

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 24 APRIL 2001**

**01/0028/FL: PROPOSED CHANGE OF USE, ALTERATION AND EXTENSIONS TO  
FORM 14 DWELLINGS  
AND 01/0029/LB: PROPOSED ALTERATION TO AND EXTENSION OF EXISTING  
BUILDING INCLUDING PART DEMOLITION  
AT MOUNT HOUSE DUNDONALD ROAD KILMARNOCK  
BY MR G HAMILTON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Listed building consent and planning consent is sought for the change of use, alteration and extension of Mount House into 14 residential units. The development proposes the sub-division of the existing Grade B Listed Building into nine residential units – two with 2-bedroom, six with 3-bedroom and one with 4-bedrooms. The development includes the erection of a two storey extension to the rear of the property to accommodate 5 terraced houses, three with 3-bedrooms and two with 4-bedrooms. The development will also include the removal of the existing 1930's lift shaft and the three chimneys to the rear of the building. A pitched roof is proposed on top of the flat roof at the rear of the 1930's extension as well as a two storey infill extension of 4 metres x 3.5 metres to the 1930's extension to accommodate one extra bedroom at the ground and first floor.

1.2 The proposals require various internal alterations which are intended to be as sympathetic as possible to the Listed Building while allowing adequate sized dwellings to be created. The proposal includes sub-division to one of the principal rooms on the ground floor of the house. Each of the other principal rooms are incorporated into the flats without the need for sub-division or significant alteration of the rooms' features.

1.3 The proposed extension to the rear of the property is to be finished with a re-constituted stone base course, painted wet dash render, sash and case appearance windows painted white with timber painted fascia board and natural slate roof. The formation of the extension and associated car parking requires the removal of 21 trees. Compensatory planting will be provided elsewhere on the site to accommodate this loss.

## **2. RECOMMENDATION**

**2.1 It is recommended that the Listed Building application should be approved subject to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheets.**

**2.2 It is recommended that the application for planning permission should be approved subject to notification to the Scottish Ministers under the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997, subject to the conditions on the attached sheets and the decision notice not being issued until the Listed Building application has been cleared by Historic Scotland.**

## **3. SUMMARY OF ANALYSIS**

3.1 As indicated in Section 5 of the report the planning application is considered to be contrary to the Adopted Kilmarnock Local Plan. Given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the planning application should be refused unless material considerations indicate otherwise. The Adopted Local Plan is however of considerable age and greater weight should be applied to other material considerations.

3.2 As indicated in Section 6 of the report the material considerations are supportive of the applications. The proposal is consistent with the policies of the East Ayrshire Local Plan, Finalised Version with Modifications, as the applicant has submitted information to justify the enabling development. The design and location of the proposed extension is in keeping with the Listed Building. The proposed alterations to the Listed Building will not compromise the architectural integrity of the building. The comments of the consultees can largely be addressed by attaching conditions to any grant of planning consent. The concerns of the objector are considered to lack sufficient weight to merit refusal of the application.

3.3 It is considered that the proposed development will bring a vacant Listed Building back into use and secure its long-term future. The proposed extension will not detract from the setting of the Listed Building or surrounding wooded area.

3.4 The surrounding trees will largely be retained and be subject to a tree management survey to secure their long-term life.

**Alan Neish**  
**Head of Planning and Building Control**

**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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### DEVELOPMENT SERVICES COMMITTEE: 24 APRIL 2001

**01/0028/FL: PROPOSED CHANGE OF USE, ALTERATION AND EXTENSIONS TO  
FORM 14 DWELLINGS  
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BUILDING INCLUDING PART DEMOLITION  
AT MOUNT HOUSE DUNDONALD ROAD KILMARNOCK  
BY MR G HAMILTON**

#### Report by Director of Development Services

### 1. PURPOSE OF REPORT

1.1 The purpose of the report is to present for determination a full planning application and listed building application which are to be considered under the scheme of delegation because they are larger applications which accord with the development plan, are of area significance are subject to objection and would if approved require notification to the Scottish Ministers.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is that of the former home for the elderly at Mount House, Dundonald Road, Kilmarnock. The application site includes the extended tree lined driveway and surrounding woodland. The property is bounded to the south by an open field, a tree buffer zone and then the railway line and residential properties located on Dundonald Road. The site is bounded to the north and east by Annanhill Golf Course and farmland. The property is bounded to the west by the rear entrance road to the site which leads to the B7064. The site is principally accessed from Dundonald Road. The private tree lined driveway passes under the railway bridge. All trees on the site are covered by Tree Preservation Orders. Mount House is a 'B' listed building. The main body of the two storey house, with basement, was erected around 1793. The property was then extended around 1900 with a three storey extension to the right, loft development and a single storey extension to the front left of the building. In the 1930's a further two storey extension was added to the right hand side of the property. Internally the property has many decorative features dating back to the 19th Century. It contains waisat panelling to the main hallway and barley sugar timber banisters to the stair which has a decorative head to the newel post. Many of the principal rooms contain decorative plasterwork fascias, fluted pilaster and ornamental fireplaces.

2.2 **Proposed Development:** Listed building consent and planning consent is sought for the change of use, alteration and extension of Mount House into 14 residential units. The development proposes the sub-division of the existing Grade B

Listed Building into nine residential units – two with 2-bedroom, six with 3-bedroom and one with 4-bedrooms. The development includes the erection of a two storey extension to the rear of the property to accommodate 5 terraced houses, three with 3-bedrooms and two with 4-bedrooms. The development will also include the removal of the existing 1930's lift shaft and the three chimneys to the rear of the building. A pitched roof is proposed on top of the flat roof at the rear of the 1930's extension as well as a two storey infill extension of 4 metres x 3.5 metres to the 1930's extension to accommodate one extra bedroom at the ground and first floor.

2.3 The proposals require various internal alterations which are intended to be as sympathetic as possible to the Listed Building while allowing adequate sized dwellings to be created. The proposal includes sub-division to one of the principal rooms on the ground floor of the house. Each of the other principal rooms are incorporated into the flats without the need for sub-division or significant alteration of the rooms' features.

2.4 The proposed extension to the rear of the property is to be finished with a re-constituted stone base course, painted wet dash render, sash and case appearance windows painted white with timber painted fascia board and natural slate roof. The formation of the extension and associated car parking requires the removal of 21 trees. Compensatory planting will be provided elsewhere on the site to accommodate this loss.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency have no objections to the proposal provided that the foul drainage system is connected to the public sewer.

***Noted.***

3.2 The Coal Authority has confirmed that the property is within the likely zone of influence on the surface from working in 2 seams of coal at 70m to 140m depth last worked in 1919. They confirm that ground movement from these workings should now have ceased. However, a prudent developer should seek appropriate technical advice before works are undertaken on site.

***A note can be attached to any planning consent granted to advise the applicant to satisfy himself as to the suitability of the site for construction purposes.***

3.3 West of Scotland Water Authority have no objection to make to the proposals provided that a totally separate system is utilised i.e. rainwater and soil drainage kept separate.

***A note can be attached to the planning consent if granted to advise the applicant to make early contact with West of Scotland Water.***

3.4 Scottish Power has no objection to these proposals.

**Noted.**

3.5 Railtrack has no objections but wish basic requirements to be met regarding the positioning of trees/shrubs to the railway, the erection of 1.8 metre high fence along the mutual boundary, security of the railway boundary and use of machinery.

**Noted.**

3.6 Transco require no mechanical excavations within 500mm of Transco Plant.

***A note can be attached to any planning consent if granted advising applicant to make contact with Transco.***

**Noted.**

3.7 East Ayrshire Roads and Transportation Division have no objections to the proposals provided conditions are attached to the planning consent regarding the access and egress from the development site. These conditions should include the provision of a turning area at the Dundonald Road access to allow large vehicles which are unable to pass under the railway bridge to manoeuvre and leave the site in a forward direction. Signage indicating height restriction at the railway bridge should be provided to inform drivers of service vehicles to take access from B7064 and signage should be provided at this access to advise service vehicles that this is the means of access to Mount House. In addition to this a traffic inhibitor should be placed on the rear access to the development. This traffic inhibitor is required to prevent small vehicles, ie cars, leaving the site via this route due to the poor sightlines at its junction with the B7064.

***Conditions meeting the Roads Division's requirements can be attached to any grant of planning consent.***

3.8 Grange and Howard Community Council have no objections to this proposal however they have requested that a condition be attached to the planning consent if granted ensuring unobstructed pedestrian access through the development site.

***Through the proposed sale of the property the Council have ensured that the two walking routes through the grounds of Mount House have been maintained. These routes are from the Dundonald Road entrance up the driveway to the house following the road to the boundary of the site. The other route is from the footpath leading along the railway from the western boundary of the site to the eastern boundary of the site at the Grange Estate. It is recommended that a condition be attached to any planning consent if granted to ensure that access is provided for walkers along the identified routes.***

3.9 Historic Scotland are pleased to note that nearly all of the recommendations made in earlier correspondence have been incorporated into the drawings. A formal

submission shall include annotation denoting the retention of all historic light fittings in the lounge and dining room at the south west corner of the ground floor plan. Details of the new windows proposed for the new kitchen on the east side of the principal part of the house, currently the library shall also be provided.

***The comments of Historic Scotland can be addressed by attached conditions to the Listed Building Consent and Planning Consent, if granted.***

3.10 Scottish Civic Trust have voiced concerns about the extent of the current proposals in relation to the original house and are of the opinion that the building should be sub-divided into less dwellings without the need for the enabling development. Great care and skill will be required to facilitate such a conversion to respect the layout as far as possible as well as its fire and lighting detailed finishes such as its fireplaces, cornicing and wainscoting. They also raise concerns about the loss of established trees to allow the works to be carried out. They recommend a development appraisal be submitted to allow a fully informed assessment of both the repair and future maintenance of the house prior to any extension of this building being considered.

***Policy RES 8 of the East Ayrshire Local Plan Finalised Version with Modification welcomes the use of enabling development when its use facilitates the preservation of a Listed Building. The developer has provided financial documentation from a quantity surveyor showing that the development would not be feasible without the enabling development. Compensatory planting will be provided for all trees which are to be removed. A condition ensuring the protection of the remaining trees and the replacement of trees to be removed can be attached to any grant of planning consent. A condition regarding the maintenance and protection of existing features within the Listed Building can be attached to any grant of planning consent.***

3.11 The Architectural Heritage Society of Scotland have raised concerns that alterations to historic property should seek to maintain the integrity of the principal apartments and their relationship, with flats being entered from the main hall rather than have separate access. On the first floor the insertion of a modern partition on the landing is insensitive and creates a tight, mean space in the flat. In the basement the creation of sealed voids of room size seems unwise and a waste of space and should be re-planned off the main staircase. No details are provided of interior finishes or meaningful sections detailing cornices, screens and fireplaces. No detail is provided of repairs to the external appearance of the existing building. The elevations of the new build are poor quality with little attention to details if they are to complement rather than detract from the Listed Building. With regards to the extension the roof should have second-hand Scottish slates and sash and case timber windows, natural stone should be used rather than re-constituted stone on the base course of the extension. The use of timber detailing above dormers is not appropriate and roof lights should be of the Victorian pattern mirroring those on the existing building. Rainwater goods on the building should be in accordance with the Memorandum of Guidance. The number of parking spaces provided is inadequate.

***The internal layout of the main building has been examined during pre-application discussions between this Division, the Architect and Historic Scotland. Current proposals have been found to be the most sensitive and viable for this listed building. Conditions can be attached to the planning consent and listed building consent regarding the retention of all significant internal fittings and features.***

***It is considered that the proposed extension is in keeping with the Listed Building in terms of scale and design.***

***Conditions can be attached to the Planning and Listed Building Consents if granted requiring the type of materials used on the extension of the building to be compatible with the existing building.***

***The provision of timber detailing over the dormer windows mirrors similar details in the existing building and therefore is appropriate.***

***A condition can be attached to the grant of any Planning and Listed Building consent requiring details of the window types to be used in the extension prior to the commencement of the development.***

***The number of parking spaces provided meets the requirements of the East Ayrshire Council Roads Division.***

3.12 Department of Community Services Environmental Health Section have no adverse comments to make.

***Noted.***

3.13 Department of Community Services Outdoor Services have stated that all building works near to trees should be carried out in accordance with BS 5837 (building near trees) and that the two Tilia x Europaea (limes) positioned in the row of limes to the north of the site should be retained as the northern boundary would be broken by their removal. The Taxus baccata (Yew) positioned near the road is evergreen and would provide a screen from the road of the proposed car park. The canopy can be lifted. The lime positioned behind the yew gives good amenity colour and value behind the yew. However all of the trees within the north east garden area identified dotted on Plan B530-PO1 could be removed as they are either over mature (Prunus) or insignificant. Compensatory planting should be carried out within the area with a more suitable Genus.

***The retention of the two lime trees on the northern boundary would prevent the positioning of the “enabling development” extension as per the proposals. It is therefore considered that the loss of these trees is acceptable when balanced against the potential benefit the enabling development brings to the retention of the Listed Building.***

***A condition can be attached to the granting of any planning consent regarding the protection of the existing trees and the replacement of trees required to be removed as a result of the proposed development.***

#### **4. REPRESENTATIONS RECEIVED**

One letter of objection has been received in respect of this application.

4.1 The main driveway runs within 10 feet of the objector's rear bedrooms and the noise and disruption from the traffic this development will generate, will constitute a nuisance which they should not be subjected to.

***Noted. The access road is currently being used by pedestrian and school children on a daily basis and was previously used to access the residential home. Due to the conditions recommended by the Roads Division no large vehicles will utilise this access, therefore only the owners of the new properties will utilise this route. It is considered that the number of vehicles using this access to access the new development will not be to a level that will have an unacceptable adverse impact on the residential properties adjacent to this road.***

#### **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 purpose of this application the development plan comprises the Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan, 1986. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 On assessing the details of the planning application against the terms of the Adopted Kilmarnock Local Plan 1986 the proposed development requires to be assessed against Policies 4.1.6, 5.10.3, 5.10.4, 5.10.5 and 5.10.6 regarding housing development in the countryside outwith the settlement boundary.

***This proposal is considered to be contrary to the Development Plan as it fails to meet the criteria of the above policies in terms of being connected to agriculture purposes or use for residential purposes.***

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

6.1 The other material considerations in the assessment of this application are as follows: National Planning Policy Guidance (NPPG's). The Adopted Ayrshire Joint Structure Plan, East Ayrshire Local Plan Finalised Version with Modifications (EALP), the impact on the amenity of the area/adjacent properties and Memorandum of

Guidance on Listed Buildings and Conservation Areas 1998 (Historic Scotland 1998) and representations.

6.2 The Adopted Local Plan as stated above in paragraph 5.1, is considerably out of date and does not reflect current Government Policy Guidance and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP shall be considered a prime material consideration. The policies of the EALP support and encourage the development in the Mount House area. Development Opportunity Kilmarnock 2 states that "The Grade B Listed Mount House which is located within the site, will be favourably considered for conversion to residential, residential institutional, hotel, restaurant or professional and financial office uses. Developers will be required to pay special attention to the landscaped setting of Mount House by avoiding built development in the area immediately south of the House and preserving and ensuring the long term enhancement, maintenance and management of the existing woodland".

***The proposed development of the change of use of the B Listed Building into 9 residential units and the erection of five terraced houses to the rear of the building is consistent with the above.***

6.3 The relevant policies under the EALP are RES 7, RES 8, ENV 1, 2 and 4. The aim of Policy RES 7 is to maximise the contribution that existing properties can make to meeting housing demand. RES 7 encourages the rehabilitation or conversion to residential use of existing, and traditionally designed and constructed buildings both within settlements and the rural area. The proposed development will require to meet all of the following criteria:

- "(i) the Council will require to be satisfied that the structural condition of the building is suitable for its 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;
- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;
- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;
- (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
- (vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

The Council may consider a relaxation of criteria (ii) above with regard to the conversion of traditionally designed and constructed outbuildings forming an integral part of an existing farm courtyard grouping where the proposal would preserve and enhance the integrity of the group of buildings concerned."

***The proposed development is for the conversion of a traditionally designed and constructed building to residential use within the settlement boundary. The proposal meets all the criteria of this policy by converting a structurally sound building with an extension of less than 50% of the existing floor area, which is in keeping with the character and appearance of the area and building and meets all the requirements of the statutory undertakers. The erection of the extension will not damage the architectural integrity of the Listed Building in terms of its design and location. It is proposed to use materials similar to the materials used on the Listed Building.***

6.4 Paragraph 6.17 of the EALP states that "A number of large historic or listed properties throughout East Ayrshire are at risk from neglect and decay and their conversion to alternative sympathetic uses is supported by the Council. Successful rescue and re-use of such properties can be facilitated through the introduction of an appropriate enabling development, the funds from which can be used to conserve the property to which the enabling development relates. In these circumstances a limited enabling development of new housing may be considered appropriate". Policy RES 8 aims to assist in securing the long term future of the existing building.

RES 8 concerns the conversion of a large residential or institutional listed building located within its own grounds to a sympathetic alternative use, with an associated but limited enabling development of new build housing being considered acceptable by the Council, subject to all of the following criteria being met:

- "(i) funds raised from the sale of the enabling development are channelled into the conservation of the building to which the development relates;
- (ii) the new build element does not result in the division and fragmentation of the building and its grounds insofar as management of the area is concerned;
- (iii) the developer can demonstrate that financial assistance is not available from any other source;
- (iv) the extent of any new build element is restricted to the absolute minimum to unlock the development potential of the building and to facilitate its restoration;
- (v) the new build element meets the provisions of all other relevant housing policies;
- (vi) the proposed enabling development is located and designed so as to have minimum impact on the architectural and historic interest, character and setting of

the historic environment, including any designation of the area as an Historic Garden and Designed Landscape; and

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

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

***The proposed development meets the requirements of this policy. The new build will not result in the division and fragmentation of the Listed Building. Attached to the building it will result in 5 separate residential units. The project will be financed solely by the applicant. It is considered that the size of new build is modest and it does not detract from the architectural integrity of the Listed Building. Its design complements the design of the attached Listed Building. A Section 75 Agreement is not required for the phasing of the development due to the building being within the settlement boundary and the close relationship of the enabling development to the Listed Building.***

6.5 In order to ensure the preservation of all buildings of historic or architectural importance Policy ENV1 seeks to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes. Policy ENV2 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 will preserve and enhance the existing vacant listed building. The partial demolition within the proposal is for the removal of the modern lift shaft and three chimneys. The removal of these structures will improve the architectural merit of the building and therefore the proposal is not considered to be contrary to Policy ENV 2.***

6.6 In order to ensure that new development is sympathetic to the character of the existing buildings Policy ENV 4 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. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***The proposed development of Mount House is consistent with this Policy. The applications have been subject to pre-planning discussions with the Architect, this Division and Historic Scotland to ensure that the design of the new development is sympathetic to the character of the listed building. The layout of the residential units have been designed to ensure that the majority of architectural features are retained. The Listed Building will be largely unaffected by the proposal except for the extra new build.***

6.7 The Adopted Ayrshire Joint Structure Plan highlights the importance of Listed Buildings and Policy E19 does not support development proposals considered to have an adverse effect on the listed buildings of architectural and historic interest.

***The proposed development will have a positive affect on the Listed Building by allowing its re-use and therefore is in accordance with the Adopted Ayrshire Joint Structure Plan.***

6.8 NPPG 18 “Planning and the Historic Environment” states that the Planning Authority when considering an application for development requires to have a special regard to the desirability of preserving the building.

***As noted above the proposed development will preserve and enhance the future of this Listed Building.***

6.9 NPPG1, “The Planning System” and NPPG 3 “Land for Housing” indicate the importance of providing appropriate housing for the community.

***As noted the proposed development will enhance the surrounding area to the benefit of the community.***

6.10 With regard to the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 it states that when considering applications for alterations or extensions, Planning Authorities should satisfy themselves that no unnecessary damage to historic structures will be caused, that additions are in keeping with other parts of the building, and that any new external or internal features harmonise with their surroundings.

***The proposed redevelopment of the Listed Building and the extension meets the advice of the Memorandum of Guidance on Listed Buildings and Conservation Areas with regards to the extension being in keeping with the Grade B Listed Building. Conditions can be attached to the Planning and Listed Building consents regarding the external materials used on the extension to ensure that they are consistent with the Listed Building.***

6.11 The comments of the consultees can be addressed by either attaching conditions to the planning and listed building consents if granted or information has been submitted to satisfy their requirements. The concerns of the objector regarding the access road

are not such as to merit refusal of the planning application given the level of traffic this development would generate.

6.12 With regard to any impact on the amenity of the area, the proposed development will have a positive impact due to the retention and improvement of the listed building, and the installation of a landscape scheme for the protected trees on the site. The amenity value for the local community will be maintained due to the retention of paths through the site.

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

7.1 The Council will be selling the site to the applicant and is obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Planning Applications) (Scotland) Direction 1997 if it intends to grant planning permission and there is either a substantial body of objections or the proposed development is deemed to be contrary to the Adopted Local Plan.

***As discussed in Sections 4 and 5 of this report, the planning application is contrary to the Adopted Local Plan. As a consequence should the Committee agree the application, it will require to be notified to the Scottish Ministers.***

7.2 The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that works to a grade A or B listed building or involving the demolition of buildings which are listed or which lie within the curtilage of a listed building, must be referred to Historic Scotland prior to the issue of Listed Building Consent. The proposals relate to a Category 'B' Listed Building and notification to Historic Scotland will therefore be required prior to the issue of any Listed Building Consent.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 above the planning application is considered to be contrary to the Adopted Kilmarnock Local Plan. Given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the planning application should be refused unless material considerations indicate otherwise. The Adopted Local Plan is however of considerable age and greater weight should be applied to other material considerations.

8.2 As indicated in Section 6 the material considerations are supportive of the applications. The proposal is consistent with the policies of the East Ayrshire Local Plan, Finalised Version with Modifications, as the applicant has submitted information to justify the enabling development. The design and location of the proposed extension is in keeping with the Listed Building. The proposed alterations to the Listed Building will not compromise the architectural integrity of the building. The comments of the consultees can largely be addressed by attaching conditions to any grant of planning consent. The concerns of the objector are considered to lack sufficient weight to merit refusal of the application.

8.3 It is considered that the proposed development will bring a vacant Listed Building back into use and secure its long-term future. The proposed extension will not detract from the setting of the Listed Building or surrounding wooded area.

8.4 The surrounding trees will largely be retained and be subject to a tree management survey to secure their long-term life.

## **9. RECOMMENDATION**

**9.1 It is recommended that the Listed Building application should be approved subject to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheets.**

**9.2 It is recommended that the application for planning permission should be approved subject to notification to the Scottish Ministers under the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997, subject to the conditions on the attached sheets and the decision notice not being issued until the Listed Building application has been cleared by Historic Scotland.**

**Alan Neish  
Head of Planning and Building Control**

06 April 2001  
(CSI/SA/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies
4. Letter of Objection.
5. Adopted Kilmarnock Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Ayrshire Joint Structure Plan.
8. Memorandum for Guidance.
9. NPPG1, 3 and 18.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0028/FL

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Site of Proposal:	Mount House Dundonald Road KILMARNOCK
Natural of Proposal:	Proposed Change of Use, Alterations and Extension to Form 15 No Dwellings
Name & Address of Applicant:	Mr G Hamilton Oakmount Auchinleck House OCHILTREE Cumnock KA18 2LR
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK

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DPOs Reference: CSI/SA/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans received on 17 January 2001 and the amended plans received by the Planning Authority on 27 February 2001.

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

2. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

3. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall

enclose a radius required by BS 5837 from the trunk of the tree. Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

4. The felling/works to the identified trees, shown dotted on plan B530-PO1 dated 27 February 2001, shall commence after not less than 14 days notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority.

REASON To ensure the proper supervision of the works in the interests of visual amenity.

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

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

6. Notwithstanding the plans hereby approved the external surface of the walls shall be wet dash rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

7. Notwithstanding the submitted plans, the external finishes are not hereby approved. Details/samples of the re-constituted stone, rainwater goods, external doors, colour of timber fascia and design of windows shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

8. Notwithstanding the plans hereby approved the roof of the new development and new extension shall be covered in natural slates.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

9. No electricity transforming or switching equipment shall be erected on any part of the site without the prior express permission of the Planning Authority.

REASON To safeguard the residential amenity of the area.

10. A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented as agreed prior to the occupation of any residential units.

REASON To safeguard the residential amenity of the area.

11. Notwithstanding the approved plans, the 4 visitor car parking spaces to the south of Mount House and 2 single spaces to the west of Mount House are not hereby approved. Details of the location of alternative car parking spaces shall be submitted to and approved by the Planning Authority before any development commences on the site. The car parking shall be carried out in accordance with this scheme and implemented before occupation of the dwellings.

REASON In the interests of residential amenity and road safety.

12. Prior to the commencement of the development on site a detailed landscaping and tree management scheme and a landscape maintenance programme, including tree survey and tree re-planting details to replace the trees felled, shall be submitted to and approved by the Planning Authority. The approved landscaping and tree management scheme shall be implemented no later than the first available planting season after the commencement of the building operations.

REASON In the interests of visual amenity.

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

REASON In the interests of amenity.

14. Details of proposed car parking; its construction, finish and maintenance; shall be submitted to and approved by the Planning Authority prior to commencement of the development and the car parking spaces shall be implemented prior to the occupation of the dwellings hereby approved

REASON In the interests of amenity and public safety.

15. Prior to the commencement of development on site details of the following road alterations shall be submitted for approval by the Planning Authority and implemented and maintained thereafter as agreed by the Planning Authority:-

- a) Formation of a turning area and associated signage at the railway bridge on the access road from Dundonald Road.
- b) A traffic inhibitor and associated signage to be provided on the service vehicle route to the B7064.

REASON In the interests of road safety.

16. Details of the private open space for each dwellinghouse/flat shall be submitted for approval prior to the commencement of development on site. The agreed scheme shall be implemented on site prior to the occupation of the dwellings/flats.

REASON In the interests of residential amenity.

17. Prior to the commencement of works on site, details of all existing and proposed windows, which shall include specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points, shall be submitted for the approval of the Head of Planning and Building Control in consultation with Historic Scotland. In this regard, the method of opening of all windows shall comprise traditional timber sliding sash and case and the scheme of proposed windows shall include the provision of a sample for the prior written agreement of the Head of Planning and Building Control. Windows shall thereafter be installed as approved further to this condition.

REASON To ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the Listed Building and are in keeping with the proportions of the existing windows scheduled for replacement.

#### NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The developer shall contact West of Scotland Water to discuss the requirements of the proposed separate drainage system. Telephone 0808 1005333.
3. No mechanical excavation shall take place within 500mm of Transco plant.
4. The developer shall notify the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) of their intention to carry out the demolition work hereby approved and shall thereafter allow RCAHMS a period of up to three months to record the building during which time, demolition may not be undertaken unless the RCAHMS has indicated in writing that its record has been completed.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0029/LB

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Site of Proposal: Mount House  
Dundonald Road  
KILMARNOCK

Natural of Proposal: Proposed Alteration to and Extension of  
Existing Building including Partial Demolition

Name & Address of Applicant: Mr G Hamilton  
Oakmount  
Auchinleck House  
OCHILTREE  
Cumnock KA18 2LR

Name & Address of Agent: Nicoll Design  
184 Main Street  
PRESTWICK

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DPOs Reference: CSI/SA/MMM

The above LISTED BUILDING application should be granted subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form and plans received on 17 January 2001 and the amended plans received by the Planning Authority on 27 February 2001.

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

2. The developer shall give the Head of Planning and Building Control 7 days' written notice prior to the implementation of the Listed Building Consent.

REASON To ensure that the development relates to the approved plans.

3. Notwithstanding the plans hereby approved the external surface of the walls to the extension shall be wet dash rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

4. Notwithstanding the submitted plans, the external finishes are not hereby approved. Details/samples of the re-constituted stone, rainwater goods, external doors, colour of timber fascia and design of windows shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

5. Notwithstanding the plans hereby approved the roof of the new development and new extension shall be covered in natural slates.

REASON In the interests of the visual amenity of this Grade 'B' Listed Building.

6. Prior to the commencement of works on site, details of all existing and proposed windows which shall include specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points, shall be submitted for the approval of the Head of Planning and Building Control in consultation with Historic Scotland. In this regard, the method of opening of all windows shall comprise traditional timber sliding sash and case and the scheme of proposed windows shall include the provision of a sample for the prior written agreement of the Head of Planning and Building Control. Windows shall thereafter be installed as approved further to this condition.

REASON To ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the Listed Building and are in keeping with the proportions of the existing windows scheduled for replacement.

7. Prior to commencement of any works on site, the developer shall submit full details confirming the method of protection to be used to protect the retained original features and detail of the building. Thereafter for the full period of construction works the agreed methods of protection shall be retained on site at all times to the satisfaction of the Head of Planning and Building Control.

REASON In order to ensure that the original features of the Listed Building are fully protected for the period of construction and are not damaged during construction work.

8. All existing fireplaces shall be retained in situ within the Listed Building and shall only be re-located with the prior written approval of the Planning Authority.

REASON

To preserve the character of this Category 'B' Listed Building.

9. Details of kitchen cabinet installations and extract fans on the ground floor of the Listed Building shall be submitted to, and approved by the Planning Authority prior to installation.

REASON To preserve the character of the Listed Building.

10. Details of all new walling to be erected within the Listed Building shall be submitted to and approved by the Planning Authority prior to commencement of the development.

REASON To preserve the character of the Listed Building.

11. Details of upgrading works to the internal roof and walls of the former Nursery Room in the tower of the building shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

Note : The developer shall notify the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) of their intention to carry out the demolition work hereby approved and shall thereafter allow RCAHMS a period of up to three months to record the building during which time, demolition may not be undertaken unless the RCAHMS has indicated in writing that its record has been completed.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**