

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 10 JUNE 2005  
05/0221/FL AND 05/0222/ FL AND 04/0736/LB**

**PROPOSED RENOVATION OF MAIN HOUSE TO INCLUDE 11 FLATS  
AND THE PROVISION OF THE ENABLING DEVELOPMENT OF 43  
DWELLINGHOUSES AT LAINSHAW HOUSE STEWARTON BY TRAVIS  
HOMES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The overall proposal entails the refurbishment of the grade B listed Lainshaw House to form 11 flats with enabling new build development for 43 residential units and traffic calming to David Dale Avenue.

The proposal to refurbish Lainshaw House requires an enabling developing which involves the erection of 43 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 Lainshaw House. This enabling element is presented as the minimum amount of development required by the developer to enable the reinstatement of the house.

The proposal includes the continuation of the existing driveway to the north of Lainshaw House to provide access to the land at the rear of Lainshaw House in the paddock and walled garden areas.

The vast majority of the new build units are located to the west of Lainshaw House within the woods, paddock and walled garden. However, two gate houses are proposed at the entrance of the driveway to the east of Lainshaw House.

1.2 The listed building application 04/0736/LB relates to the alterations to the listed building and the walled garden and will principally be internal alterations however a small section of the roof is being raised on the two storey north wing to accommodate additional facilities and an access stair. Due to fire damage and vandalism the building has no internal features remaining, with the exception of two stone fireplaces. The proposal involves the refurbishment of the entire internal elements of the building.

The proposal includes the provision of a formal private garden to the rear of Lainshaw house which aims to recreate the formality of the original gardens to the listed building.

The majority of the walls of the walled garden will be retained and reinstated other than on the eastern wall which shall be breached to allow vehicular access into the walled garden.

1.3 Planning application 05/0222/FL relates to part of the development site east of the paddock area. This application relates to the provision of the two gate houses, a five house two storey courtyard immediately to the north west of the listed building and the location of four individual houses within the area of woodland to the west of Lainshaw House.

The applicant has indicated that the proposal will result in the removal of 55 trees of varying sizes from this area. Twenty-nine of said trees have been identified as being dead or diseased while the remaining twenty-six require to be removed to facilitate the development.

Planning Application 05/0221/FL relates to the erection of 18 detached two storey executive villas within the paddock area and the formation of a 14 house two storey courtyard development within the walled garden. The proposal includes the provision of twenty parking spaces to the north of the walled garden adjacent to the private access road for members of the public.

The applicant has indicated that the proposal will result in the removal of 24 trees of varying sizes from this area. 21 of said trees have been identified as being dead or diseased while the remaining 3 require to be removed to facilitate the development.

The proposal includes significant traffic calming to David Dale Avenue and the improvement of the three way junction at the western end of David Dale Avenue, Lainshaw House driveway and the private access road serving the industrial units and the sewerage works. It is proposed to realign the existing access driveway to Lainshaw House to preserve the protected trees at the existing driveway entrance.

It should be noted that the revised proposals include significant amendments from the original proposals submitted by the applicant. These revisions involve the relocation of the new build enabling development from the area in front of the listed building to the area at the rear of the listed building which takes account of various issues raised by the Planning and Roads Authorities as well as other consultees.

The proposal does not include the two outhouses of Lainshaw House which have previously been granted Planning and Listed Building Consent.

## **2. RECOMMENDATION**

**2.1 It is recommended that the planning applications be approved subject to conditions listed on the attached sheets 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 7.2 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.**

### **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 application should be approved unless material considerations indicate otherwise.

3.2 The proposed development will result in the loss of 79 trees which are either within the area of Ancient Woodland or covered by a Tree Preservation Order. There are however in excess of 690 trees as a whole in these areas. It will also result in a reduction in the ability of members of the public to walk through the woodlands. However the proposal will result in the restoration of one of Stewarton's principal landmarks and significant listed buildings. The proposal will also result in woodland throughout the estate being properly managed, maintained and replanted thus resulting in its long term preservation as well as the formation of parking spaces for walkers on the adjacent private access road. While the proposal will also result in increased traffic movements within David Dale Avenue the proposed road works and traffic calming to David Dale Avenue will result in a safer road and junction configuration in the locality

3.3 To conclude, it is considered that the proposed enabling development is the minimum required to allow the refurbishment of Lainshaw 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 the Lainshaw 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 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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### PROPOSED RENOVATION OF MAIN HOUSE TO INCLUDE 11 FLATS AND THE PROVISION OF THE ENABLING DEVELOPMENT OF 43 DWELLINGHOUSES AT LAINSHAW HOUSE STEWARTON BY TRAVIS HOMES

#### 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 two full planning applications 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 derelict and vacant B Listed Building of Lainshaw House, the derelict walled garden to the west of the House, surrounding grounds of Lainshaw House and David Dale Avenue. The listed building has been vacant and vandalised since its former use as a Regional Council residential home ceased in the 1990's. The four storey building has been stabilised and re-roofed by the applicant in respect of these applications, Travis Homes, who are the current owners of the building.

The grounds of the listed building contain a large area of woodland an area of which, to the west of the listed building, is designated ancient woodland while the entire area is covered by a Tree Preservation Order. The woodland area has not been the subject of any management program for a considerable period of time and contains a number of diseased and dead trees. The walled garden is located 280m west of Lainshaw House and contains none of its original features and is in a poor state of repair.

The site is bounded to the north and west by a private access road to the sewerage works which also serves two small industrial units as well as agricultural fields. The south of the site is bounded by the Annick Water and the east by existing woodland opposite David Dale Avenue. The site is accessed through the existing driveway to Lainshaw House from David Dale Avenue.

2.2 **Proposed Development:** The overall proposal entails the refurbishment of the grade B listed Lainshaw House to form 11 flats with

enabling new build development for 43 residential units and traffic calming to David Dale Avenue.

The proposal to refurbish Lainshaw House requires an enabling developing which involves the erection of 43 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 Lainshaw House. This enabling element is presented as the minimum amount of development required by the developer to enable the reinstatement of the house.

The proposal includes the continuation of the existing driveway to the north of Lainshaw House to provide access to the land at the rear of Lainshaw House in the paddock and walled garden areas.

The vast majority of the new build units are located to the west of Lainshaw House within the woods, paddock and walled garden. However, two gate houses are proposed at the entrance of the driveway to the east of Lainshaw House.

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The majority of the walls of the walled garden will be retained and reinstated other than on the eastern wall which shall be breached to allow vehicular access into the walled garden.

2.4 Planning application 05/0222/FL relates to part of the development site east of the paddock area. This application relates to the provision of the two gate houses, a five house two storey courtyard immediately to the north west of the listed building and the location of four individual houses within the area of woodland to the west of Lainshaw House.

The applicant has indicated that the proposal will result in the removal of 55 trees of varying sizes from this area. Twenty-nine of said trees have been identified as being dead or diseased while the remaining twenty-six require to be removed to facilitate the development.

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proposal includes the provision of twenty parking spaces to the north of the walled garden adjacent to the private access road for members of the public.

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It should be noted that the revised proposals include significant amendments from the original proposals submitted by the applicant. These revisions involve the relocation of the new build enabling development from the area in front of the listed building to the area at the rear of the listed building which takes account of various issues raised by the Planning and Roads Authorities as well as other consultees.

The proposal does not include the two outhouses of Lainshaw House which have previously been granted Planning and Listed Building Consent.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Stewarton and District Community Council have expressed the following views:

3.2 The proposed renovation of the main house is welcomed from the view that the intended works will ensure a future for this local and historic building albeit not in the same form as before but will prevent the building from becoming derelict and prevent its subsequent probable demolition and, as such, a loss to both local history and the community.

#### ***Noted***

3.3 The site proposed for development is not contained in the Local Plan. In approving this site for development the existing town boundary would be extended without due consultation procedures used in setting out and finalising a new Local Plan. If approved at this stage the site would automatically be included in the next Local Plan Document by East Ayrshire Council with the additional possibility of other estate areas ( or adjacent areas) being identified for further housing (on the ground of the previous approval).

***The proposal involves works to a listed building and an enabling development which is compliant with Policy RES 8 of the East***

***Ayrshire Local Plan. The provision of new housing within the Rural Protection Area is therefore in accordance with the current Local Plan.***

3.4 Access to the proposed site is to be from David Dale Avenue by passing the housing renovations proposed for Lainshaw house, the stable block and adjacent outhouses. Control of traffic flow, which will be engendered by the number of vehicles using this street for access to the development, will be necessary. The anticipated number of new residents' vehicles should the development be approved could be in the region of 112 cars plus additional service vehicles per day. With this increase vehicle use the junction of David Dale Avenue with the A735 outward/inward from /to Stewarton at the viaduct will require to be addressed as this junction is already a hazard in road safety terms.

***The Council's Roads Division have no objection given the provision of traffic calming on David Dale Avenue, the improvement of the three way junction at the western end of David Dale Avenue and the provision of suitable road layout and parking provisions within the site.***

3.5 Approval of these additional houses to the those sites already identified for the town in the current Local Plan raises again the many concerns expressed by this Community Council in respect of the towns virtually non existent infrastructure and other community problem areas.

***The Education Authority have not objected to the proposal and no significant issues have been raised by any other consultees in relation to this matter.***

3.6 The Public Woodland Path already established through Lainshaw Woods will now pass through and between the new housing developments proposed .ie the public will have the right to use this pathway through the development but the owners of the adjacent property close to the path may not be so amenable to this intrusion in an area of select private housing.

***The proposed development aims to maintain and improve the woodland as it will maintain the principle walking route through the woodland.***

3.7 The loss of so many mature trees to allow the erection of new housing is to be disparaged albeit some are claimed to be diseased or dead.

***The proposed scheme results in the minimum number of trees being removed to facilitate the enabling development which is required to finance the redevelopment of the Listed Building.***

3.8 Scottish Natural Heritage advise that there are natural heritage interests of some importance in this location but the proposal is considered unlikely to threaten those 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.***

3.9 Historic Scotland have indicated that they have no objection to the scheme and are pleased to see the omission of all buildings, with the exception of the two gatehouses, from the area east of Lainshaw House. However, they do express concern in relation to the provision of car parking for Lainshaw House on the open area immediately in front of it. They also reiterate that the proposed enabling development should be the minimal required to secure the long term future of the listed building.

***The applicant has submitted costings of the proposed scheme including renovation costs and new build costs prepared by a Chartered Quantity Surveyor. These figures have been assessed by both Historic Scotland and an independent third party Quantity Surveyor 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. A condition can be attached to any grant of consent in relation to the location of the parking spaces.***

3.10 The Scottish Civic Trust have indicated that they are satisfied with the applications and welcome the repair and reuse of the main house which has suffered a history of events which have compromised it to quite a considerable extent. The Trust considers the new sites proposed for the housing to be far more appropriate than the original submission. However the Trust considers that the financial return for the developer from the enabling development is more than that required.

***The necessity of the proposed enabling development has been initially assessed by a Chartered Quantity Surveyor then verified by both Historic Scotland and an independent Quantity Surveyor. Therefore, the Division considers that the proposed enabling development is the minimum required to facilitate the refurbishment of Lainshaw House. The level of financial return to the developer is within the guidelines set by the Council for this type of development.***

3.11 The Trust consider that the proposed gatehouses would confuse the approach to Lainshaw House and should be replaced with single storey structures.

***It is considered that the design and location of the Gatehouses are acceptable and will not result in a “confused” approach to Lainshaw House.***

3.12 The Trust consider that the majority of the subdivisions and reuses of the spaces within Lainshaw House are well thought out and they welcome the reuse of the fireplaces, they would however welcome the rethinking of the introduction of the partition wall dividing up the tripartite window on the first floor.

***It is considered that the proposed renovation of Lainshaw House balances the need to provide modern living accommodation with the architectural integrity of the listed building thus necessitating the need to divide the tripartite window. Nevertheless, it is considered that this partition wall will not detrimentally affect the integrity of the listed building.***

3.13 The Trust raise concerns with the removal of a central area of the original building which the Trust considers may relate to an earlier tower house section of the building.

***It is proposed that an appropriate condition be attached to any grant of planning or listed building consent in relation to the investigation of the area referred to within the building.***

3.14 The lack of details of the replacement windows on the listed building is a concern to the Scottish Civic Trust. The Trust considers that the new windows should reflect as much as possible the original windows of the Listed Building.

***With regard to the replacement windows it is Council policy that good quality UPVC windows are acceptable in Grade B Listed Buildings. A condition can be attached to any grant of planning or listed building consent in relation to this matter.***

3.15 The Architectural Heritage Society of Scotland have not responded to the revised proposal however in their original consultation response they indicated that they wished to see a less developed more casual setting for the listed building.

***It is considered that the revised scheme which involves the relocation of the vast majority of the enabling development to the rear of the listed building would be more in-keeping with the wishes of the Architectural Heritage Society of Scotland.***

3.16 The Scottish Wildlife Trust have indicated that they object to the proposal on the basis that the Scottish Wildlife Trust needs to be reassured that the proposals will not damage the local wildlife interests or disrupt access provision. They consider that in order to evaluate the wildlife interest information on habitat type, plant species, bats and breeding birds is required.

***It is considered that 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 concerns.***

3.17 Scottish Environment Protection Agency (SEPA) have no objection to the proposal however have indicated that all foul drainage should be connected to the public sewerage system. SEPA would also request written assurance from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows. 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.***

3.18 Transco have not indicated any objection to the proposals.

***Noted.***

3.19 Scottish Water have no objection to planning application 05/221/FL however indicate that they object to 05/222/FL as the provision of infrastructure to serve the development is likely to be beyond reasonable cost.

***Noted. It will be for the developer to secure sewerage connections and where these exceed "reasonable cost" criteria, it will be for the developer to bear additional costs.***

3.20 West of Scotland Archaeology Service have indicated that the current Lainshaw House is on the site of or may contain within its fabric remains of fortified earlier houses. The proposed renovation of the flats and houses may disturb or destroy the evidence of this earlier building. 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.

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

3.21 East Ayrshire Council's Roads Division have no objection to the proposal subject to the attachment of conditions to any grant of planning consent relating to the provision of traffic calming to David Dale Avenue, the improvements to the three way road junction at the western end of David Dale Avenue and the internal roads layout.

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

3.22 East Ayrshire Council Roads (flooding) Division have no objection to the proposal as there is no flood risk to the development.

***Noted***

3.23 East Ayrshire Education Department have indicated that they have no objection to the proposal however cannot guarantee that children resident within the development will be accommodated at the local primary and secondary schools.

***Noted.***

3.24 East Ayrshire Council Access Officer has not responded at the time of writing.

***Noted.***

3.25 The Council's Arboricultural Officer has indicated that he has concerns regarding the location of the road way adjacent to plot 06/A and its close proximity to the trees at this location and suggests that it would need to be realigned to go through between the larger trees in the Ancient Woodland area without interfering with the tree root plates. He also indicates that the minor relocation of plot 04/b would allow the retention of tree 14 an Oak rather than its removal. He indicates that the trees should be protected during construction in accordance with BS 5837( Trees in relation to Construction). It is recommended that a maintenance program should be provided for the woodland along with clarification of how this program will be financed. Other than these issues he indicates that he is reasonably comfortable with the rest of the site layout.

***These matter can be addressed through the attachment of appropriate conditions to any grant of planning consent.***

#### **4. REPRESENTATIONS**

13 letters of objection have been received in relation to these applications including a letter from the Community Council as detailed above.

4.1 Planting of the service strips is inappropriate and the lack of footpaths in the development is a safety hazard.

***The revised scheme addresses this issue and provides formal footpaths rather than shared access.***

4.2 We are unhappy with the amount of trees to be felled especially the aged ones in a Tree Preservation Area.

***The proposed scheme results in the minimal number of trees being removed to facilitate the enabling development which is required to finance the redevelopment of the listed building.***

4.3 The exit from the development onto David Dale Avenue is inadequate and traffic calming should be provided along the length of David Dale Avenue. The additional traffic onto David Dale Avenue will make an already dangerous road worse.

***The revised scheme addresses the issue of the three way road junction at the western end of David Dale Avenue and provides traffic calming along the length of David Dale Avenue.***

4.4 Why has the plan been altered to remove the new build from the front of Lainshaw House?

***The proposal was altered to maintain the setting of the Listed Building.***

4.5 We would expect the field adjacent to the river to be used for recreational purposes and the public footpath to be extended as far as the sewage works.

***The applicant does not control all of the land required for this request.***

4.6 Noise and air pollution from construction traffic and work in addition to excessive vehicle and people movement.

***A condition can be attached to any grant of planning permission in relation to the hours of operation of the development and the access arrangements for construction traffic.***

4.7 There is a considerable amount of wildlife within the area including a large variety of birds, the loss of the greenery and the construction work will cause the current wildlife to move and not return. This would be a great shame as this is a particularly popular route for walking in Stewarton.

***It is proposed to attach to any grant of planning permission conditions requiring surveys to be carried out of birds and wildlife in the area with appropriate mitigating measures being implemented if necessary.***

4.8 This is a very popular dog walking area which will be lost to the residents of Stewarton.

***The principle footpath through the wooded area is being maintained as part of the development.***

4.9 The sewerage system and water supply cannot cope with the extra housing.

***Scottish Water have not objected to the proposed development.***

4.10 The Schools will not be able to cope with the additional numbers of children. No activities for youths within the development or within Stewarton.

***The proposed development does not effect the current provision of youth activities within Stewarton. The Education Authority have not objected 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 polices 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 Stewarton. However, as the proposal is an enabling development for a particular listed building it is in accordance with the East Ayrshire Local Plan. It is considered to be compliant with the requirements of the Ayrshire Joint Structure Plan.***

### Adopted East Ayrshire Local Plan

5.4 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 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 Lainshaw House. These figures have been verified by an independent Chartered Quantity Surveyor and 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 Lainshaw 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

***With the exception of the two gate houses which are located at the entrance to the site, all the new build elements of the proposal have been located to the rear of the listed building thus ensuring the integrity of the listed building is maintained.***

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

***The Developer has indicated that they 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 rear of the listed building which preserves the setting to the front of the house and maintains a reasonable separation distance from the rear of the house. An element of the new build is sympathetically located***

***within the walled garden of the listed building. The proposal includes the reintroduction of the formal private garden to the rear 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

***It is considered that the design of the enabling development is sympathetic with the style and design of the listed building.***

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.

5.5 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 Lainshaw House itself and would result in the restoration of the listed building of which the developer has already reinstated the roof and made structurally sound. The proposal does not involve any significant extension of the building. The proposed enabling development is design to compliment the existing listed building through its layout and design features.***

5.6 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 Tree Preservation Order and Ancient Woodland would be inappropriate and detrimental to the area.***

5.7 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.***

5.8 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.***

5.9 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***

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

***While the proposed development would result in the loss of 79 trees, 50 of which identified as being dead or diseased the proposal does propose to implement a woodland management scheme which would involve the regular inspection and maintenance of the wood combined with the planting of a significant number of new trees to supplement the existing woodland. As indicated previously in the report it is proposed to attach conditions to any grant of planning consent that would require the reconsideration of the position of the house and roadway within the area of ancient woodland.***

## **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 are not of significant weight to merit the refusal of the proposed development which, subject to the application of conditions, is acceptable.

### Planning History

6.4 Planning Application 04/0817/FL for the proposed renovation of the main house to include 11 no 2 to 3 bedroom flats and development of remaining estate to include 37 dwellinghouses was withdrawn on 9/3/05.

6.5 Listed Building Consent 04/0340/LB was granted on 13/7/04 to replace the existing roof with a new roof for Lainshaw House.

6.6 Planning Permission 04/0590/FL and Listed Building Consent 04/0761/LB were granted, on 16/11/04 and 23/12/04 respectively, for the refurbishment of the proposed conversion of outbuildings to form two new dwellinghouses,

#### Impact of the Proposal on the Amenity of the Area

6.7 The proposed development will result in the loss of 79 trees in total, some of which are within the area of Ancient Woodland or protected by a Tree Preservation Order. It is noted, through, that there are some 692 trees throughout the site. The proposal will also result in a reduction in the ability of members of the public to walk freely through the woodlands. However the proposal will result in the restoration of one of Stewarton's principal landmarks and significant listed buildings. The proposal will also result in woodland throughout the estate being properly managed and maintained and replanted thus resulting in its long term preservation as well as the formation of parking space for walkers on the adjacent private access road. While the proposal will also result in increased traffic movements along David Dale Avenue the proposed road works and traffic calming to David Dale Avenue will result in a safer road and junction configuration in the locality.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 As the Council are owners of part of the access route into Lainshaw House, which will require to be purchased from the Council by the developer if the proposal proceeds, the Council have a financial interest in the determination of these applications. However as the applications accord with the Development Plans and there is not a significant body of objection the matter will not require to be referred to the Scottish Executive for determination.

7.2 In addition, the application is 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 be utilised for the restoration of Lainshaw House, Stewarton
- 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 a woodland management scheme
- d) The provision of appropriate traffic calming and road works on David Dale Avenue

## **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 application should be approved unless material considerations indicate otherwise.

8.2 The proposed development will result in the loss of 79 trees which are either within the area of Ancient Woodland or covered by a Tree Preservation Order. There are however in excess of 690 trees as a whole in these areas. It will also result in a reduction in the ability of members of the public to walk through the woodlands. However the proposal will result in the restoration of one of Stewarton's principal landmarks and significant listed buildings. The proposal will also result in woodland throughout the estate being properly managed, maintained and replanted thus resulting in its long term preservation as well as the formation of parking spaces for walkers on the adjacent private access road. While the proposal will also result in increased traffic movements within David Dale Avenue the proposed road works and traffic calming to David Dale Avenue will result in a safer road and junction configuration in the locality

8.3 To conclude, it is considered that the proposed enabling development is the minimum required to allow the refurbishment of Lainshaw 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 the Lainshaw House.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning applications be approved subject to conditions listed on the attached sheets 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 7.2 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.**

**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 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**

3 June 2005 (CSI/SA)  
FV-DVM

**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 – 04/0817FL, 04/0761LB, 04/0590FL and 04/0340LB

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0221/FL

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Site of Proposal:	Former Walled Garden Lainshaw House Lainshaw Estate STEWARTON KA3 3BA
Nature of Proposal:	Proposed Residential Development to include 32 Dwellings with 3 and 4 Bedrooms
Name & Address of Applicant:	Travis Homes Ltd Balgraymill Farm Off Cutstraw Road Fenwick KILMARNOCK KA3 6BB

Name & Address of Agent:

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DPOs Reference: CSI/SA

The above FULL application should be GRANTED with the following conditions:

(1) The proposed development shall be carried out in accordance with the application form received on 23 February 2005 and 9 May 2005 and the amended plans received by the Planning Authority on 23 February 2005 and 5 May 2005.

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 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 (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) Prior to the commencement of the development details of the proposed works to the walled garden, including a structural certificate verifying the structural stability of the walls, shall be submitted to and approved by the Planning Authority.

REASON To ensure the integrity of the walled garden is maintained.

(7) Notwithstanding the approved plan the fenestration details on the western courtyard are hereby not approved. Prior the commencement of the development revised details of the elevations shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

(8) 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 by the Planning Authority and utilised on the scheme thereafter as approved.

REASON In the interests of visual amenity.

(9) Notwithstanding the approved plans the parking arrangements for the Courtyard are not hereby approved. Prior to the commencement of the

development on site revised details of car parking provisions shall be submitted to and approved by the Planning Authority.

REASON In the interests of Road Safety.

(10) 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.

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

(11) 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 dwellinghouse 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.

(12) 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.

(13) 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.

(14) The existing walking routes as shown on the proposed plan through the site shall be maintained in a reasonable condition and shall be accessible at all times to the public unless construction safety requirements dictate otherwise. A plan detailing the walking routes and their future maintenance shall be submitted to and approved by the Planning Authority prior to the commencement of the development. When identified walking routes are unavailable due to construction safety requirements, alternative walking routes shall be provided. Details of alternative walking routes shall be submitted to the Planning Authority for approval prior to their implementation.

REASON In the interest of amenity.

(15) 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.

(16) 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.

(17) 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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0222/FL

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Site of Proposal:	Lainshaw House Lainshaw Estate STEWARTON KA3 3BA
Nature of Proposal:	Proposed Renovation of Main House To include 11 No. 2 and 3 Bedroom Flats with 2, 3 and 4 Bedroom Dwellings to the Rear
Name & Address of Applicant:	Travis Homes Ltd Balgraymill Farm Off Cutstraw Road Fenwick KILMARNOCK KA3 6BB
Name & Address of Agent:	

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DPOs Reference: CSI/SA

(1) The proposed development shall be carried out in accordance with the application form received on 23 February 2005 and 9 May 2005 and the amended plans received by the Planning Authority on 23 February 2005 and 5 May 2005.

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 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 (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 by the Planning Authority and utilised on the scheme thereafter.

REASON In the interests of visual amenity.

(7) Notwithstanding the approved plans the parking arrangements for the Courtyard are not hereby approved. Prior to the commencement of the development on site revised details of car parking provisions shall be submitted to and approved by the Planning Authority.

REASON In the interests of Road Safety.

(8) 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.

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

(9) Notwithstanding the approved plans the parking arrangement to the east of Lainshaw house are not hereby approved. Prior to the commencement

of the development revised a carparking layout shall be submitted to and approved by the planning Authority and implemented thereafter.

REASON To protect the integrity of the listed building.

(10) 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 dwellinghouse 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.

(11) 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.

(12) 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

(13) The existing walking routes as shown on the proposed plan through the site shall be maintained in a reasonable condition and shall be accessible at all times to the public unless construction safety requirements dictate otherwise. A plan detailing the walking routes and their future maintenance shall be submitted to and approved by the Planning Authority prior to the commencement of the development. When identified walking routes are unavailable due to construction safety requirements, alternative walking routes shall be provided. Details of alternative walking routes shall be submitted to the Planning Authority for approval prior to their implementation.

REASON In the interest of amenity.

(14) Notwithstanding the approved plans the road access to the adjacent housing courtyard is deleted from the approved scheme.

REASON The proposed road is not required as part of the enabling development.

(15) 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.

(16) 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.

(17) Notwithstanding the approved plans the location of plots 3, 4,5 & 6 and the road position within this area of the wood are not hereby approved. A revised layout shall be submitted for the approval of the Planning Authority prior to the commencement of the development clarifying the exact location of the housing and road in relation to the principle trees within the Ancient woodland at this location.

REASON To ensure the minimum number of protected trees are affected by the proposed development at this location.

(18) 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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0736/LB

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Site of Proposal:	Lainshaw House STEWARTON
Nature of Proposal:	Proposed renovation of Main House to include 11 No 2-3 bedroomed flats and development of remaining estate to include 37 dwellings
Name & Address of Applicant:	Travis Homes Ltd Balgraymill Farm Off Cutstraw Road FENWICK KA3 6BB
Name & Address of Agent:	

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DPOs Reference: CSI/SA

(1) The proposed development shall be carried out in accordance with the application form received on 23 February 2005 and 9 May 2005 and the amended plans received by the Planning Authority on 23 February 2005 and 5 May 2005.

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

(2) Notwithstanding the approved plans all new replacement windows shall be of traditional sash and case style and mechanism. Details of said windows shall be submitted to and approved by the planning Authority prior to the commencement of the development.

REASON In the interest of visual amenity

(3) 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.

(4) 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.

(5) 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.

(6) Prior to the commencement of the development details of the proposed works to the walled garden, including a structural certificate verifying the structural stability of the walls, shall be submitted to and approved by the Planning Authority.

**REASON** To ensure the integrity of the walled garden is maintained.

(7) Notwithstanding the approved plan the fenestration details on the elevations of the western courtyard are hereby not approved. Prior the commencement of the development revised details of the elevations shall be submitted to and approved by the Planning Authority.

**REASON** In the interest of visual amenity.

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

**REASON** In the interest of visual amenity.

(9) Notwithstanding the approved plans the parking arrangements relating to the conversion of the listed building are not hereby approved. Prior to the commencement of the development on site revised details of car parking provisions shall be submitted to and approved by the Planning Authority.

**REASON** In the interest of visual amenity.

(10) 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.

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

(11) 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 dwellinghouse 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.

(12) 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.

(13) Notwithstanding the approved plans the road access to the adjacent existing housing courtyard is deleted from the approved scheme.

REASON The proposed road is not required as part of the enabling development.

(14) 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.

(15) All external woodwork on Lainshaw house shall be painted and not stained or varnished.

REASON In the interest of preserving the building's architectural and historic character.

(16) Notwithstanding the approved plans the location of plots 3, 4,5 & 6 and road position within this area of the wood are not hereby approved. A revised layout shall be submitted prior to the commencement of the development clarifying the exact location of the housing and road in relation to the principle trees within the Ancient woodland at this location.

REASON To ensure the minimum number of protected trees are affected by the proposed development at this location.

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