

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 FEBRUARY 2006

**05/0660/FL AND 05/0658/LB: PROPOSED CHANGE OF USE FROM
COMMERCIAL RESEARCH PREMISES TO FORM 9 RESIDENTIAL FLATS
AND THE PROVISION OF THE ENABLING DEVELOPMENT OF 17
DWELLINGHOUSES ANCILLARY WORKS AND ACCESS ROAD
AT DUNLOP HOUSE DUNLOP
BY MCTAGGART CONSTRUCTION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The overall proposal entails the refurbishment of the grade A listed Dunlop House to form 9 flats with an enabling new build development of 17 residential units and associated road works.

1.2 The proposal to refurbish Dunlop House requires an enabling development which involves the erection of 17 new residential units within the grounds of the listed building. The principle behind the proposed new build element is that the new build development is required to offset the cost deficit for refurbishing Dunlop House. This enabling element is presented as the minimum amount of development required by the developer to enable the reinstatement of the house.

1.3 The proposal includes the upgrading of the junction with the public highway at the entrance to Dunlop House, to ensure appropriate sightlines and junction configurations are achieved. The proposal also includes a new public road to serve the enabling development north of Dunlop House.

1.4 The new five bedroom detached houses are located to the north west of Dunlop House with the majority being located on the hillside approximately 120 metres west of the existing driveway.

1.5 The listed building application 05/0658/LB relates to the alterations to the listed building and will principally involve internal alterations to form the flats however existing extensions to Dunlop House, erected to provide fire escapes are to be removed.

1.6 It should be noted that the revised proposals include significant amendments from previous proposals submitted by the applicant. These revisions involve the relocation of the new build enabling development from the area adjacent to the listed building and a change in style of the enabling development.

2. RECOMMENDATION

2.1 It is recommended that the planning application be approved subject to conditions listed on the attached sheets and that the issue of the decision notice be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in section 7.1 of the report.

2.2 It is recommended that the application for Listed Building Consent be approved with conditions and subject to notification of Historic Scotland under the Listed Buildings in Conservation Areas (Scotland) Regulations 1997 and that the issue of the decision notices be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in section 7.1 of the report.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the applications should be approved.

3.2 It is considered that the proposed enabling development will have an adverse impact on the current amenity of the area due to the increase in built form and the impact of the additional houses on the area. However, it is considered that the amenity benefit from the preservation of the Grade A Listed Building and landscaping is greater than the loss to local residents resulting from an increase in development in the area and therefore the proposal will on balance have a positive effect on the amenity of the area.

3.3 To conclude, it is considered that the proposed enabling development is the minimum required to allow the refurbishment of Dunlop House and therefore the recommendation is favourable in that regard. This is of course subject to ensuring the development is phased accordingly to secure the complete refurbishment of Dunlop House.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards with regard alone to the principle of enabling development, the application will require to be referred to the Development Services Committee.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application and an application for listed building consent which are to be considered by the Local Planning Committee under the scheme of delegation as they are of area importance and are the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site includes the vacant A Listed Building of Dunlop House and its grounds. The listed building has been vacant since its former use as a commercial research establishment ceased in 2001.

2.2 The building is a detached four storey Scottish Baronial Style country house designed for Sir John Dunlop by David Hamilton and built between 1831 and 1834. The house was in use as a residential property until 1932, since then it has been used as an orphanage, medical hospital and psychiatric hospital. The site is of historical interest being the seat of the Dunlop family since around the 11th Century.

2.3 The application site is bounded to the south by the Clerkland Burn and is surrounded on all sides by farmland. The nearest residential property is Hunthall located 200 metres north west of Dunlop House which takes its access via the Dunlop House driveway. The application site includes the existing driveway and the junction with the C7 public road (Neilston Road). The south western end of the application site is wooded and not subject to any development as part of this application.

2.4 Several outbuildings and small extensions have been erected onto and within close proximity to the Listed building to the detriment of the listed building. The application site is covered by a Tree Preservation Order (TPO) and is a provisional wildlife site.

2.5 **Proposed Development:** The overall proposal entails the refurbishment of the grade A listed Dunlop House to form 9 flats with an enabling new build development of 17 residential units and associated road works.

2.6 The proposal to refurbish Dunlop House requires an enabling development which involves the erection of 17 new residential units within the grounds of the listed building. The principle behind the proposed new build element is that the new build development is required to offset the cost deficit for refurbishing Dunlop House. This enabling element is presented as the minimum amount of development required by the developer to enable the reinstatement of the house.

2.7 The proposal includes the upgrading of the junction with the public highway at the entrance to Dunlop House, to ensure appropriate sightlines and junction configurations are achieved. The proposal also includes a new public road to serve the enabling development north of Dunlop House.

2.8 The new five bedroom detached houses are located to the north west of Dunlop House with the majority being located on the hillside approximately 120 metres west of the existing driveway.

2.9 The listed building application 05/0658/LB relates to the alterations to the listed building and will principally involve internal alterations to form the flats however existing extensions to Dunlop House, erected to provide fire escapes are to be removed.

2.10 It should be noted that the revised proposals include significant amendments from previous proposals submitted by the applicant. These revisions involve the relocation of the new build enabling development from the area adjacent to the listed building and a change in style of the enabling development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dunlop and Lugton Community Council have indicated that they support the proposal. They consider that a leisure use would be better to utilise the historic building and grounds however this was unlikely to occur. The Community Council accepts the principle and need for the enabling development and welcomes the removal of the inappropriate external additions and the restoration of the external appearance. While some members expressed concern that the character of the enabling development was not acceptable in a rural setting, on balance, it was accepted that innovative designs were preferable to a pastiche approach.

The positive views of the Community Council are noted.

3.2 The Community Council indicated that the developer should be requested to make a contribution to the upgrading of local facilities within the

area. They also express concern regarding the provision of water and sewerage to the site and its impact on local supplies.

With regards to the request for the developer to make a contribution for the upgrading of local community facilities It is considered such a request under Policy TLR5 of the East Ayrshire Local Plan would be inappropriate due to the enabling nature of the development. Any such contribution would be a cost to the project and therefore increase the enabling development required to make the project financially viable.

3.3 They also request that public access be maintained through the grounds of the property.

The applicant has indicated that the existing public access through the site will be maintained post development.

3.4 Concerns are also raised in relation to the amount of light pollution which the new street lighting will bring to this rural environment.

With regards to light pollution from the street lights in the rural area, it is considered to be acceptable given the wooded and relatively secluded location of the site. However as the new road and existing driveway are to be form part of the public highway the street lighting will require to meet the appropriate standards.

3.5 Future development should be restricted on the site through legal agreement.

It is not possible for the Planning Authority to restrict any future development through the use of a legal agreement. Any such future development would require to be assessed against the applicable local and national planning policies at the time of any future application.

3.6 Concern is expressed that the developer has undertaken due diligence on his entitlement to develop all parts of the identified application site and that there are no restrictions or ransom reservations that would entail amendment to the proposals.

The developer has carried out all the appropriate notifications required under the Planning and Listed Building Legislation. Any legal restrictions are a matter for the developer and not material to the determination of these applications.

3.7 Scottish Natural Heritage advise that there are natural heritage interests of some importance in this location but the proposal is considered unlikely to threaten these interests, therefore they have no objection to the proposal. However, any adverse impacts could be reduced further by

conditions being attached to any grant of planning consent relating to the surveys of protected species such as bats and badgers.

Conditions relating to surveys of protective species and any mitigating works required thereafter can be attached to any grant of planning permission to address these issues.

3.8 Historic Scotland have indicated that while they welcome the reuse of the listed building they have concerns about the impact that the enabling development will have on the setting of the listed building. Their reservations are focused on the principle of the number and the siting of houses rather than their design and detailing. They also indicate that they would rather see the listed building used again as a single dwellinghouse though they appreciate that this may not be possible. With regards to the financial calculations Historic Scotland have assessed the costing figures for the proposal and found them to be justified.

It is noted that Historic Scotland have concerns relating to the principle of enabling development for the renovation of listed buildings and the detrimental impact they have on the setting of the listed building. However the East Ayrshire Local Plan indicates that the Council will support the principle of enabling development where it relates to an acceptable conversion of a large residential or institutional listed building.

The applicant has submitted costings for the proposed scheme including renovation costs and new build costs prepared by a Chartered Quantity Surveyor. These figures have been assessed by Historic Scotland who have verified that the figures show that the enabling development is the minimum required to secure the long term preservation of the listed building.

3.9 The Scottish Civic Trust indicate they are delighted to be able to support this scheme which is far more appropriate and sensitive towards the internal and external qualities of this magnificent Category A listed Building than the previous scheme. However they however have concerns regarding the subdivision of the flats on the upper floor and recommend reducing the bedroom numbers from three to two bedrooms.

The support from the Civic Trust for the proposal is noted. With regards to the sub-division of the upper rooms, the developer has indicated that these are required to ensure the marketability and therefore viability of the scheme. It is considered that the sub-division of these areas will not have a significant detrimental affect on the listed building.

3.10 The Architectural Heritage Society of Scotland welcome the proposal, indicating that the enabling development is crisp and modern and partially secluded from the main building. However they stress the need for screen

planting to be provided to isolate the enabling development from the house when viewed from the approach road.

A condition can be attached to any grant of consent relating to landscaping issues.

3.11 The Scottish Wildlife Trust have no objection to the proposal however they indicate that the felling of trees should be kept to a minimum and that any new trees should be native species.

The proposal does involve the removal of a nominal number of trees however a comprehensive replanting program is proposed for the application site.

3.12 Scottish Environment Protection Agency (SEPA) have no objection to the proposal however have indicated that current foul drainage arrangements on site require to be upgraded to a septic tank and large reed bed system. In addition they indicate that the research facility may have resultant land contamination issues and this matter should be explored further.

3.13 They also indicate that if consent be granted for the proposal, conditions should be attached to any grant of planning permission relating to the treatment of the surface water from the site in accordance with the principles of the Sustainable Urban Drainage System Design manual for Scotland and Northern Ireland CIRIA March 2000. In addition a condition should be attached relating to the prevention of pollutants entering the adjacent water course during the construction process.

It is considered that conditions relating to these issues can be attached to any grant of planning permission.

3.14 Scotland Gas have not indicated any objection to the proposals.

Noted.

3.15 Scottish Water have no objection to the planning application however indicated that there are no known sewers in the locality.

Noted.

3.16 West of Scotland Archaeology Service have indicated that the current Dunlop House and its grounds are on the site of, or may contain within the building's fabric remains of, earlier fortified houses and developments. The proposed renovation of the flats and erection of houses may disturb or destroy the evidence of these earlier buildings. It is recommended that the Council either request a full archaeological survey prior to the determination of the applications or the attachment of suspensive conditions to any grant of planning or listed building consents be imposed. Such conditions should ensure that the underlying archaeological layers can be properly assessed

prior to the commencement of any development and a standing building survey is carried out prior to the commencement of the development.

Conditions can be attached to any grant of planning permission and listed building consent relating to the archaeological issues on the site.

3.17 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the attachment of conditions to any grant of planning consent relating to the proposed road works and sightlines.

Conditions can be attached to any grant of planning consent in relation to the above issues

3.18 East Ayrshire Council's, Education Department have indicated that they have no objection to the proposal.

Noted.

3.19 East Ayrshire Council's Outdoor Services have indicated that they have no objection to the proposal however have concerns regarding proposed road works in relation to the existing trees. They recommend that planning conditions be attached to any grant of planning consent addressing the proximity of the proposed road works and utilities to existing trees. They also recommend that a complete tree survey of all trees within the site be carried out detailing any remedial action necessary. With regards to the proposed landscaping within the development further details require to be submitted to allow a full assessment of the landscaping proposed.

Planning conditions can be attached to any grant of planning consent addressing the issues of the landscaping details, the need for a tree survey and the close proximity of the construction works to the existing trees.

3.20 The Garden History Society indicate that they welcome some of the changes to the proposal from the original scheme however, object to the proposal due to their significant concern regarding the increase in numbers of the housing units from 15 to 17, thus increasing the intensification of the suburban quality of the development in the countryside. They recommend that if the three most northerly units adjacent to the main drive and the two most southerly units adjacent to Dunlop House were deleted from the proposal they would remove their objection.

The Planning Authority and the Developer have discussed the views of the Garden History Society in relation to the proposal however consider that the proposed layout is acceptable and that the scale of the enabling development is the minimum required to facilitate the project. The reduction of the number of units they require, is unlikely to significantly improve the layout submitted and it will retain elements of suburban form.

3.21 East Ayrshire Council's Environmental Health Section have indicated that they have no specific issues with the site. However they would recommend a general caveat that should any unforeseen contamination be uncovered during the development any such findings should be intimated to the local authority along with remediation proposals and subsequent validation confirming rectification

A condition can be attached to any grant of planning permission regarding this issue.

4. REPRESENTATIONS

4.1 Four objectors have made representation in relation to these applications including a letter from Garden History Society as detailed in section 3.20 above. The remaining objectors raise the following concerns:

4.2 The proposals are not in accordance with East Ayrshire Council's five year plan and do not accord with planning policy.

It is considered that the proposal does accord with the policies of the East Ayrshire Local Plan, as stated in section 5 of this report.

4.3 The proposal does not reflect the style and design of Dunlop House.

The design of the enabling development is not consistent with the style and design of the listed building. However, this was a conscious design choice by the developer as the listed building is of such a unique style and scale, with design features that would be inappropriate if replicated on a smaller scale domestic property. Therefore, it is considered that the contemporary design of the enabling development which is staggered into the hillside to reduce its impact on the listed building, is the most appropriate way to provide the new build required, while maintaining the status and setting of the Dunlop House.

4.4 The subdivision is not sympathetic to the listed building and could be done with less flats.

The sub-division of the building is required to ensure the marketability and therefore viability of the scheme. It is considered the sub-division is not of significant detriment to the Listed Building and accepted by Historic Scotland as necessary for the financial viability of the overall proposal.

4.5 The proposal does not require an enabling development as the building is not at risk in terms of NPPG18.

It is considered that without the enabling development the building will not be refurbished and it will continue to remain unoccupied and therefore deteriorate further and may eventually be lost.

4.6 The enabling development will not enhance the area. No enabling development is required to restore this property to habitable use. The costs of the enabling development should be tested by an independent party.

It is agreed that the preferred option for the Listed Building would be for it to be renovated without the need for enabling development. However experience has shown that these types of projects are often not viable unless there is some form of enabling development.

Historic Scotland have assessed the proposal and are content with the figures produced by the applicant's Quantity Surveyors.

4.7 The access road should not be realigned.

The access road requires to be altered to make it safe for the increased number of users and to bring it up to an adoptable road.

4.8 We have rights of servitude over the land on which the development is proposed.

Any rights of servitude are a private legal matter between the relevant parties and not material to the determination of these applications.

4.9 The development encroaches on land owned by us.

The applicant has indicated that they own all the land indicated within the red line application site submitted on 03 February 2006. This plan corrects a minor error in the original red line application site which did include third parties ground. The new plan slightly reduces the site adjacent to Hunthill but does not materially affect any of the proposed development.

4.10 No light pollution should be allowed from the development.

Due to the level of development and the requirement for street lighting there will correspondingly be an increase in light pollution.

4.11 No further development should be permitted at the site.

It is not possible for the Planning Authority to restrict any future development through the use of a legal agreement. Any such future development would require to be assessed against the applicable local and national policies at that time.

4.12 Additional houses will create infrastructure problems.

None of the infrastructure consultees have raised any objection to the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

Approved Ayrshire Joint Structure Plan

5.2 Policy G1 states that any proposed development outwith settlement boundaries shall not conform to the Structure Plan except:-

- A) where it specifically accords with other policies in the structure plan;
- B) in locations identified in local Plans for that specific development purpose;
- and C) where the proposed development meets appropriate development criteria as defined by the Structure and Local plan.

The proposed development is outwith the settlement boundary of Dunlop. However, as the proposal is an enabling development for a nationally important listed building it is considered to be in accordance with the East Ayrshire Local Plan. It is also considered to be compliant with the requirements of the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy RES8 states that where a proposal relates to an acceptable conversion of a large residential or institutional listed building, an associated but limited enabling development of new build housing may be considered acceptable by the Council, subject to all of the following criteria being met:

- i) Funds raised from the sale of the enabling development are channelled into the conservation of the building to which the development relates.

The applicant has provided documentation prepared by a Chartered Quantity Surveyor which shows a financial assessment of the scheme. These figures indicate that the proposed enabling build is the minimum required to offset the cost of renovating Dunlop House. These figures have been verified by Historic Scotland. The applicant has agreed to enter into a Section 75 Agreement ensuring the funds raised from the sale of the enabling development are channelled into the conservation of Dunlop House.

- ii) New build element does not result in the division and fragmentation of the building and its grounds insofar as management of the area is concerned.

The proposal locates the enabling development away from the Listed building and its access driveway through the creation of a new road within the development. The new enabling development will be screened by a landscape buffer between the existing driveway and the new road. Therefore the enabling development will not impose directly on the setting of the listed building however will be visible from the access driveway.

- iii) The developer can demonstrate that financial assistance is not available from any other source.

The Developer has indicated that they have applied for stage one funding from Historic Scotland however at present have not been successful and have been unable to obtain financial assistance from any other source.

- iv) The extent of any new build element is restricted to the absolute minimum to unlock the development potential of the building and to facilitate its restoration.

The financial figures provided indicate that the proposed new build element is the minimum required to renovate the listed building.

- v) The new build element meets the provisions of all other relevant housing policies.

The proposed layout and design is in accordance with all relevant housing policies.

- vi) The proposed enabling development is located and designed so as to have minimum impact on the architectural and historic interest, character and setting of the historic environment, including any designation of the area as an Historic Garden and Design Landscape.

The proposed area of new build is located to the north of the listed building which preserves the setting to the front of the house and maintains a reasonable separation distance from the northern aspect of the house.

vii) The design of the enabling development reflects and compliments the style and design of the original building located on the site.

The design of the enabling development is not consistent with the style and design of the listed building. However this was a conscious design choice by the developer as the listed building is of such a unique style and scale, with design features that would be inappropriate if replicated on a smaller scale domestic property. Therefore, it is considered that the contemporary design of the enabling development which will be built into the hillside to reduce its impact on the listed building is the most appropriate way to provide the new build required while maintaining the status and setting of the Dunlop House.

This policy also requires that any permitted enabling residential development, will be made the subject of an appropriate Section 75 Agreement regarding the phasing of construction and other related design and layout matters, through the submission of a detailed business plan for the overall development.

The applicant has indicated a willingness to enter into a Section 75 Agreement on this matter.

5.4 Policy ENV4 seeks 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. The policy also states that development 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.

The proposal involves minor changes to Dunlop House itself and will result in the restoration and reuse of the listed building. The proposal does not involve any extension of the building however it does involve the removal of previous unsuitable extensions and outbuildings which have a detrimental impact on the listed building and its setting. The proposed enabling development is designed to compliment the existing listed building through its layout location within the site and the simple design style.

5.5 Policy RES 20 requires that adequate areas of public open space and play equipment are provided within housing developments for the well being of the inhabitants.

While the proposed development does not provide formal play equipment, it provides a significant area of woodland, river banking and public open space and it is considered that, in this instance, the formalisation of play equipment within the application site would be inappropriate.

5.6 Policy RES 22 requires that all dwellinghouses be provided with adequate private garden ground.

The proposed development ensures that all residential units are afforded the appropriate area of private open space as required by the East Ayrshire Local Plan.

5.7 Policy ENV 2 indicates that the Council encourages the re-use and restoration of listed buildings to appropriate uses throughout the area.

The proposal accords with the requirements of this policy, by returning the listed building to residential use.

5.8 Policy ENV 7 indicates that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance.

The proposal accords with the requirements of this policy.

5.9 Policy ENV 15 indicates that the Council will actively seek to preserve and supplement existing broad leaf and native tree species throughout East Ayrshire.

As the proposed development includes a landscape screen to the north of Dunlop House, this landscaping will be required to take into account the Local Plan's requirement to supplement broad leaf and native species throughout East Ayrshire. It is proposed to attach a landscaping condition to any grant of planning consent addressing landscaping matters.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant in the determination of this application comprise the consultation responses, letters of representation, planning history and the impact of the proposal on the amenity of the area.

Consultation Responses

6.2 The consultation responses are generally supportive of the proposed development. It is considered that the majority of the concerns raised by consultees can be addressed through the attachment of appropriate conditions to any grant of Planning consent and Listed Building consent.

Letters of Representation

6.3 It is considered that the issues raised in the letters of objection overall in section 4 of this report are not of sufficient weight to merit the refusal of the proposed development which, subject to the application of conditions, is acceptable.

Planning History

6.4 Planning application 03/0139/FL was received for an enabling residential development at Dunlop House. Said application was withdrawn on 01 August 2005.

6.5 A listed building application 03/0138/LB was received for the change of use of Dunlop house from a commercial research facility to residential units. Said application was withdrawn on 01 August 2005.

Impact of the Proposal on the Amenity of the Area

6.6 It is considered that the proposed enabling development will have indeed an adverse impact on the current amenity of the area due to the increase in built form. However it is considered that the amenity benefit from the preservation of the Grade A Listed Building and landscaping, is greater than the loss to local residents resulting from an increased element of building. Therefore the proposal will on balance have a positive effect on the amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applications are being recommended for approval subject to the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Such an agreement shall address the following matters:-

- a) The surplus on the sale of the new build units shall only be utilised for the restoration of Dunlop House, Dunlop
- b) A detailed scheme for the phasing of the development shall be agreed with the Planning Authority, this scheme to confirm the progress of restoration of the Main House relative to the new build construction
- c) Submission and implementation of a strategic landscaping scheme and management scheme
- d) The provision of appropriate road works and sightlines on the C7 Neilston Road and adjacent public highway.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the applications should be approved.

8.2 It is considered that the proposed enabling development will have an adverse impact on the current amenity of the area due to the increase in built form and the impact of the additional houses on the area. However, it is considered that the amenity benefit from the preservation of the Grade A Listed Building and landscaping is greater than the loss to local residents resulting from an increase in development in the area and therefore the proposal will on balance have a positive effect on the amenity of the area.

8.3 To conclude, it is considered that the proposed enabling development is the minimum required to allow the refurbishment of Dunlop House and therefore the recommendation is favourable in that regard. This is of course subject to ensuring the development is phased accordingly to secure the complete refurbishment of Dunlop House.

9. RECOMMENDATION

9.1 It is recommended that the planning application be approved subject to conditions listed on the attached sheets and that the issue of the decision notice be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in section 7.1 of the report.

9.2 It is recommended that the application for Listed Building Consent be approved with conditions and subject to notification of Historic Scotland under the Listed Buildings in Conservation Areas (Scotland) Regulations 1997 and that the issue of the decision notices be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in section 7.1 of the report .

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning, Development and Building Standards with regard alone to the principle of enabling development, the application will require to be referred to the Development Services Committee.

Alan Neish
Head of Planning, Development and Building Standards

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning History

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer on 01563 576772.

Implementation Officer: Dave Morris

09 February 2006
(CSI/RH)

FV/DVM

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0660/FL

Site of Proposal: Dunlop House
Dunlop
KILMARNOCK
KA3 4BD

Nature of Proposal: Proposed restoration and Conversion of
Dunlop House to Form Flatted Dwellings
and Demolition of Existing Specified
Outbuildings in the Grounds of Dunlop
House

Name & Address of Applicant: McTaggart Construction Ltd
Tod House
Templand Road
DALRY
KA24 5EU

Name & Address of Agent: ARP Lorimer and Associates
11 Wellington Square
AYR
KA7 1EN

DPOs Reference: (CSI/RH)

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 27 May 2005, 02 August 2005, 02 December 2005 and 03 February 2006.

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

(2) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Planning Authority.

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

(3) 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 development, 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.

(4) Notwithstanding the submitted plans details of the design and construction of all fences and walls 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.

(5) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site or within house plots unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

(6) Notwithstanding the approved plans written details and samples of all external materials to be used on the residential units shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development and utilised on the scheme thereafter as approved.

REASON In the interests of visual amenity.

(7) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is

undertaken to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

(8) Prior to development commencing, the developer shall secure the implementation of an archaeological standing survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing survey will be set by the West of Scotland Archaeology Service on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local sites and monuments record upon completion.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

(9) Prior to the commencement of the development, details of the Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any residential unit within the site, the SUDs arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure for the provision of adequate surface water drainage within the site.

(10) Prior to the commencement of the development, details of the access provisions for construction traffic shall be submitted to and approved by the Planning Authority and thereafter implemented as approved.

REASON In the interest of residential amenity.

(11) External construction works shall only take place during the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday. No works shall take place on a Sunday.

REASON In the interest of residential amenity.

(12) Prior to the commencement of the development a detailed landscaping and woodland maintenance scheme including tree survey and tree replanting details to replace the felled trees, shall be submitted to and approved by the Planning Authority. The approved maintenance scheme shall be implemented no later than the first available planting season after the construction of the buildings hereby approved.

REASON In order to preserve the long term maintenance of the woodland.

(13) Prior to the commencement of the development full surveys shall be carried out assessing the presence of protected species including bats, within the site. Said surveys shall provide recommendations for mitigation measures in relation to any protected wildlife identified. Said surveys and mitigation measures shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON In order to preserve the protected species within the development site.

(14) Prior to the commencement of development, details shall be submitted to and approved by the Planning Authority showing the measures to be taken to accommodate for each dwelling approved the storage of refuse containers further to the Council's 3 bin re-cycling policy.

REASON In the interests of residential amenity.

(15) Notwithstanding the approved plans the section of roadway linking the Listed Building to the enabling development at the southern end of the site is hereby deleted from the proposal.

Reason In the interest of road safety

(16) Prior to the commencement of the development details of the road works required on the "C" class Neilston road shall be submitted in writing to and approved by the Planning Authority. Said road works shall be implemented prior to the occupation of the first residential unit on the site.

Reason In the interest of road safety

(17) Notwithstanding the approved plans a turning area to adoptable roads standards shall be provided to the area in front of Dunlop House. Details of said works shall be submitted in writing to and approved by the Planning Authority prior to the commencement of the development.

Reason In the interest of road safety

(18) Notwithstanding the approved plans a turning area to adoptable roads standards shall be provided in front of the three houses at the southern end of the enabling development. Details of said works shall be submitted in writing to and approved by the Planning Authority prior to the commencement of the development.

Reason In the interest of road safety

(19) Notwithstanding the approved plans the layout and configuration of the access road from its junction with the public highway to its termination at the southern end of the site are not hereby approved. Revised plans

incorporating this section of road and appropriate traffic calming measures and taking account of the existing protected trees shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

Reason In the interest of road safety.

(20) No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by the Planning Authority.

The investigation shall be conducted in line with BS 10175: 2001 code of practise for "*The investigation of potentially contaminated sites*" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

REASON To ensure potential risks arising from previous site uses have been fully assessed.

(21) If the application is approved under the terms of Condition 20 above, and prior to any further site development, the developer shall submit a report, confirming that the remedial work have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0658/LB

Site of Proposal: Dunlop House
Dunlop
KILMARNOCK
KA3 4BD

Nature of Proposal: Proposed restoration and Conversion of
Dunlop House to Form Flatted Dwellings
and Demolition of Existing Specified
Outbuildings in the Grounds of Dunlop
House

Name & Address of Applicant: McTaggart Construction Ltd
Tod House
Templand Road
DALRY
KA24 5EU

Name & Address of Agent: ARP Lorimer and Associates
11 Wellington Square
AYR
KA7 1EN

DPOs Reference: (CSI/RH)

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 received by the Planning Authority on 27 May 2005, 02 August 2005, 02 December 2005 and 03 February 2006.

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

(2) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

(3) 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 development, 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.

(4) Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing 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.

(5) Notwithstanding the approved plans written details and samples of all materials to be used on the listed building shall be submitted to and approved in writing by the Planning Authority and utilised on the scheme thereafter as approved.

REASON In the interest of visual amenity.

(6) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

(7) Prior to development commencing, the developer shall secure the implementation of an archaeological standing survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing survey will be set by the West of Scotland Archaeology Service on behalf of the Planning Authority.

The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local sites and monuments record upon completion.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

(8) Prior to the commencement of the development details of the Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any residential unit within the site, the SUDS arrangement approved under the terms of this condition shall be installed and be fully operational.

REASON To ensure for the provision of adequate surface water drainage within the site.

(9) External construction works shall only take place during the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday. No works shall take place on a Sunday.

REASON In the interest of residential amenity.

(10) Notwithstanding the approved plans the road access to the adjacent enabling development is deleted from the approved scheme.

REASON In the interest of road safety

(11) Prior to the commencement of the development a detailed landscaping and woodland maintenance scheme including tree survey and tree replanting details to replace the felled trees, shall be submitted to and approved by the planning Authority. The approved maintenance scheme shall be implemented no later than the first available planting season after the construction of the buildings.

REASON In order to preserve the long term maintenance of the woodland.

**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.**