proposal: Draffen Farm
STEWARTON

Nature of Proposal: Proposed Erection, Alteration and Conversion
To Form 24 Houses

Name & Address of Applicant: John Dickie Homes Ltd
Burnfield Avenue
GLASGOW G46 7TT

Name & Address of Agent: The Miller Partnership
19 Royal Crescent
GLASGOW G3 7SX

DPOs Reference: DS/MMM

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 submitted on 30 May 2001 as revised by the amended proposed site plan and the proposed site plan with finished contours received by the Planning Authority on 30 October 2001 and 31 October 2001 respectively, and the amended floor plans and elevations for Kirkford House (Draffen Farm buildings) and the proposed courtyard, received by the Planning Authority on 30 October 2001.

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

2. Prior to the occupation of any of the new build dwellinghouses, the developer shall have completed, to the satisfaction of the Planning Authority, the conversion of Kirkford House (Draffen Farm buildings) in accordance with the approved plans.

REASON To ensure the conversion work to Kirkford House is carried out.

3. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from the west of Scotland Water Authority that it is satisfied with the proposed drainage arrangements.

REASON To ensure that adequate drainage is provided.

4. The access to the site from Loudoun Street shall be by means of standard footway crossings constructed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

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

REASON In the interests of public road safety.

6. Prior to the occupation of any of the dwellinghouses, visibility splay areas shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5 metres by 90 metres in both directions at the junctions of the proposed accesses to the site with Loudoun Street.

REASON In the interests of public road safety.

7. Prior to the commencement of any work on site, the 30 mph speed limit signs on Loudoun Street shall have been re-located in accordance with the East Ayrshire Council Traffic Order to that effect and the details approved by the Roads and Transportation Division (WSP Consultants project number 15140122, drawing number C1011).

REASON In the interests of public road safety.

8. Prior to the occupation of any of the dwellinghouses, the traffic calming in Loudoun Street indicated on Approved Plan reference number P-003G shall have been formed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

9. Prior to the occupation of any of the dwellinghouses, the proposed footpath, extension fronting both the application site and 24 Loudoun Street, shall have been completed in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON In the interests of public road safety.

10. All individual driveways within the site shall be suitably surfaced to ensure that no surface water discharges or loose material is carried out onto the public road.

REASON In the interests of public road safety.

11. The gradient of each driveway shall not exceed 1:10.

REASON In the interests of public road safety.

12. The minimum width of each driveway shall not be less than 6 metres.

REASON In the interests of public road safety.

13. Prior to the occupation of any of the dwellinghouses within Kirkford House and the courtyard development, the car parking spaces shown on approved plan reference P-003G shall be formed in accordance with the East Ayrshire Council Road Development Guide 1996 and these shall be maintained within the site at all times thereafter.

REASON In the interests of public road safety.

14. Prior to the occupation of any of the new build dwellinghouses to the south of Kirkford House, the turning circle shown on approved plan reference number P-003G, shall be completed in accordance with the East Ayrshire Council Roads Development Guide 1996 and shall be maintained free from obstruction at all times thereafter.

REASON In the interests of public road safety and to ensure that service and refuse vehicles can enter and exit the site in a forward gear.

15. Prior to the occupation of any of the dwellinghouses within Kirkford House or the courtyard development, the turning area shown on approved plan reference number P-003G shall be formed in accordance with the East Ayrshire Council Roads Development Guide 1996 and shall be maintained free from obstruction at all times thereafter.

REASON In the interests of public road safety and to ensure that service and refuse vehicles can enter and exit the site in a forward gear.

16. The trees marked 'R' on approved plan reference number P-003G shall be retained. No lopping, topping or other works shall be undertaken to those trees without the prior written formal approval of the Planning Authority.

REASON In the interests of visual amenity.

17. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose either:

(a) the area described by the limit of the spread of the branches of the tree;

or

(b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of construction, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

18. A landscaping scheme, including details for the treatment and maintenance of the boundary of the site and areas of public open space shall be submitted to and approved by the Planning Authority prior to the commencement of any development. Thereafter, the landscaping shall be implemented in accordance with the approved details and shall be completed prior to the occupation of the last dwellinghouse. The landscaping shall be maintained in a neat and tidy condition at all times thereafter. Any trees removed without the prior formal written approval of the Planning Authority shall be replaced by trees of similar size and species as may be agreed in writing by the Planning Authority.

REASON To ensure that adequate landscaping and public open space is provided and satisfactorily maintained, in the interests of visual and residential amenity.

19. Notwithstanding any specification on the approved plans or application form, all surface water from the development shall be treated in accordance with CIRIA's Sustainable Urban Drainage Manual 2000, to the complete satisfaction of the Scottish Environment Protection Agency.

REASON To ensure that the drainage arrangements meet the requirements of the Scottish Environment Protection Agency.

20. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the new build dwellinghouses and in the conversion of Kirkford House, shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of visual amenity.

21. Notwithstanding any specification on the approved plans or application form, the existing octagonal gate piers, located at the entrance to the original access road to the farm buildings, shall be dismantled and placed in storage during the construction and conversion of the dwellinghouses. Prior to the occupation of the last dwellinghouse, the gate piers shall be re-erected in the positions indicated in blue on the approved plan reference number P-003G.

REASON To ensure the retention of the original gate piers.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any other Order or Enactment replacing this, any detached garages erected within the site shall have pitched roofs

and shall be externally constructed in materials which match the dwellinghouses to which they relate.

REASON In the interests of visual amenity.

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

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

24. Any screen fencing to be erected on the site shall not project beyond the front building line of any of the dwellinghouses.

REASON In the interests of visual amenity.

25. During the construction of the dwellinghouses and the conversion of Kirkford House, no building or other operations shall take place on the site outwith the hours of 08:00 to 19:00 Monday to Saturday, or at any time on a Sunday.

REASON In the interests of residential amenity.

NOTES

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr, with regard to drainage arrangements.
3. The Developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS), with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
4. The Council does not currently have a general agreement with WoSWA in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

5. The applicant is advised to make early contact with Scottish Power, Greenholm Street, Kilmarnock, with regard to the protection of its apparatus during construction.
6. The applicant is advised to make early contact with British Gas Transco, 95 Kilbirnie Street, Glasgow, with regard to the protection of its apparatus during construction.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0383/LB

Site of Proposal: Draffen Farm
STEWARTON

Nature of Proposal: Proposed Alterations to House including Demolition
and Rebuilding of Wing Blocks

Name & Address of Applicant: John Dickie Homes Ltd
Burnfield Avenue
GLASGOW G46 7TT

Name & Address of Agent: The Miller Partnership
19 Royal Crescent
GLASGOW G3 7SX

DPOs Reference: DS/MMM

Subject to notification to the Scottish Ministers, the above LISTED BUILDING 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 submitted on 30 May 2001 as revised by the amended proposed site plan and the proposed site plan with finished contours received by the Planning Authority on 30 October 2001 and 31 October 2001 respectively, and the amended floor plans and elevations for Kirkford House (Draffen Farm buildings) and the proposed courtyard, received by the Planning Authority on 30 October 2001.

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

2. Notwithstanding any specification on the approved plans or application form, the projecting canopies proposed to be erected over the entrance doors in the internal elevation of the courtyard, are not hereby approved.

REASON The projecting canopies are not considered to be in keeping with the character and appearance of the Listed Building.

3. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the conversion and repair of the Listed Building and in the construction of the re-built wing sections, shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON To safeguard the character and appearance of the Listed Building.

4. Notwithstanding any specification on the approved plans or application form, the existing octagonal gate piers, located at the entrance to the original access road to the farm buildings shall be dismantled and placed in storage during the construction and conversion of the dwellinghouses on the site. Prior to the occupation of the last dwellinghouse, the gate piers shall be re-erected in the position indicated in blue on the approved plan reference number P-003G.

REASON To ensure the retention of the original gate piers.

5. Notwithstanding any specification on the approved plans or application form, the existing gateway, adjacent to the front elevation of Kirkford House, shall be maintained in-situ.

REASON To ensure the retention of the gateway in the interests of safeguarding the character and appearance of the Listed Building.

6. Prior to the commencement of any work on site, a plan, at a scale of 1:50 of the principal elevation of Kirkford House as proposed, detailing:

- a) The external treatment of the ashlar walls of Kirkford House;
- b) The design of any replacement windows;
- c) Details of any roof ventilation;
- d) The height, type and colour of the chimney cans;
- e) Proposals for the front door; and
- f) The proposed treatment of the eaves detailing of the wings,

shall be submitted to and approved by the Planning Authority.

REASON To safeguard the character and appearance of the Listed Building.

7. Prior to the commencement of any work on site, a plan, at a scale of 1:20, detailing the design of the dormers proposed for the re-built wing sections, and the eaves detailing thereof, shall be submitted to and approved by the Planning Authority.

REASON To safeguard the character and appearance of the Listed Building.

8. Prior to the commencement of any work on site, a plan, at a scale of 1:20 in respect of the new build courtyard, detailing the design of the dormers proposed roof lights, windows, roof cladding (including ridges), roof ventilation, eaves detailing, rainwater goods and the external finishes of the walls, shall be submitted to and approved by the Planning Authority.

REASON To safeguard the character and appearance of the Listed Building.

9. Notwithstanding the provisions of Condition 7 above, the dormers proposed for the re-built wing sections and new build courtyard shall be hipped, not gabled.

REASON To safeguard the character and appearance of the Listed Building.

10. Notwithstanding the provisions of Condition 8 above, the dormers proposed for the new build courtyard shall match the design of those of the re-built wing sections.

REASON To safeguard the character and appearance of the Listed Building.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA