

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004**

**03/0410/LB: PROPOSED REFURBISHMENT OF MANSION HOUSE TO FORM  
FLATS AT BALLOCHMYLE HOUSE, MAUCHLINE**

**APPLICATION BY NORTHKIRK LTD.**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Listed Building Consent is being sought for the refurbishment of the mansion house, which both during and especially since the closure of the hospital has been left to its own devices. This has resulted in the building falling into such a state of disrepair that it effectively is nothing more than a shell at present.

1.2 It is proposed to refurbish the mansion house to form fourteen flatted units. The developer intends to reinstate the building to its former external appearance. The structure of the building appears sound with the principal walls remaining plumb. It is intended to reinforce the shell of the building, and replace the window frames and external doors so that they are replicas of the original features.

1.3 The application for listed building consent forms part of a larger development scheme. The developer has also applied for outline planning permission for the refurbishment of the house to form fourteen flatted units and for the erection of ninety four detached dwellinghouses to be located in the grounds of the mansion house. The proposed dwellinghouses have been applied for on the grounds that they are necessary as an enabling development to facilitate the refurbishment of the mansion house so returning it to its former glory and contributing to the built heritage within East Ayrshire. The outline planning consent has been approved subject to completion of a Section 75 Legal Agreement which is presently underway.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the issue of the decision notice be withheld until the application has been notified to and cleared by Historic Scotland.**

### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is 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 approved 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 have been appropriately addressed and would not indicate the application should be refused.

3.2 Listed Building consent has been applied for to enable the Category B Listed Building to be refurbished to form flatted units. The mansion at present is in a very poor state of repair and is essentially a shell at present. The building began to deteriorate when it was used for living accommodation for medical staff working in Ballochmyle Hospital. The scale of the building made it very difficult to heat and parts of it were therefore closed down. Eventually the building was vacated entirely and with no maintenance and open to vandalism it very soon deteriorated to its present rundown state. The developer has advised that the lead flashing was removed from the roof and with ingress of rainwater the timber ceilings and floors rotted hence the interior of the building is no longer fit for restoration.

3.3 The current application, if approved, would enable the developer to restore the building as a wind and watertight structure with a newly constructed roof clad in the original slates and second-hand slates to match. The window openings, some of which still have the timber units in situ, would be fitted with new units constructed to replicate the original fenestration. All of the external doors would also be replicated and installed in the existing openings. The works which are under consideration would mean the building would be reinstated to its original state and remain as an important feature in East Ayrshire's built heritage.

3.4 Prior to the formation of any of the actual flats the developer would require to secure either approval of reserved matters (subject to the completion of the Section 75 agreement in respect of the outline consent) or full planning permission in relation to forming the flats, as presently submitted but not yet determined.

3.5 The developer has submitted a number of revised drawings to satisfy the requirements of Historic Scotland. The Inspectorate has now confirmed that they are content with what has been submitted, subject to conditions, and the recommendation is therefore one of approval.

## **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, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

**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 NORTHKIRK LTD.**

**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 Listed Building application which is to be considered by the Local Planning Committee under the scheme of delegation due to it having attracted two letter of objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site comprises Ballochmyle House and its immediate environs and is set in the grounds of the former hospital at Ballochmyle Estate. The estate is located approximately 1.2km south east of the settlement of Mauchline and 0.3km west of Catrine.

2.2 The mansion house is set in the eastern end of the estate with a densely wooded area immediately to the north and wrapping around to the original main entrance to the west. The area to the front of the mansion house is open ground and in this area there are remains of buildings which have been demolished since the closure of the hospital. A network of roads also lies to the front of the mansion. A wooded area lies to the southwest, beyond which is the Ballochmyle Golf Course. The former walled garden, now overgrown, is located approximately 120 metres southwest of the mansion. An area of former garden lies to the rear of the house and slopes eastward to a wooded area beyond which is the Burn O'Need watercourse at the edge of the settlement of Catrine.

2.3 The site is accessed by the aforementioned entrance road, albeit at present this entrance is sealed off to vehicles. This road lies central within the estate and leads to a mini-roundabout situated approximately 400 metres from the mansion house. A substandard internal road runs along the west side of the site and this road runs to the front of the house.

2.4 Ballochmyle House is a Category B Listed Building. The mansion was originally a classical Georgian mansion designed by John Adam around 1760

and was extensively remodelled by Hew Montgomerie Wardrop in 1887. The outstanding red sandstone addition by Wardrop now forms the principal front elevation to the west. The rear elevation to the east remains as styled by Adam. Unfortunately since the closure of the hospital the mansion has fallen into a state of disrepair. The developer has advised that the internal damage to the building makes a detailed survey of the interior and its features in situ impossible. Further to an inspection by the case planning officer it is apparent that there is little of the original interior remaining which would be suitable for restoration. There are few window frames remaining and much of the internal flooring has come away so that it lies as rubble on the ground floor.

2.5 The grounds in which the mansion house is set add to its character. The environs of the house have been identified by the Garden History Society as having value but are not included in the Inventory of Historic Gardens and Designed Landscapes. The woodland is a designated Ancient Woodland and has the benefit of a blanket Tree Preservation Order. The southern area of woodland is also included within the River Ayr: Damhead to Nether Heilar Provisional Wildlife Site. Such designations demonstrate the value of the estate in terms of providing a rich and diverse habitat for a variety of flora and fauna as well as an outstanding landscape setting for the Category B Listed Building.

2.6 **Proposed Development:** Listed Building Consent is being sought for the refurbishment of the mansion house, which both during and especially since the closure of the hospital has been left to its own devices. This has resulted in the building falling into such a state of disrepair that it effectively is nothing more than a shell at present.

2.7 It is proposed to refurbish the mansion house to form fourteen flatted units. The developer intends to reinstate the building to its former external appearance. The structure of the building appears sound with the principal walls remaining plumb. It is intended to reinforce the shell of the building, and replace the window frames and external doors so that they are replicas of the original features.

2.8 The application for listed building consent forms part of a larger development scheme. The developer has also applied for outline planning permission for the refurbishment of the house to form fourteen flatted units and for the erection of ninety four detached dwellinghouses to be located in the grounds of the mansion house. The proposed dwellinghouses have been applied for on the grounds that they are necessary as an enabling development to facilitate the refurbishment of the mansion house so returning it to its former glory and contributing to the built heritage within East Ayrshire. The outline planning consent has been approved subject to completion of a Section 75 Legal Agreement which is presently underway.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division deferred making a recommendation for the proposed development until such time as a Traffic Impact Assessment (TIA) was provided. The developer has been advised that a TIA will require to be submitted in the reserved matters for approval following the granting of outline planning permission. It is therefore not considered essential to the determination of the current application to require this to be submitted at this stage as the listed building consent solely relates to the refurbishment of the mansion house so having no direct impact on the local road network.

***Noted.***

3.2 Scottish Water has been consulted and a response has been received. However, the response given does not relate to the proposals and although clarification has been sought this was not available at the time of writing this report.

***It is considered likely that any matters which would arise from a response by Scottish Water would be dealt with through the detailed matters in relation to the formation of the flats and erection of new dwellinghouses.***

3.3 Scottish Environment Protection Agency has no objection to the proposed development providing the drainage arrangements are to their satisfaction and in this regard all foul drainage is to be connected to the public sewer. The developer should also consider the use of a suitable Sustainable Urban Drainage system (SUDs) to treat and minimise the amount of surface water leaving the site.

***Noted. It is considered that these matters will be addressed appropriately in the detailed planning application for the comprehensive redevelopment of Ballochmyle Estate.***

3.4 Historic Scotland has been reconsulted throughout the consideration of this application. This was enable HS to have a detailed input into the information required in order for the application to be progressed. Upon receipt of the latest set of revised drawings HS made the following comments:

*Windows:*

The Inspectorate notes that the drawings have been amended in accordance with their recommendations and confirm their general approval of them. They have requested clarification from the developer that the horizontal proportion of the panes in the ground floor windows on the wing's north elevation is correct. The drawings provided to date are not sufficient for a joiner to make them and

they have requested the provision of drawings which are detailed enough to reflect any variation in astragal pattern on the building which has two distinct periods and it is therefore expected that there would be a difference in the width of the astragals in the different parts of the building. Any obvious differences in the sizes of timbers of the Adam house and the later addition should be observed as closely as is practicable.

*Roof:*

HS would support the agent's comments about the specification of concealed lead soakers and also the use of conventional hip flashings and the distinctive edge detail are both correct for the Adam house and should be maintained on the east elevation as suggested.

*Chimney Cans:*

Existing cans to be retained and reused with additional pots sourced to match.

*Dormers:*

The developer should provide a 1:10 scale drawing of the dormers and supplement the elevational drawing of the dormers with (for example) a 1:1 or 1:2 sectional drawing of the cornice moulding.

*Tower Finials:*

To be retained and left in situ.

*External Colours:*

HS is pleased to see a cream colour for the windows but samples or swatches of these colours should be provided.

*Stone cleaning:*

There is a presumption against stone cleaning unless it is to remove limited areas of heavy soiling.

*Interior:*

The layout of the rooms respects the window layout so that there is not an obvious sense of partitions at or near the principal windows. They recommend a condition requiring a visit to the interior once it has been made safe to make an assessment of any internal features which should be retained.

***The outstanding matters can be satisfactorily addressed through the imposition of appropriate suspensive conditions on the consent should the Committee be minded to approve the application.***

3.5 The Architectural Heritage Society of Scotland has objected to the proposed development on the basis that there was inadequate information relating to the internal condition of the building. The Society was advised that there was little remaining in the interior and were reconsulted with amended

plans. However, no response had been received to this at the time of writing the report.

***Noted.***

3.6 The Scottish Civic Trust has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.7 The Scottish Wildlife Trust has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.8 The Coal Authority has no objections to the proposed development and no adverse comments to make.

***Noted.***

3.9 East Ayrshire Council's Outdoor Services has no objection to the proposed development.

***Noted.***

3.10 Power Systems has no objection to the proposed development.

***Noted.***

3.11 Mauchline Community Council has been consulted but no response had been received at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 In addition to the objection raised by the Architectural Heritage Society of Scotland the application has attracted a letter of representation from one third party who has objected to the proposals on the following grounds.

4.2 My clients welcome the possibility of Ballochmyle House being rescued and indeed converted to flats but the objection is on the grounds that the Mauchline Sewerage Treatment Works is not capable of handling any additional effluent from new developments.

***The application under consideration is for works to the listed building only. In any case the issue of drainage is one which the developer would be required to address prior to the commencement of development following the granting of full planning permission to actually form the flatted units. It is therefore considered that this objection has no weight in the determination of this planning application.***

4.3 Damage to property.

***The writer does not make it clear which property they are referring to in terms of damage being caused. The proposal is to refurbish the building which is at present in a state of disrepair. If approved, the consent would allow the building to be reinstated and hence this objection is not considered to be material.***

4.4 Public health issues.

***The writer does not state why they are of the view the proposals will have an impact on public health issues. In any case it is not considered that there are any public health issues which are material in the consideration of this application.***

4.5 Loss of amenity for the estate owners and fishing tenants.

***The grounds of the mansion house have been used by a variety of people for recreational purposes since the hospital closure. However, the building's reinstatement is not considered to have any significant detrimental impact on the amenity of the estate as a whole. This objection is not considered to be material to the determination of the application.***

## **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 policies contained within the structure plan which are especially relevant to the proposed development.

## East Ayrshire Local Plan

5.3 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings.

***The proposed development is to refurbish a Category B Listed Building which is currently in a very poor state of repair. The proposals have been found to be satisfactory in terms of being sympathetic to the original building and therefore are considered to comply with Policy ENV1.***

5.4 Policy ENV2 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

***The proposal is to restore and bring back into use the mansion house for the formation of flatted units. The proposals do not include any demolition works and hence the application is found to be in compliance with Policy ENV2.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letters of representation and the planning history of the site.

### Consultation Responses

6.2 Albeit the Architectural Heritage Society of Scotland has objected to the proposals this is on the basis that there was insufficient information provided for the internal structure. Given that the building is effectively a shell this objection is not considered to be of sufficient weight to indicate the application should be refused. None of the other consultation responses indicate the application should be refused.

### Representations

6.3 The contents of the letter of objection submitted have been appropriately assessed but it is not considered that any of the points made are of significant materiality which would indicate the application should be refused.

## Planning History

6.4 Ballochmyle House and its environs is currently the subject of a planning application for outline consent (Ref: 02/0757/OL) for the development of land for residential purposes and refurbishment of mansion house to form flats. This application is currently awaiting completion of a Section 75 Legal Agreement and upon completion of this it is expected that a submission for the approval of reserved matters will be submitted. An application for full planning permission for the refurbishment of the mansion house to form fourteen flatted units has now also been submitted for consideration.

6.5 There have been some works undertaken at the mansion house recently. This is primarily in relation to the removal of roof slates in the interests of public health and safety. The estate is a popular area for dog walkers and due to adverse weather conditions causing further deterioration to the roof it was considered necessary to remove the slates. This has also enabled the slates to be retained for reuse during refurbishment of the building. The dormers, which were sitting askew in situ, have also been removed, and one has been retained to enable a detailed profiled drawing so that replicas could be reconstructed accurately. The developer has been advised in writing that any further works which the structural engineer deems necessary in the interests of public safety must be advised to the Planning Division to enable a decision to be made regarding the proposed works. It has also been agreed that the interior may be cleared of all loose rubble and fallen materials but that this does not include any original features or items which would affect the integrity of the structure. It is not considered that any of these works would prejudice the determination of either this application or that for full planning permission as it is expected that the refurbishment of the mansion would include the removal and subsequent reinstatement of the roof structure.

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

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

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is 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 approved 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 have

been appropriately addressed and would not indicate the application should be refused.

8.2 Listed Building consent has been applied for to enable the Category B Listed Building to be refurbished to form flatted units. The mansion at present is in a very poor state of repair and is essentially a shell at present. The building began to deteriorate when it was used for living accommodation for medical staff working in Ballochmyle Hospital. The scale of the building made it very difficult to heat and parts of it were therefore closed down. Eventually the building was vacated entirely and with no maintenance and open to vandalism it very soon deteriorated to its present rundown state. The developer has advised that the lead flashing was removed from the roof and with ingress of rainwater the timber ceilings and floors rotted hence the interior of the building is no longer fit for restoration.

8.3 The current application, if approved, would enable the developer to restore the building as a wind and watertight structure with a newly constructed roof clad in the original slates and second-hand slates to match. The window openings, some of which still have the timber units in situ, would be fitted with new units constructed to replicate the original fenestration. All of the external doors would also be replicated and installed in the existing openings. The works which are under consideration would mean the building would be reinstated to its original state and remain as an important feature in East Ayrshire's built heritage.

8.4 Prior to the formation of any of the actual flats the developer would require to secure either approval of reserved matters (subject to the completion of the Section 75 agreement in respect of the outline consent) or full planning permission in relation to forming the flats, as presently submitted but not yet determined.

8.5 The developer has submitted a number of revised drawings to satisfy the requirements of Historic Scotland. The Inspectorate has now confirmed that they are content with what has been submitted, subject to conditions, and the recommendation is therefore one of approval.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the issue of the decision notice be withheld until the application has been notified to and cleared by Historic Scotland.**

## **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, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

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

27 September 2004  
NM/NM/SMB  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0410/LB

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Location	Ballochmyle House MAUCHLINE KA5 6QH
Nature of Proposal:	Proposed refurbishment of mansion house to form flats
Name and Address of Applicant:	Northkirk Ltd 14 Walnut Road KILMARNOCK KA1 2HF
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

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

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

1. The proposed development shall be carried out in accordance with the application form received on 22 April 2003 and the location plan (Ref: A01/608/4) received on 22 April 2003; amended proposed elevation plans (Ref: A01/608/27(RevA) and A01/608/28 (RevA)) received on 02 August 2004; east elevation door and balustrade details (Ref: A01/608/D3 and A01/608/D4) received on 13 February 2004; west elevation main entrance door and dormer details (Ref: A01/608/D2(RevA) and A01/608/D5(RevA)) received on 02 August 2004; sash and case window details (Ref: A01/608/D1(RevA)) received on 02 August 2004 and floor plans (Ref: A01/608/23; A01/608/24; A01/608/25 and A01/608/26) received on 22 April 2003.

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

2. Notwithstanding the details on the plans hereby approved the Listed Building consent refers to the refurbishment of the mansion house only and no flatted units shall be formed or any other works undertaken which would require to be the subject of an application for full planning permission.

REASON - To ensure that no other development works take place that would require the further written approval of the Planning Authority.

3. Prior to the commencement of development the developer shall submit further detailed drawings of the proposed window units which shall be specified for each opening and shall exactly replicate the existing units. This shall take into account the variation in the astragal widths which is apparent in the sections of the building which originate from two periods. These drawings shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland.

REASON – To ensure the window units are replicated as per the original in the interests of the character of the listed building.

4. The slates as removed from the roof by agreement with the Planning Authority shall be used in the reinstatement of the roof and where necessary a second-hand slate to match shall also be used.

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

5. The hip junctions will utilise lead soakers beneath the slates as detailed in a letter from Thomson McCrea on 30 July 2004.

REASON – To enable the roof detail to match the detail of the original roof in the interests of the character of the building.

6. Conventional hip flashings and a distinctive edge detail to the lead platform roof shall be used on the east elevation as stated in a letter from Thomson McCrea on 30 July 2004 and as agreed by Historic Scotland.

REASON – To enable the roof detail to match the detail of the original roof in the interests of the character of the building.

7. The existing chimney cans shall be retained and re-used and pots shall be sourced to match.

REASON – To enable the roof detail to match the detail of the original roof in the interests of the character of the building.

8. Prior to the commencement of development the developer shall submit a profiled drawing of the dormer window units to be installed at a scale of 1:10 and also a 1:1 or 1:2 sectional drawing of the cornice moulding for the further written approval of the Planning Authority in consultation with Historic Scotland.

REASON – To ensure the dormers to be installed are an accurate replica of the original dormer units.

9. The original tower finials and associated weathervanes shall be restored and retained as stated in a letter from Thomson McCrea dated 30 July 2004.

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

10. Prior to the commencement of development the developer shall submit colour samples or swatches of the cream paint to be used for the window frames for the further written approval of the Planning Authority in consultation with Historic Scotland.

REASON – To ensure that the cream colour to be used is appropriate in terms of replicating the original.

11. Prior to the commencement of development the developer shall submit a statement regarding any stone cleaning works which are required to be undertaken. This statement shall include details of the stonework to be cleaned; the method proposed for cleaning it and any protection measures required. This shall be submitted for the further written approval of the Planning Authority in consultation with Historic Scotland.

REASON – In the interests of ensuring that any stone cleaning works necessary are undertaken without causing detriment to the integrity of the building's external structure.

12. All stonework repairs shall be undertaken using pointing to match the existing in terms of its constitution and method of application.

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

13. As soon as the interior of the building has been made safe the developer shall make contact with Historic Scotland to enable them to undertake a survey for their records.

REASON – To allow opportunity for the Historic Buildings Inspectorate to survey the interior for any items which may be of value or have potential for restoration and retention.

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