

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 24 FEBRUARY 2006

**05/0586/LB: PROPOSED CHANGE OF USE TO FORM RESIDENTIAL
FLATTED DEVELOPMENT**

**05/0596/FL: PROPOSED CHANGE OF USE OF BUILDING TO FORM 20
RESIDENTIAL FLATTED PROPERTIES AND ONE TOWNHOUSE, AND
ERECTION OF FIVE DETACHED DWELLINGS**

FORMER BALLOCHMYLE CREAMERY, HAUGH ROAD, MAUCHLINE

APPLICATION BY GARTMORE PROPERTIES LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for the change of use and alterations to the former creamery building to form 20 residential flatted units and one townhouse unit and for the erection of five one and a half storey, six apartment dwellings.

1.2 Refurbishment of the creamery building will involve the partial demolition of an area to the south of the existing building near to the boundary with the River Ayr. The roof over this section of the building has collapsed and is in an extremely poor state of repair. Conversion of the building will allow for the formation of a town house element comprising a 3 bedroom unit with integral garage and accommodation being provided over three floors.

1.3 On the ground floor of the building, it is proposed to provide six flatted units with 7 flatted units provided on the first floor level and 5 flatted units on the second floor level. In addition it is proposed to provide two maisonette units with accommodation being provided over first and second floor levels. A central feature of the design is the formation of an atrium space within the building to provide not only functionality in terms of access to the proposed flats but to provide natural light internally to the structure. The design and layout of this area is innovative and detailing shows the introduction of gantries and platforms to provide access and small balcony areas for some of the flatted dwellings.

1.4 The proposed enabling development is located to the rear (west) of the main creamery building and consists of five detached one and a half storey, five apartment dwellings of traditional design and incorporating traditional dormers. Access to these dwellings would be via the existing pend of the former creamery building.

1.5 The layout plan also indicates the provision of car parking and visitor parking areas to serve the proposed development and access to the development will be via the existing private access road that is to be upgraded to adoptable standards. At this time there is no indication of the proposed landscaping of the site to meet the amenity needs of residents of the proposed development.

2. RECOMMENDATION

21 It is recommended that the planning and listed building applications be approved subject to the conditions listed on the attached sheets and that the issue of the decision notice on planning application 05/0596/FL 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 point noted in Section 7.1 of the report.

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the application, in so far as the enabling development is concerned, is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, and it is considered that these are of significant weight in the determination of these applications.

3.2 The proposed enabling development is not consistent with Policy RES8 as the listed building to which it relates is not or was not in residential or institutional use. The proposed development however is in line with the criteria and spirit of Policy RES8 which seeks to secure and promote the restoration and long term future of listed buildings at risk. The provisions of Policy RES8 in some respect can be considered to discriminate against retention and restoration of listed buildings which do not fall within the accepted use criterion. It is therefore considered that the proposed development would be a technical departure from Policy RES8.

3.3 As indicated above, the provisions of NPPG18 do not discriminate in the same fashion and the proposed development including the enabling development would be acceptable as a means of preserving and enhancing the historic environment. It is therefore considered that this material consideration is of significant weight to set aside the provisions of the development plan and allow the development to proceed.

3.4 The proposed layout has been amended taking cognisance of issues raised during the consultation process and while it is considered that not all concerns have been fully addressed to the complete satisfaction of each consultee, it is considered that the applicant has promoted a scheme that is innovative and meets with the requirements of policy and Design Guidance in terms of its scale layout and design. In this regard the objections or concerns of the Scottish Civic Trust are not considered to be of sufficient weight to justify refusal of the planning and listed building consent applications.

3.5 With regard to third party representations it is considered that these can be overcome by use of conditions, or are not valid in planning terms, or are not of sufficient weight to justify refusal of the application.

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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APPLICATION BY GARTMORE PROPERTIES LIMITED

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to jointly present for determination a full planning application and an associated Listed Building Consent application which are to be considered by the Local Planning Committee under the scheme of delegation as the application is the subject of objections, represents a minor technical departure from policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to 1.17 hectares in area and lies off the west side of Haugh Road approximately 2 kilometres south of Mauchline. The site lies on the north bank of the River Ayr and relates to the former Ballochmyle Creamery site or more recently know as the Mauchline Optical Works site (S.B. Optical) which closed in 1987. The site is presently occupied by the former works building which is now in a semi-derelict condition. The building is set out in a small courtyard layout with a large pond accessing to the rear of the building. The building structure is mainly three-storey in construction with both two-storey and single-storey elements.

2.2 The building also straddles a small burn, which at one time operated a water wheel for the operation of machinery when the building was used as a lint mill. The former Ballochmyle Creamery is a Category B Listed Building built in the late 19th Century and designed by John Adam. While the structure of the building appears sound, the condition of the building is poor. Slates have been removed from the roof of the building and the roof structure has suffered from wet rot. A more modern industrial shed is located to the east of the main building

separated by a thick leylandii hedge and this building is also disused. There is also an existing dwellinghouse located within the north eastern part of the existing courtyard formerly a manager's house but this is now in private ownership and is not within the application site. A small outhouse building lies on the northern part of the courtyard on a steeply rising embankment, access by steps. The land on either side of this building is densely overgrown but there is also an 'egg end' boiler located in this area which is also forms part of the Category B listing.

2.3 The site falls quite markedly from north to south and former garden areas associated with the site are now overgrown making access to the site and buildings difficult at present. Vehicular access to the site is via the existing site access road from the U732 Haugh Road.

2.4 **Proposed Development:** Full permission is sought for the change of use and alterations to the former creamery building to form 20 residential flatted units and one townhouse unit and for the erection of five one and a half storey, six apartment dwellings.

2.5 Refurbishment of the creamery building will involve the partial demolition of an area to the south of the existing building near to the boundary with the River Ayr. The roof over this section of the building has collapsed and is in an extremely poor state of repair. Conversion of the building will allow for the formation of a town house element comprising a 3 bedroom unit with integral garage and accommodation being provided over three floors.

2.6 On the ground floor of the building, it is proposed to provide six flatted units with 7 flatted units provided on the first floor level and 5 flatted units on the second floor level. In addition it is proposed to provide two maisonette units with accommodation being provided over first and second floor levels. A central feature of the design is the formation of an atrium space within the building to provide not only functionality in terms of access to the proposed flats but to provide natural light internally to the structure. The design and layout of this area is innovative and detailing shows the introduction of gantries and platforms to provide access and small balcony areas for some of the flatted dwellings.

2.7. The proposed enabling development is located to the rear (west) of the main creamery building and consists of five detached one and a half storey, five apartment dwellings of traditional design and incorporating traditional dormers. Access to these dwellings would be via the existing pend of the former creamery building.

2.8 The layout plan also indicates the provision of car parking and visitor parking areas to serve the proposed development and access to the development will be via the existing private access road that is to be upgraded to adoptable standards. At this time there is no indication of the proposed

landscaping of the site to meet the amenity needs of residents of the proposed development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

1. The existing access road will require to be upgraded to an adoptable standard. It will require to be widened to 3.5m with passing places at regular intervals. The upgraded road will comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming etc. and must be in place prior to commencing roadworks on site.
2. A road bond must be submitted by the developer prior to commencing building work on site.
3. Junction visibility splay areas of 2.5 m by 70m will be required at junction with U732 Haugh Road and no object greater than 1m in height allowed within these areas.
4. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
5. Parking requirement must be to Roads Development Guide 1996, including visitor parking.
6. Any garages must be set back a minimum distance of 6 m from the rear of the footway / service strip.
7. Any private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road.
8. Driveway manoeuvrability should be provided for off-road parking.
9. Any proposed driveways should be not less than 4.8 m in length by 2.5 m wide.
10. Any gates will require to open inwards, away from the public road.
11. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Council Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent.
12. The developer shall provide six passing places on the U732 Haugh Road between the development and Mauchline. The locations of the passing places shall be agreed at a later date as part of the Roads Construction Consent.
13. A bin storage area should be provided at the new turning head at the end of the proposed public road.
14. The private access road will require to be surfaced and a minor turning head provided.

The requirements of the Roads and Transportation Division in the interests of road safety can be met through the imposition of appropriate conditions in any consent granted for the proposed development.

The Division further states that access to the five new houses is through the existing building via a private access road. This access will not be adopted by East Ayrshire Council. This access should also be lit and traffic calmed and consideration given to providing a through pedestrian route.

Noted. A condition can be attached to any consent granted for the proposed development regarding the lighting of the pend and introduction of traffic calming.

3.2 Mauchline Community Council has not responded to the consultation letter.

Noted.

3.3 East Ayrshire Environmental Health Division has stated that it has no objections in principle subject to the following comments:

(i) The age and former use of the building and the fact that it was originally serviced by a boilerhouse installation could mean that asbestos is present within the structure. It is essential that the developer undertakes a thorough check in this regard and ensures that if any asbestos is found, it is professionally removed and disposed of in accordance with regulatory requirements.

The applicant has been made aware of this issue.

(ii) The Contaminated Land Officer advises that the premises suffered from an oil spillage within the last 10 years when they were in miscellaneous industrial usage. However, advice was received from SEPA that the spillage was comprehensively cleaned up. There is no record of any previous contamination issues but given the age of the premises it would be useful to include a general proviso that any unsuspected contamination discovered during the development works be intimated to this service and followed up by suitable remediation proposals which should subsequently confirmed on completion.

Appropriate conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Division.

(iii) Site redevelopment/ construction works should not result in any nuisance to neighbouring householders in the vicinity e.g. from burning of waste materials or disturbance noise outwith dayshift times.

(iv) Suitable provision should be planned for the accommodation of adequate refuse/ recycle bins to service the development. It will also be necessary to ensure that the site is readily accessible to the refuse collection vehicle for uplift. This requirement should include the provision of an adequate turning bay for the vehicle.

An amended site layout plan has been provided that indicates the provision of a turning area suitable for use by a refuse collection vehicle and other service vehicles.

(v) The proposed layout further complicates access for refuse uplift in that the 5 detached houses appear to be access solely via the pend through the existing building which appears to be of inadequate height to permit the passage of a refuse collection vehicle. Accordingly the residents of these properties will require to take their bins to a designated collection point through the front of the pend for emptying if this access is confirmed as inaccessible.

Noted. A condition can be attached to any consent granted for the proposed development to require the submission of detail of bin storage area to serve the proposed development subject to consultation with the Cleansing Service.

3.4 Scottish Water has advised that it objects to the application whereby the proposed development drains to the public sewerage system. Scottish Water will remove this objection if the developer can demonstrate that the development will not have an impact on its assets, or that suitable infrastructure can be put in place to support the proposed development

The developer will require to resolve issues of drainage of the site directly with Scottish Water.

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewerage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of the down stream consented storm sewer overflows. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in

accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Conditions and appropriate notes can be attached to any consent granted to meet the requirements of SEPA.

3.6 Transco has not responded to the consultation letter.

Noted.

3.7 Power Systems has no objections to the proposed development.

Noted

3.8 Historic Scotland welcomes the principal of conversion of this listed building to flats and accepts that a limited amount of enabling development will be necessary. The Council should be satisfied that the proposed 5 detached dwellings is the minimum number required to fund the works to the former creamery.

The applicant has provided comprehensive financial information regarding the costings for the refurbishment of the listed building including a schedule of accommodation and projected final end values that indicate that an enabling development of 5 dwellings would be necessary to unlock the development potential of the former creamery building.

HS notes that the drawings show a modest amount of changes to the elevations to facilitate conversion. Although the interior has deteriorated greatly, it would be desirable to retain all of the Corinthian cast iron columns and any of the tiling.

The current condition of the building has not allowed the opportunity of internal inspection of the creamery building. Nonetheless a condition can be attached to any consent granted for the development to seek to ensure that these features are retained as far as is possible.

HS states that the drawings submitted do not show the proposed materials. It is crucial for a scheme of this type that appropriate traditional materials are used. HS would expect that as many of the existing windows as possible are retained.

Any new windows and those requiring replacement should match the original casement windows in section and method of opening. HS understands that the slate was removed from the roof. If it is possible, the original slate should be relaid. If not, it is expected that that a similar natural slate be used and laid to match the original.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of Historic Scotland.

HS further states that there is no detailed indication of the proposed landscaping of the site. The former creamery was set in extensive landscaped grounds with a range of outbuildings. Where possible it would be desirable to reinstate the gardens. The egg-ended boiler is not shown in the drawings. This unusual structure is enveloped in vegetation and its restoration as part of the wider scheme is recommended.

Given the residential nature of the proposed development it is considered that the amenity open space and former garden areas should be the subject of appropriate reinstatement and subsequent management. Similarly, the restoration of the egg-ended boiler is also desirable as this is also listed in its own right and lies within the development site. These matters can be addressed by the imposition of appropriate conditions in any consent granted for the proposed development.

3.9 The Architectural Heritage Society of Scotland finds the proposals generally acceptable providing all materials used are traditional in every detail, including those of the new dwellings as is suggested.

Noted.

3.10 The Scottish Civic Trust very much welcomes the proposed reuse of this imposing creamery building which is category B listed with an expression full of panache (confident and gutsy for its time with central European / Art and Crafts influence) which has a magnificent setting nestled against the bank and on the edge of the River Ayr. The Trust therefore believes that this building and its setting presents an opportunity to produce a high quality scheme.

Noted.

The Trust however underlines that the drawings are lacking in the kind of detail and annotation it would hope to be presented for a scheme such as this. For example ground and upper floor plans are referred to. The plural refers to the individual flats as opposed to generic floors, which the Trust would have expected given the intermediary levels. There are also anomalies in their titling

referring to orientation of the elevations and sections which in combination are extremely misleading and have hindered assessment of the scheme.

Noted.

The collection of buildings and their different levels are complex and more sections properly shown and annotated on the floor plans should be produced to further explain the existing structures and the proposed. For example integral and important details and features such as the lifting gear over the upper delivery /dispatch doors on the courtyard north elevation has not been shown making it unclear whether it is intended to remove or retain it. The same applies to the timber and glass partitioning in the pend leading from the main courtyard on the east side of the building to the embankment on the west side. Neither are details given for important details of the new parts of the scheme for example regarding the design and materials for the bridge over the atrium or how the atrium is intended to be glazed. Furthermore there is no supporting documentation justifying the demolition of the two hipped roof structures to the south. The Trust acknowledges that the building is, in some areas, in a poor state of repair and that the roof has collapsed over the structure proposed for demolition. However this is an extremely inaccessible part of the site and without details underlining the condition of the rest of the fabric of this part of the creamery it is impossible for the Trust to assess whether this is acceptable or not.

Notwithstanding the comments of the SCT, it is noted that while other consultees have raised issues regarding the use of traditional materials, no criticisms have been raised regarding the level of details of the plans or of the intention to demolish part of the structure. In general, very few external changes are proposed to the former creamery building and these have not been identified as being problematic. It is considered that the level of detail provided regarding the internal proposals is sufficient to enable a determination of the applications.

The Trust, in terms of the general thrust of the scheme, believes that the proposal could be more ambitious creating flats that are truly noteworthy, with outstanding spatial qualities, as opposed being over ambitious in the number of units produced. The Trust believes that there are some aspects of the proposals that miss the opportunities to harness features and create remarkable spaces and others that are trying so hard they could be unsuccessful. A number of examples are given by the Trust in this regard.

The proposed development has been fully costed to ensure that it is financially viable with the limited enabling development. The application requires to be assessed on its existing merits and not on the commendable, but unrealistic, aspirations of the Trust.

The Trust recommends that the roof space around the ventilator be lit by industrial / conservation roof lights to allow views of this feature from the interior. In addition every effort should be made to retain the white/ blue banded tiles in these interiors as they are not only an attractive feature but have a local history/ belief behind them relating to the pioneering work into the production of margarine carried out in this creamery.

Conditions can be attached to any consent granted for the proposed development to secure, as far as is practical, the requirements of the SCT.

The Trust identifies a number of alterations to the existing fenestration of the creamery building which it considers to be unacceptable and avoidable.

It is considered that the alterations proposed are minimal and acceptable in the context of the overall scheme.

The Trust echoes the comments of Historic Scotland with regard to the retention of the existing Corinthian columns at lower ground level.

The current condition of the building has not allowed the opportunity of internal inspection of the creamery building. Nonetheless a condition can be attached to any consent granted for the development to seek to ensure that these features are retained as far as is possible.

The Trust has no objection to a limited amount of enabling development on this land as it is a very secluded site and will help enable the repair and re-use of the original project and would not be adverse to the inclusion of another unit or semi detached unit to offset its suggestion to combine four of the flats into two units.

Noted.

The Trust is however disappointed with the design for the new houses which compare very poorly with the architectural expression of the main building and do little to relate to a very specific enclosed embankment setting that the building and the topography of the land create.

It is considered that the design, scale, layout and setting of the proposed enabling development is acceptable and has not attracted any criticism from other consultees in this regard. The dwellings also comply with the Council's Design Guidance with regard to new dwellings in the countryside.

The Trust recommends that the application be continued to allow it to be revisited and provide a more detailed analysis as well as addressing its concerns.

Noted. However, it is considered that the application should be determined as submitted and where considered appropriate to attach conditions to any consent granted to meet consensus items raised by the amenity consultees.

4. REPRESENTATIONS

4.1 Three letters of representation from four signatories have been received regarding the proposed development. The main points of objection are summarised as follows:

4.2 The private road leading from its junction with Haugh Road to the former creamery premises is not in my opinion of sufficient width to cater for the vehicular traffic likely to be generated by the proposed development. This carriageway forms part of the much used right of way from Barskimming Road to the Haugh Road and will become part of the River Ayr Pathway (i.e. Ayr to Muirkirk). In the interests of road safety a new road with a pavement seems to be required and constructed.

The Roads and Transportation Division has been consulted on the proposed development and has stated that the existing access road should be widened with the provision of passing places to bring it up to adoptable standards. The upgraded road will require to comply with the Roads Development Guide 1996 and in this regard will meet necessary public road safety standards. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

4.3 A stream flows through my garden into waste ground and then into a fairly large sandstone culvert underneath the road in question. The culvert is in need of repair and should it collapse through the activities of the developer, flooding would take place on my property. It would also cause damage to a fairly large sewerage pipe.

Noted. The developer will require to ensure that existing infrastructure within the development site is safeguarded and, if necessary, upgraded to prevent damage both during and after construction works. A condition can be attached to any consent granted for the proposed development to meet this requirement.

4.4 The mouth of the private road at its junction with Haugh Road is used as a collection point for domestic refuse bags and wheeled bins from 10 existing properties. Additional bins could not be accommodated there. The forecourt at the old creamery premises according to the plans is earmarked for car parking

purposes but this arrangement will make it impossible for refuse vehicles to access the development.

It is unclear from the objector's statement if the current arrangement for use of the private site entrance for the uplifting of refuse from 10 properties would be sustainable if the development were to proceed. Nonetheless an amended site plan has been submitted showing the provision of a new turning head within the application site to allow for access and turning by a refuse vehicle as part of the requirements of the Roads and Transportation Division.

4.5 Bearing in mind that my garden and boundary wall have been altered on three occasions in the past to accommodate road improvements, I would vigorously resist any proposed future road improvements.

Noted.

4.6 The development backs onto a very steep bank on which there is mature oak and ash. The trees present a very large risk to any housing or development below, including landslide and storm damage to trees

It is for the applicant to consider the potential risk to the proposed housing from trees within or adjacent to the development site. The garden areas and open space associated with the listed building are heavily overgrown and it is considered that a formal landscaping plan should be prepared to secure management of existing landscape feature including existing trees within the development site. Such a plan could consider appropriate management measures to minimise the risk to the residential units from trees within the site.

4.7 We consider the site to be a very large overdevelopment of the area. The site will be bringing in people to what is essentially a rural area without facilities. The number of people involved would be unacceptable.

The total number of residential units proposed is 26 and given the relative low rural population in the vicinity of the site, the potential increase in population could be considered as being significant. However, the building, given its size can easily accommodate the proposed 20 flatted units and single townhouse. The site itself extends to 1.17 hectares and the proposed 5 new dwellings are comfortably accommodated. It is therefore considered that the proposal does not represent a physical overdevelopment of the site. It should be noted that in the early 1960's the optical works employed over 400 people and at the point of closure in 1987, 130 people were employed at the site.

4.8 The access onto the road is dangerous and would require new sightlines. The access road itself is too narrow for passing vehicles and is unsuitable for the size of development envisaged.

The Roads and Transportation Division has been consulted on the proposed development and has stated that the existing access road should be widened with the provision of passing places to bring it up to adoptable standards. The upgraded road will require to comply with the Roads Development Guide 1996 and in this regard will meet necessary public road safety standards. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

4.9 Our clients believe that some of the proposed parking arrangements are on ground which may not be owned by the applicant or at least will interfere with servitude rights of access enjoyed by our client. Similarly our clients believe that some garden area proposed would be on ground not within the exclusive ownership of the applicant.

This is a legal matter between the applicant and the objectors and as this is a matter that may require to be resolved through legal processes this is not material to the consideration of this application.

4.10 The area is rural and not served by public transport. Each of the 26 dwellings needs a car for access. Haugh Road is substantially a single track road which extends for about a mile from the nearest two lane road. There is then an even smaller access road serving our clients property and the application site. Given that each of the proposed new properties will require at least two vehicles the access arrangements are simply insufficient to support such a development.

The Roads and Transportation Division has indicated a requirement for the applicant to provide six passing places on the U732 Haugh Road in the interests of public road safety. Furthermore with regard to the existing private access road, this will require to be widened with the provision of passing places to bring it up to adoptable standards. The upgraded road will require to comply with the Roads Development Guide 1996 and in this regard will meet necessary public road safety and capacity standards as assessed against potential traffic generated by the proposed development. Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

4.11 There is no suitable parking for visitors to the proposed development which will increase traffic demand. The traffic generated by the proposed

development would lead to gross over use of the inadequate road access causing a public nuisance, danger and would be detrimental to the amenity of the area.

The parking provision within the development site, including visitor parking, meets the requirements of the Roads and Transportation Division. Comments also as per paragraph 4.10 above.

4.12 The rural character of Haugh Road would be compromised. The road is used on a daily basis by dairy farmers for the movement of livestock and increased vehicular traffic would conflict detrimentally with the existing use. A development of this size would be in conflict with the rural setting and would be detrimental to the amenity of the area.

Historically, the operation of the optical works would have generated significant traffic movements along Haugh Road including use by public transport vehicles. It is not considered that the proposed refurbishment of this derelict property for residential use, even at the level proposed, would compromise the rural character of the area. Indeed it is the present condition of the building that detrimentally impacts on the character and amenity of the rural area.

4.13 Our clients question if suitable provision could be given to sewage and refuse collection. The Local Authority will not come along the access road at the moment and residents require to put their bins at the end of the access road for collection.

Although Scottish Water has objected to the proposed development, this is on the basis of cost criteria. It will be for the applicant to resolve such matters directly with Scottish Water. The development proposals include upgrading the access road to adoptable standards and the provision of a new turning head within the application site to allow for access and turning by a refuse vehicle as part of the requirements of the Roads and Transportation Division.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the approved Ayrshire Joint Structure Plan (1999) and the adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies particularly relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 It is clear that the applicant wishes to pursue this application as an enabling development. However, policy RES 8 applies only to the conversion of “a large residential or institutional listed building located within its own grounds”. It is therefore considered that policy RES 7 and RES 13 apply in this case. Policy RES 7 encourages the rehabilitation or conversion of existing, and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows;

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

A structural survey has been carried out which demonstrates that the building is capable of conversion to residential use.

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

The proposal meets with this criterion.

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

The proposed development, with the exception of the issues raised by Scottish Water, meets with the requirements of statutory undertakers. However, it is considered that the issues raised by Scottish Water, based on cost criteria, can be resolved between the applicant and Scottish Water.

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

The conversion proposal is in keeping with the character and appearance of the area and will secure the refurbishment of a Category B listed building.

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

The design is acceptable and retains the character and appearance of the listed building.

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

Subject to the imposition of appropriate conditions in any consent granted for the proposed development, it is considered that the proposal will not conflict with this policy criterion.

5.5 Policy RES8 states that where a proposal relates to the conversion of a large residential or institutional listed building located within its own grounds to a sympathetic alternative use, an associated but limited enabling development of new build housing may be considered acceptable by the Council subject to certain criteria.

It is recognised that the former Ballochmyle Creamery is not a large residential or institutional building but nonetheless it is set within its own grounds and is a Category B listed building of local architectural and historic importance which is currently in a severe state of disrepair. The proposed limited enabling development of 5 dwellings is minimal and represents that required to unlock the development potential of the building and to facilitate its restoration. While the proposed development would meet the spirit of Policy RES8, the fact that it relates to a former industrial building excludes it from consideration under this policy.

As the proposal is not technically considered suitable as an enabling development, the new build component of the application requires to be assessed against policy RES 13.

5.6 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes. One of those purposes is pertinent to the application under consideration, this being;

(i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

(ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;

(iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

(iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

The policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

The 5 detached houses are not required for any of the above purposes therefore they are contrary to Policy RES13.

5.7 Policy ENV2 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

The proposed development is eminently consistent with the provisions of Policy ENV2 as it promotes a praiseworthy scheme that would secure the future of the Category B listed Ballochmyle Creamery. However, the limited enabling development of 5 new dwellings would be required to unlock the development potential of the building and in this regard there is a conflict with Policies RES8 and RES13.

5.8 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.

Few changes to the former creamery building itself are proposed and those that are considered to contribute positively to its overall appearance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received,

Planning Advice Note 13: Planning and the Historic Environment and the merits of the proposed enabling development.

Consultations Responses

6.2 Scottish Water has objected to the proposed development based on potential impact on its resources but acknowledges that this objection would be removed if the developer can demonstrate, or provides additional infrastructure, such that the development will not impact on its resources. The Scottish Civic Trust has raised a number of concerns regarding the design of the development but it is considered that these are not of sufficient weight to merit refusal of the application.

Representations

6.3 With regard to third party representations it is considered that these can be overcome by use of conditions, or are not valid in planning terms, or are not of sufficient weight to justify refusal of the application.

National Planning Policy Guidelines

6.4 NPPG18: Planning and the Historic Environment provides governmental policy on developments which affect directly or indirectly Scotland's historic environment and heritage resources. Paragraph 56 on Historic Buildings at Risk states:

At any time, many historic buildings are at risk from neglect. The loss of the built heritage in this way not only constitutes an unnecessary waste of environmental and material resources, but also represents a failure to protect the cultural heritage for future generations to enjoy...

Where a building is seriously at risk from neglect as a result of the inability of all concerned to stabilise its decay or to find an appropriate new use then the planning authority should consider the merits of some new development. The principal purpose of enabling development should be to rescue historic buildings from imminent collapse or further decay....

Enabling development should, in all cases, be regulated so that the funds raised from the sale of the enabling development are successfully channelled into the conservation of the building or buildings to which the enabling development relates. This is normally possible by means of a planning agreement enabling development. This should be the minimum necessary to unlock the development potential of buildings or sites and enable their restoration. It should be located and designed to have minimum impact upon the architectural and historic interest, character and setting of the historic environment.

The proposed enabling development would be consistent with the provisions of NPPG18 in that it would unlock the development

potential of the former creamery building and secure its long term future. Without implementation of the whole development, the prospects for this important Category B listed building and associated listed structures are bleak given the current condition of the building.

The provisions of Policy RES8 in most respect and reflect the thrust of national policy contained within NPPG18. However, NPPG18 does not differentiate in terms of the types of listed buildings where enabling development to secure their future would be appropriate. Policy RES8 is specific to listed buildings in residential or institutional use i.e. enabling development is not considered appropriate to listed buildings that may be or have been in uses other than residential or institutional. In this regard the proposed development at Ballochmyle Creamery is entirely consistent with the criteria and spirit of Policy RES8 but fails to qualify for consideration in that its historic use has been industrial. The proposed development represents a significant opportunity to save this building as an historic asset with the proposed enabling development being the minimum required to unlock its development potential, all consistent with the provisions of NPPG18. It is considered that this material consideration has significant weight in the determination of these applications.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council. However should the Committee be minded to approve the applications, the proposed enabling development will require to be the subject of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to ensure that funds raised from the enabling development are channelled into the restoration and refurbishment of Ballochmyle Creamery to which the enabling development relates.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application, in so far as the enabling development is concerned, is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, and it is considered that these are of significant weight in the determination of these applications.

8.2 The proposed enabling development is not consistent with Policy RES8 as the listed building to which it relates is not or was not in residential or institutional use. The proposed development however is in line with the criteria and spirit of Policy RES8 which seeks to secure and promote the restoration and long term future of listed buildings at risk. The provisions of Policy RES8 in some respect can be considered to discriminate against retention and restoration of listed buildings which do not fall within the accepted use criterion. It is therefore considered that the proposed development would be a technical departure from Policy RES8.

8.3 As indicated above, the provisions of NPPG18 do not discriminate in the same fashion and the proposed development including the enabling development would be acceptable as a means of preserving and enhancing the historic environment. It is therefore considered that this material consideration is of significant weight to set aside the provisions of the development plan and allow the development to proceed.

8.4 The proposed layout has been amended taking cognisance of issues raised during the consultation process and while it is considered that not all concerns have been fully addressed to the complete satisfaction of each consultee, it is considered that the applicant has promoted a scheme that is innovative and meets with the requirements of policy and Design Guidance in terms of its scale layout and design. In this regard the objections or concerns of the Scottish Civic Trust are not considered to be of sufficient weight to justify refusal of the planning and listed building consent applications.

8.5 With regard to third party representations it is considered that these can be overcome by use of conditions, or are not valid in planning terms, or are not of sufficient weight to justify refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the planning and listed building applications be approved subject to the conditions listed on the attached sheets and that the issue of the decision notice on planning application 05/0596/FL 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 point noted in Section 7.1 of the report.

**Alan Neish
Head of Planning, Development and Building Standards**

25 January 2006
HM/HM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and accompanying supporting information.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of representation.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. NPPG18: Planning and the Historic Environment

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Alan Neish

Location	Former Ballochmyle Creamery Haugh Road MAUCHLINE KA5 5JR
Nature of Proposal:	Proposed change of use of building to form 20 residential flatted properties, one townhouse and erection of 5 detached dwellings.
Name and Address of Applicant:	Gartmore Properties Limited 3 Bridge Lane CATRINE KA5 6RR
Name and Address of Agent	BSP Architects Ravenstone House 4 Ravenstone Drive GIFFNOCK G46 6AL

DPO's Ref:
PPO's Ref: Hugh Melvin

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

1. The proposed development shall be carried out in accordance with the application form and plans received on 17 May 2005, as amended by the site layout plan received by the Planning Authority on 21 October 2005.

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

2. Prior to the commencement of any development on site, the applicant shall submit to and have approved by the Planning Authority details and samples of the proposed external wall finishing materials and roof finishing materials to be used in the proposed new dwellinghouses and proposed finishes to shared accesses and parking areas.

REASON – In the interests of visual amenity.

3. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, in consultation with Historic Scotland, details of the external finishing materials to be used in the refurbishment of the former creamery building. A schedule for the repair, or replacement where necessary, of windows and external doors shall be provided and shall specify the construction and method of opening of such new windows.

REASON – In the interests of visual amenity and to protect the character of the listed building.

4. Prior to the commencement of works on site, the applicant shall submit details of the existing Corinthian cast iron columns and any of the blue band tiling remaining within the interior of the building. As far as is practicable, all the columns shall be retained and tiling preserved in situ, or details provided for alternative recovery and re-use within the proposed development.

REASON – In the interests of preserving the character of the listed building.

5. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority details of measures have the roof space around the existing ventilator lit by industrial / conservation roof lights to allow views of this feature from the interior.

REASON – In the interests of visual amenity.

6. Prior to the commencement of development on site the applicant shall submit to and have approved by the Planning Authority details of lighting and traffic calming measures to be introduced in the pend access area.

REASON – In the interests of public safety and residential amenity.

7. The existing access road will shall be upgraded to an adoptable standard and shall be widened to 3.5m with passing places at regular intervals. The upgraded road shall comply with the Roads Development Guide 1996. Works to the road shall take cognisance of existing culverts within the application site to ensure adequacy and protection during and after construction works on site.

REASON – In the interests of public road safety.

8. Junction visibility splay areas of 2.5 m by 70m shall be provided at the junction of the private access road with U732 Haugh Road and no object greater than 1m in height shall be allowed within these areas.

REASON – In the interests of public road safety.

9. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.

REASON – In the interests of public road safety.

10. Parking requirement shall be to the Roads Development Guide 1996, including visitor parking.

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

11. Any private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road.

REASON – In the interests of public road safety.

12. Driveway manoeuvrability should be provided for off-road parking.

REASON – In the interests of public road safety.

13. Any proposed driveways should be not less than 4.8 m in length by 2.5 m wide.

REASON – In the interests of public road safety.

14. Any access gates shall open inwards, away from the public road.

REASON – In the interests of public road safety.

15. The developer shall provide six passing places on the U732 Haugh Road between the development and Mauchline.

REASON – In the interests of public road safety.

16. A bin storage area should be provided at the new turning head at the end of the proposed public road. The details of the proposed bin storage area shall be submitted to and approved by the Planning Authority, in consultation with the Cleansing Authority, prior to works commencing on site.

REASON – In the interests of public health and residential amenity.

17. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, between 0800 and 1300 hours on Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

18. Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no extensions, garages or boundary walls or fences shall be erected on site, unless forming part of the approved plans, without the prior formal approval of the Planning Authority

REASON – In the interests of visual amenity and to retain effective planning control over the development in the interests of the proper planning of the area.

19. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority a detailed landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted within the development site. The submitted information shall include details of the timing of the provision of all the foregoing as well as proposals for the future ongoing maintenance of these areas.

REASON – In the interests of visual amenity.

20. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

21. Prior to the commencement of development on site, the applicant shall submit to the Planning Authority, details of the proposed retention and refurbishment of the listed egg-ended boiler located within the development site.

REASON – In the interests of visual amenity.

22. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority, details of any enclosures, structures or other apparatus required in respect of the provision of servicing infrastructure for the proposed development.

REASON – In the interests of visual amenity.

23. No development shall begin on site (with the exception of site investigative works), until a 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 practice 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 site 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.

24. Should contamination be present in terms of Condition 23 above, prior to any further site development, the developer shall submit a report, confirming that the remedial works 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.

NOTES TO APPLICANT

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the upgrading of the existing private access road, footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

4. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
5. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

Location	Former Ballochmyle Creamery Haugh Road MAUCHLINE KA5 5JR
Nature of Proposal:	Proposed change of use of building to form 20 residential flatted properties and one townhouse
Name and Address of Applicant:	Gartmore Properties Limited 3 Bridge Lane CATRINE KA5 6RR
Name and Address of Agent	BSP Architects Ravenstone House 4 Ravenstone Drive GIFFNOCK G46 6AL

DPO's Ref:
PPO's Ref: Hugh Melvin

The above LISTED BUILDING CONSENT 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 on 17 May 2005, as amended by the site layout plan received by the Planning Authority on 21 October 2005.

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

2. Prior to the commencement of any development on site, the applicant shall submit to and have approved by the Planning Authority details and samples of the proposed external wall finishing materials and roof finishing materials to be used in both the proposed new dwellinghouses and former creamery building and proposed finishes to shared accesses and parking areas.

REASON – In the interests of visual amenity.

3. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, in consultation with Historic Scotland, details of the external finishing materials to be used in the refurbishment of the former creamery building. A schedule for the repair, or replacement where necessary, of windows and external doors shall be provided and shall specify the construction and method of opening of such new windows.

REASON – In the interests of visual amenity and to protect the character of the listed building.

4. Prior to the commencement of works on site, the applicant shall submit details of the existing Corinthian cast iron columns and any of the blue band tiling remaining within the interior of the building. As far as is practicable, all the columns shall be retained and tiling preserved in situ, or details provided for alternative recovery and re-use within the proposed development.

REASON – In the interests of preserving the character of the listed building.

5. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority details of measures have the roof space around the existing ventilator lit by industrial / conservation roof lights to allow views of this feature from the interior.

REASON – In the interests of visual amenity.

6. Prior to the commencement of development on site the applicant shall submit to and have approved by the Planning Authority details of lighting and traffic calming measures to be introduced in the pend access area.

REASON – In the interests of public safety and residential amenity.

7. A bin storage area should be provided at the new turning head at the end of the proposed public road. The details of the proposed bin storage area shall be submitted to and approved by the Planning Authority, in consultation with the Cleansing Authority, prior to works commencing on site.

REASON – In the interests of visual amenity.

8. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority a detailed landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted within the development site. The submitted information shall include details of the timing of the provision of all the foregoing as well as proposals for the future ongoing maintenance of these areas.

REASON – In the interests of visual amenity.

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