

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006

**05/1243/FL: ERECTION OF FOUR DWELLINGHOUSES, NEW ROAD
ALIGNMENT AND ROUNDABOUT FORMATION
AT LAINSHAW HOUSE, STEWARTON
BY TRAVIS HOMES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This proposal relates to enabling development planning applications approved by the Planning committee in June 2005. Said applications involved 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.

1.2 The proposal to refurbish Lainshaw House required 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 was required to offset the cost deficit for refurbishing Lainshaw House. The enabling element was presented as the minimum amount of development required by the developer to enable the reinstatement of the house. Said Approval required the formation of a roundabout at the junction of David Dale Avenue and Lainshaw Street Stewarton and it was proposed to realign the existing access driveway to Lainshaw House to preserve the protected trees at the existing driveway entrance.

1.3 This planning application involves the removal of the small courtyard from the previous proposal and replaces it with a terraced arrangement. This change is required to take account of the location of a main sewerage pipe which passes through the development.

1.4 This planning application also involves the realignment of the proposed driveway at the entrance to the site from David Dale Avenue. The planning applications approved last June showed the access road sweeping south from David Dale Avenue and avoiding the two yew trees at the entrance to the site. However that proposal involved the co-operation of an adjacent landowner who has since declined to participate in the development. Therefore the revised proposal involves taking direct access from David Dale Avenue in to the site. The proposal requires the removal of the two yew trees and one oak tree.

1.5 In addition, the third item to which this application relates is the formation of a roundabout at the eastern end of David Dale Avenue at it's

junction with Lainshaw Street. Said roundabout would be formed in accordance with the Roads Guidelines and would require the slight realignment of kerbing in the locality.

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 .

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 While the loss of a small number of ancient trees will have a detrimental impact on the surrounding environment, the roadway required to serve the new enabling development and flats within a reinstated Lainshaw House cannot be constructed without their removal. Therefore, it is considered that the loss to the environment of the trees is considered less significant than the potential loss to the cultural and local heritage of the area of Lainshaw House if the development was not carried out.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards on the basis of 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 which is to be considered by the Local Planning Committee under the scheme of delegation as it is the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site includes the vacant B Listed Building of Lainshaw House, surrounding grounds of Lainshaw House, David Dale Avenue and Lainshaw Street. The four storey building has been stabilised and re-roofed by the applicant in respect of this application, Travis Homes, who are the current owners of the building. The grounds of the listed building contain a large 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 programme for a considerable period of time and contains a number of diseased and dead trees.

2.2 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.

2.3 **Proposed Development:** This proposal relates to enabling development planning applications approved by the Planning committee in June 2005. Said applications involved 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.

2.4 The proposal to refurbish Lainshaw House required 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 was required to offset the cost

deficit for refurbishing Lainshaw House. The enabling element was presented as the minimum amount of development required by the developer to enable the reinstatement of the house. Said Approval required the formation of a roundabout at the junction of David Dale Avenue and Lainshaw Street Stewarton and it was proposed to realign the existing access driveway to Lainshaw House to preserve the protected trees at the existing driveway entrance.

2.5 This planning application involves the removal of the small courtyard from the previous proposal and replaces it with a terraced arrangement. This change is required to take account of the location of a main sewerage pipe which passes through the development.

2.6 This planning application also involves the realignment of the proposed driveway at the entrance to the site from David Dale Avenue. The planning applications approved last June showed the access road sweeping south from David Dale Avenue and avoiding the two yew trees at the entrance to the site. However that proposal involved the co-operation of an adjacent landowner who has since declined to participate in the development. Therefore the revised proposal involves taking direct access from David Dale Avenue in to the site. The proposal requires the removal of the two yew trees and one oak tree.

2.7 In addition, the third item to which this application relates is the formation of a roundabout at the eastern end of David Dale Avenue at its junction with Lainshaw Street. Said roundabout would be formed in accordance with the Roads Guidelines and would require the slight realignment of kerbing in the locality.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Arboricultural Officer has indicated that he objects to the proposal due to the loss of the two yews trees, at the entrance to the site, which are over of 200 years old and probably part of the historic landscape of the listed building. However, if the proposal is to be approved then conditions should be attached to any grant of planning consent requiring that a scheme be promoted to relocate the trees within the application site. In addition if these proposals are not possible additional replacement trees shall be required.

While noting the comments of the Council's Arboricultural Officer it should be noted that the developer has examined alternative road junction options with the Planning Authority, the Roads Division and the Council's Arboricultural Officer to allow a safe access to the site. However, it was found that, due to the number of roads and their configuration at this point, no alternative route for the road could be found which was compliant with the Road's Guidelines and didn't involve the removal of the trees. If planning permission was granted for this proposal the issue of

re-locating the trees or the replacement planting would be addressed in a Section 75 Agreement.

3.2 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.

3.3 Scottish Water have no objection to the proposal.

Noted.

3.4 Stewarton and District Community Council have made no representation in relation to this application.

Noted.

3.5 Scottish Natural Heritage have no objection to this application provided appropriate conditions regarding protective species and mitigating works are attached to any grant of consent.

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.

3.6 Historic Scotland have made no representation in relation to this application.

Noted.

3.7 The Scottish Civic Trust have made no representation in relation to this application.

Noted.

3.8 The Architectural Heritage Society of Scotland have made no representation in relation to this application.

Noted.

3.9 The Scottish Wildlife Trust have made no representation in relation to this application.

Noted.

3.10 Transco have not indicated any objection to the proposals.

Noted.

3.11 West of Scotland Archaeology Service have made no representation in relation to this application.

Noted.

3.12 East Ayrshire Council's Roads Division have no objection to the proposal subject to the attachment of appropriate conditions to any grant of planning consent relating to the planting of trees within 5 metres of the public highway.

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

4. REPRESENTATIONS

4.1 No letters of objection to the proposal have been received from members of the public however as indicated above the Council's Arboricultural Officer does object to the loss of two yew trees.

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 As the proposal relates to an enabling development which already has approval there are no relevant structure plan policies.

Adopted East Ayrshire Local Plan

5.3 Policy RES 8 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.

The proposal is an amendment to an enabling development which already has planning approval. This proposal does not result in an increase in the number of new build units and any grant of approval would be tied, through the use of a Section 75 Agreement, to the other enabling development consents.

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

The proposed development fails to ensure that each of the residential units is afforded the appropriate area of private open space as required by the East Ayrshire Local Plan. However this matter can be addressed through the attachment of a planning condition to any grant of consent requiring this matter to be resolved.

5.5 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.

5.6 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

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

The proposed development would result in the loss of the two yew trees and one oak tree at the entrance to the site from David Dale Avenue. The developer has indicated that they would re-locate the two yew trees or provide appropriate replacement planting within the locality if that is not feasible.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 With the exception of the Council's Arboriculturalist the consultation responses do not suggest that the application should be refused.

Planning History

6.3 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 09 March 2005.

6.4 Listed Building Consent 04/0340/LB was granted on 13 July 2004 to replace the existing roof with a new roof for Lainshaw House.

6.5 Planning Permission 04/0590/FL and Listed Building Consent 04/0761/LB were granted, on 16 November 2004 and 23 December 2004 respectively, for the refurbishment and proposed conversion of outbuildings to form two new dwellinghouses.

6.6 Planning Applications 05/0221/FL AND 05/0222/ FL were approved at the Northern Area Local Planning Committee on the 10 June 2005 for the reinstatement of the listed building and the erection of a 47 house enabling development.

6.7 Listed Building Application 05/736/LB was approved by the Northern Area Local Planning Committee for the reinstatement of the Listed Building.

Impact of the Proposal on the Amenity of the Area

6.8 The proposed development will result in the loss of two yew trees and an oak tree at the junction of David Dale Avenue and the driveway to Lainshaw House. While the loss of these ancient trees will have a detrimental impact on the surrounding environment, the roadway required to serve the new enabling development and flats within a reinstated Lainshaw House cannot be constructed without their removal. Thus, it is considered that the loss to the environment of the trees is considered less significant than the potential loss to the cultural and local heritage of the area of Lainshaw House if the development was not carried out.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 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) Submission and implementation of a strategic landscaping scheme and a woodland management scheme.

- c) 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 While the loss of a small number of ancient trees will have a detrimental impact on the surrounding environment, the roadway required to serve the new enabling development and flats within a reinstated Lainshaw House cannot be constructed without their removal. Therefore, it is considered that the loss to the environment of the trees is considered less significant than the potential loss to the cultural and local heritage of the area of Lainshaw House if the development was not carried out.

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 .

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards on the basis of 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

08 March 2006
(CSI/MMM)

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; 04/0340LB;
05/0221/FL ; 05/0222/ FL and 04/0736/LB.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1243/FL

Site of Proposal: Lainshaw House
Lainshaw Estate
STEWARTON
KA3 3BA

Nature of Proposal: 4 No. Three-Bedroomed Terraced Block,
New Road Alignment and Roundabout at
David Dale Avenue and Kilmarnock Road
Junction

Name & Address of Applicant: Travis Homes Ltd
Balgraymill Farm
FENWICK
KA3 6BB

Name & Address of Agent:

DPOs Reference: CSI/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans received by the Planning Authority on 01 December 2005.

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

2. No trees, other than those to which specific reference has been made in the application, 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 the area described by the limit of the spread of the branches of the tree.

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. Thereafter, the approved walls and fences shall be erected in accordance with the approved details, prior to the occupation of the last dwelling on 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 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.

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 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.

9. 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 interests of residential amenity.

10. 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 interests of residential amenity.

11. 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 interests of 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 in a manner compliant with the Council's 3 bin re-cycling policy.

REASON In the interests of residential amenity.

15. Notwithstanding the approved plans the boundaries of the proposed terraced houses are not hereby approved. Prior to the commencement of the development a revised rear garden boundary layout shall be submitted to and approved by the Planning Authority. Said revised layout shall ensure that each dwellinghouse shall have 100 sq m of private garden ground.

REASON To ensure each dwellinghouse has an appropriate area of private garden ground.

16. Prior to the commencement of the development a method statement shall be submitted to and approved by the Planning Authority, detailing how the two affected yew trees are to be relocated within the development site. Prior to the occupation of the first dwellinghouse the yew trees shall be relocated to the agreed position within the development site. Should the yew trees die within five years of their re-location replacement compensatory trees shall be agreed with the Planning Authority and planted in the next available planting season. If no suitable method of re-locating the trees can be found details of compensatory planting shall be submitted to, for approval by, the Planning Authority and planted in the next available planting season following such agreement being issued.

REASON In the interests of environmental and visual amenity.

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