

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 25 SEPTEMBER 2001**

**00/0840/FL: PROPOSED CONVERSION OF CRAIG HOUSE INTO 11 NO. APARTMENTS AND CONSTRUCTION OF 14 DWELLINGHOUSES WITHIN GROUNDS CRAIG HOUSE CROSSHOUSE BY CHARDON HOMES LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Detailed planning consent is sought for the conversion of Craig House into 11 residential units and the erection of 14 dwellinghouses within the grounds of Craig House. It is proposed to convert Craig House into 10 flats and one four bedroom dwellinghouse. Three flats are proposed on the lower ground floor, the ground floor, the first floor and one flat on the second floor. The four bedroom dwellinghouse is proposed within the eastern wing of Craig House. Proposed external alterations involve a new roof clad in slates, the external walls to be wet dash rendered, new windows of sash and case appearance and all rainwater goods to be cast iron painted black.

1.2 The fourteen dwellinghouses proposed within the grounds of Craig House comprise of 10 detached houses and a courtyard development of four houses. The ten houses proposed will be 2 storey in height, all of four bedroom accommodation. These houses will be sited along the new access roadway. A courtyard development of 4 houses, all of 4 bedroom accommodation, is proposed to the west of the Craig House. Materials proposed for the houses are slate roofs and buff render finish.

1.3 This proposed development is essentially identical, with the exception of phasing, to a previous proposal (99/068/FL) refused consent on appeal on 21 December 1999. The Reporter at that time was satisfied that a new build element is essential to the funding and the design, layout and number of new houses are such as to be just within the limits of acceptability in terms of the character and appearance of the area and the impact on the listed building, its setting, the TPO and the wildlife site. The Reporter further commented that while the essential works are themselves substantial they fall a considerable way short of securing completion of the restoration of the long term future of the property. Given the high estimates of restoration costs and the limited contribution from the proceeds of sale of the new houses a considerable shortfall remains. He considered that the then proposed Section 75 Agreement did not provide a mechanism which would guarantee the completion of the restoration and long term use.

1.4 The present application intends to address the concerns of the Reporter to secure the completion of the full restoration of Craig House. Whilst the restoration of Craig House remains uneconomic without the proposed enabling development, the applicant now intends to implement such restoration in full before commencing with the construction of the 14 new build houses. The restoration of Craig House is costed at £1.1 million and would proceed through the initial phases of rebuilding of the stone portico, the completion of a new slated and leaded roof, and the introduction of internal roof support joists to maintain the buildings integrity. Full restoration would proceed thereafter. The new dwellinghouses are essential to the funding of the restoration of the listed building. The applicant envisages Craig House being completely restored within 5 years from the commencement of development.

1.5 The proposed detached houses are sited within the stands of protected trees which envelope Craig House to the west, north and east. The applicants agent has submitted details regarding the likely impact the new build and new road access will have on the existing mature tree cover. The layout of the new build has been carefully considered to take into account the affect on the existing woodland and wildlife and the landscape setting of Craig House. It is also the intention of the applicant to develop and open up the remainder of the estate for the benefit and use of the community by the creation of a woodland and wildlife walk, creation of small community buildings and public car parking, creation of picnic areas and paths and access for the River Irvine. The applicant states that such works and certain construction processes will present employment and training opportunities for the local population and interested parties.

## **2. RECOMMENDATION**

**2.1 The application should be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions on the attached sheet.**

**2.2 It is further recommended that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 6.19 of the report.**

### **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 generally supportive of the planning application. The proposal is consistent with the policies of the EALP as the new build is essential to the funding of the restoration of the listed building. The design and number of new houses is acceptable in terms of the character and appearance of the area and the impact on the listed building its setting, the listed wildlife site and TPO. The area is not formally recognised within the Inventory of Gardens and Designed Landscapes in Scotland but is covered by a Tree Preservation Order, wherein only a small number of trees will be lost. The woodland area together with Craig House have been neglected and would benefit from sound long term management.

3.3 The previous application which was refused consent on appeal is essentially identical to the present proposal, subject to the change to the phasing of restoration. The Reporter was satisfied that the development proposed was appropriate, however his main concern was the inadequacy of the financial assurances. This has now been addressed by the applicant who intends to implement full restoration of Craig House before commencing the new build houses. The enabling new build is still required however a condition can ensure works related to the new build will not commence until Craig House is restored in full. The legal agreement will also ensure a landscape and woodland management plan for the area covered by the Tree Preservation Order.

**Stephen Chorley**  
**Director of Development Services**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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### **Report by Director of Development Services**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present a detailed planning application to the Development Services Committee under the scheme of delegation as it would be a major development with strategic significance; being contrary to the Adopted Kilmarnock Local Plan; the Council have an indirect financial interest in the site and it would require to be notified to the Scottish Ministers. In addition the objectors have made a request to address the Committee.

1.2 This application was previously presented to the Development Services Committee of 8 May 2001, however no decision was taken and consideration of the application was continued to allow further discussion on the legal status of the applicant. The planning application formerly in the name of Lavender Homes Ltd., has been amended and is now in the name of Chardon Homes Ltd. The name of the applicant is not however material to the consideration of a planning application as planning consent relates to the land rather than to the owner or developer of the land.

#### **2. APPLICATIONS DETAILS**

2.1 **Site Description:** Craig House is a large three storey detached, Grade B Listed Building set in extensive grounds approximately 3½ miles west of Kilmarnock. The house itself is situated in 20 acres of grounds and enjoys a prominent setting on a rise overlooking the River Irvine with a backdrop of mature woods. The woods associated with the house are protected by a Tree Preservation Order, and the area is also designated as a Listed Wildlife Site.

The property was previously operated as a Children's Home by Strathclyde Regional Council but has lain unoccupied for a number of years now falling into a state of considerable disrepair. A fire and various acts of apparent vandalism

have also had their affect and Craig House currently stands as a virtual ruin stripped of its roof; all internal features such as fireplaces, mouldings and part of the front ionic portico have been removed.

**2.2 Proposed Development:** Detailed planning consent is sought for the conversion of Craig House into 11 residential units and the erection of 14 dwellinghouses within the grounds of Craig House. It is proposed to convert Craig House into 10 flats and one four bedroom dwellinghouse. Three flats are proposed on the lower ground floor, the ground floor, the first floor and one flat on the second floor. The four bedroom dwellinghouse is proposed within the eastern wing of Craig House. Proposed external alterations involve a new roof clad in slates, the external walls to be wet dash rendered, new windows of sash and case appearance and all rainwater goods to be cast iron painted black.

**2.3** The fourteen dwellinghouses proposed within the grounds of Craig House comprise of 10 detached houses and a courtyard development of four houses. The ten houses proposed will be 2 storey in height, all of four bedroom accommodation. These houses will be sited along the new access roadway. A courtyard development of 4 houses, all of 4 bedroom accommodation, is proposed to the west of the Craig House. Materials proposed for the houses are slate roofs and buff render finish.

**2.4** This proposed development is essentially identical, with the exception of phasing, to a previous proposal (99/068/FL) refused consent on appeal on 21 December 1999. The Reporter at that time was satisfied that a new build element is essential to the funding and the design, layout and number of new houses are such as to be just within the limits of acceptability in terms of the character and appearance of the area and the impact on the listed building, its setting, the TPO and the wildlife site. The Reporter further commented that while the essential works are themselves substantial they fall a considerable way short of securing completion of the restoration of the long term future of the property. Given the high estimates of restoration costs and the limited contribution from the proceeds of sale of the new houses a considerable shortfall remains. He considered that the then proposed Section 75 Agreement itself did not provide a mechanism which would guarantee the completion of the restoration and long term use.

**2.5** The present application intends to address the concerns of the Reporter to secure the completion of the full restoration of Craig House. Whilst the restoration of Craig House remains uneconomic without the proposed enabling development, the applicant now intends to implement such restoration in full before commencing with the construction of the 14 new build houses. The restoration of Craig House is costed at £1.1 million and would commence through the initial phases of rebuilding of the stone portico, the completion of a new slated and leaded roof, and the introduction of internal roof support joists to maintain the buildings integrity. Full restoration would proceed thereafter. The

new dwellinghouses are essential to the restoration of the listed building. The applicant envisages Craig House being completely restored within 5 years from the commencement of development.

2.6 The proposed detached houses are sited within the stands of protected trees which envelope Craig House to the west, north and east. The applicant's agent has submitted details regarding the likely impact the new build and new road access will have on the existing mature tree cover. The layout of the new build has been carefully considered to take into account the affect on the existing woodland and wildlife and the landscape setting of Craig House. It is also the intention of the applicant to develop and open up the remainder of the estate for the benefit and use of the community by the creation of a woodland and wildlife walk, creation of small community buildings and public car parking, creation of picnic areas and paths and access for the River Irvine. The applicant states that such works and certain construction processes will present employment and training opportunities for the local population and interested parties.

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

3.1 The Roads Division have no objections subject to conditions regarding road improvements on U51 from the access point to the junction with the U16 being undertaken before construction work commencing on site. The internal road shall be constructed to comply with the Roads Division Guide, Construction Consent and a Roads Bond will be required for all road construction on both the existing public roads and the new access road.

***A note can be attached to the planning consent if granted advising the application that all internal roads shall be constructed to comply with the Roads Division Guide and Construction Consent and a Roads Bond will be required for all road construction. A condition could be attached to the planning consent if granted regarding road improvements to U51.***

3.2 West of Scotland Water have advised that there is a public sewerage system to which the proposed development could be sought to make a connection and details of the layout and specification of these services should be agreed.

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

3.3 Scottish Environment Protection Agency have no objections provided that foul drainage is connected to the public sewer. They ask that surface water from the site be treated in accordance with the principles of Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.

***A note can be attached to the planning consent if granted advising the applicant to make early contact with SEPA regarding Sustainable Urban Drainage systems.***

3.4 The Coal Authority, Scottish Power, West of Scotland Archaeology Service and East Ayrshire Council's Outdoor Services have no adverse comments to make regarding the proposed development.

***Noted.***

3.5 Transco require no mechanical excavation to be carried out within 500mm of their plant.

***A note can be attached to any planning consent if granted to advise the applicant of this requirement.***

3.6 Scottish Natural Heritage consider that the proposed development could have adverse impact on important natural heritage interests but these impacts could be reduced to a satisfactory level through the use of the following recommended conditions. They would not object to the development provided conditions are attached to overcome their concerns.

(a) all rear gardens to be enclosed by 2 metre wooden fence. There should be no direct access from the gardens to the woodlands and no private gateways made in the fenceline. This will reduce the potential for disturbance of the wildlife habitat and reduce the potential for dumping of garden waste in the woodland.

(b) All services should be installed along either the existing access road or the new access road. Trenching the services through the woodland will cause unnecessary root damage.

(c) The woodland management plan should take account of the nature flora and fauna and the characteristics of the designed landscape planting. The long term maintenance of the woodland should be underpinned by means of a Section 75 legal agreement.

***The requests of SNH can be addressed by attaching conditions to the planning consent if granted and incorporating the woodland management and its maintenance within a Section 75 legal agreement.***

3.7 Royal Society for Protection of Birds have noted that there is likely to be a direct impact on the biodiversity interest of the Listed Wildlife Site and recommend consultation with the Scottish Wildlife Trust.

***Noted.***

3.8 Scottish Wildlife Trust do not object to the development of 14 houses as these proposals limit the damage that will be done to the site in relation to previous proposals and as such are seen as a compromise. The proposed widening of the road especially leading to the new entrance should not result in the loss of the old stone walling which is a valuable habitat in itself. Such walling should be left untouched or rebuilt in its present mode of construction. A woodland management plan should be produced for the site and old and fallen trees which are valuable to the wildlife should not be felled or cleared away wherever possible.

***The creation of the new roadway will not result in the loss of the stone wall as access will be taken in an area where the stone wall is already missing. A woodland management plan will be required within the Section 75 legal agreement.***

3.9 Historic Scotland maintains its informal view that the proposals are acceptable. They require a condition requiring the repairs to the house and the design of the new 'stable' building be given detailed approval at a minimum scale of 1:50 including a detailed specification of repairs.

***The requirements of Historic Scotland can be addressed by attaching conditions to the planning consent requiring detailed drawings to be submitted and approved for the repairs to the house and new stable building.***

3.10 The Scottish Civic Trust believe that there are two separate issues to be addressed

- Whether or not enabling development or cross funding is suitable for this site and
- Whether the proposals would be appropriate for the setting of the house and the character of its estate

The suitability of enabling development

(a) The reason for refusal at the last appeal was that the application failed to prove that the amount of proposed cross funding from the sale of the new build scheme would prove sufficient to restore and maintain Craig House to "justify a departure from development plan procedures". They support this decision and would emphasise that it is essential to ascertain whether or not the restoration of

the Listed Building is achievable without compromising it and its grounds before any further decisions are made.

(b) They remain unconvinced that 14 houses are the absolute minimum required for an enabling development to restore Craig House. They are equally doubtful that the projected profit assigned from each unit is the maximum that could be attained.

(c) They strongly suggest that a development appraisal be submitted by the applicant. This would allow for a full and open assessment of the costs and projection of funds available for restoration works.

(d) They would encourage the repair and conversion of the house as the first phase being explored in a Section 75 legal agreement.

(e) They recommend that a development appraisal be submitted to allow a fully informed assessment of the potential revenue available from each unit for the renovation of the House.

#### Suitability of the new scheme for the character of the House and Estate

(a) The design and layout of the proposed houses is far too akin to suburbia and is not appropriate within the rural or architectural context of these grounds. They are disappointed with the turning circle proposed in front of the house which is not appropriate to the restoration of its setting or the original concept of the "approach" to the house.

(b) The proposed pastiche stable block is more successful as a design than the other dwellings proposed however its chosen location would compromise the setting of the original house and they recommend that a more appropriate site be found.

(c) The internal layout of the flats within the House appears to be well thought out however the bathrooms in front of tripartite window of the pavilion would result in an awkward and less elegant internal space and would interrupt the architectural integrity of the design both internally and externally.

(d) Although the number of trees proposed to be felled has been reduced, a less ambitious scheme could avoid any felling altogether. A historic landscape management plan should be a condition of any consent.

(e) They are concerned about traffic impact on the area and are not convinced that passing places would suffice to serve an increase of traffic well in excess of 25 vehicles. Access and egress to and from the main road could become congested at certain periods.

***These issues are addressed in detail within Section 6 of the report. However, the applicants intend to completely restore the House before commencing the new build. In this way the single most important aspect of the proposal is secured before new build commences; this can be ensured by condition; and any deviation from this scenario would require further submission to the planning authority.***

3.11 The Architectural Heritage Society of Scotland indicate that given the proximity of many trees to the proposed development, they would expect vigorous protection and monitoring of those remaining during development. They also require assurance that the long term management of the parkland and wildlife sites has an adequate mechanism. They reluctantly accept the proposed number of houses at 14 with 11 flats in Craig House. The design of the houses are bland and have no relation to the rural site or Scottish location. Although, the finish and material were approved on the courtyard block, they still object to its proximity to Craig House because it will compromise the curtilage of the listed building. To lessen the impact it could be turned so that a smaller and less obstructive side elevation only would be seen. There are no details of surfacing and they suggest “grasscrete” for the car parking spaces and gravel with a centre and edging of pavements for the turning circle in front of Craig House.

***See Section 6 of the report. The surfacing of the car parking spaces and turning circle can be addressed by attaching a condition to the planning consent if granted.***

3.12 Ayrshire Joint Structure Plan understand that discussions have taken place on the mechanism to secure completion of the restoration of Craig House in its entirety. In light of these discussions and as the proposal is in accordance with G1 of the Ayrshire Joint Structure Plan and consistent with NPPG18 paragraph 57 they raise no objections.

***See Section 6 of the report. This confirms that the original mechanism of phased development linked to phased payments into a joint account administered through a legal agreement has now been simplified such that restoration is completed in full prior to any new build commencing.***

3.13 The Garden History Society have objected to the proposal to develop within a designed landscape. The designed landscape associated with Craig house, though modest in scale, is of some quality. It contains an interesting variety of broad leaved and coniferous trees and is significant both as the setting for an important listed building and for the contribution which it makes to the wider landscape in this part of East Ayrshire. Any proposal for Craig House should satisfy a number of conditions with regard to any development within the

landscape being confined to those areas of ground which are hidden from the main house thereby ensuring that its setting and views are maintained. Any proposals should include an appraisal of the historic landscape and provide some indication of its future management. The new buildings should have a regard for the style, character and quality of the main house.

The Society notes that further attempts have been made by the applicant to ameliorate the potential impact of the proposal by keeping tree felling to a minimum, reducing the total number of dwellings and locating the new houses away from principal views. They welcome the applicant's intention to open the remainder of the estate for the benefit of the local community and to put in place a Woodland Management Scheme. They have reservations about the present proposal.

- There is no indication of how the management of the woodland is to be paid for in the longer term. It is the experience of the Society that the method of financing the renovation and ongoing maintenance of the landscape must be deferred at the outset if the objectives of the management plan are to be fulfilled.
- They would ask that the possibility be explored of controlling planting with the proposed gardens in order to ensure that the character of the woodland is not altered by inappropriate planting.
- They would recommend the insertion of a gate between the proposed housing development and the mansion/stable block in order to create a distinction between the two and to maintain a "sense of arrival" equivalent to that currently generated by the gate lodge.

***The concerns of the Garden History Society regarding the landscape surrounding Craig House have been addressed by either attaching conditions to any grant of planning consent or through a clause in the Section 75 legal agreement which requires the submission of a landscape and woodland management scheme for the area covered by the Tree Preservation Order. The wooded area has been neglected in the past and would benefit from sound, long term management which will improve the habitat for the wildlife. This would be achieved if planning consent is granted for the application under consideration. The proposal will result in the felling of 18 trees (14 living trees and 4 dead trees); this is minimal when compared to the number of trees within the woodland. It is considered that the erection of a gate between the proposed houses and Craig House and new stable block would not be appropriate as it would detract from the open aspect of the surrounding landscape.***

3.14 Crosshouse Community Council have not responded to the consultation letter.

***Noted.***

#### **4. REPRESENTATIONS**

There are 17 objectors to the proposed development (two of which being the Architectural Heritage Society of Scotland and the Garden History Society whose objections are detailed in paragraphs 3.11 and 3.13 above). The grounds of objection are as follows:-

4.1 The development is totally out of character with the rural surroundings and detrimental to the rural character of the area. The erection of 14 new dwellings to facilitate the restoration of Craig House will have an adverse impact on the rural area as they are located in a small area of the overall estate.

***It is considered that the design and location of 14 new dwellinghouses is sympathetic to its rural setting.***

4.2 The proposal would mean the felling of trees which would be detrimental to the habitat of the woodland and wildlife at Craig House. The wood is subject to a Tree Preservation Order and this type of suburban development will destroy the habitat. Roe deer, squirrels, buzzard and heron are to be seen frequently. This rural area brings pleasure to many people – anglers, bird watchers and walkers with young families and dogs. Craig House and its grounds are part of a Listed Wildlife Site. Last summer there were a number of unidentified bats in the area of the house and they believe it is possibly a new bat roosting site. They request a full and authoritative bat survey of the building. The wildlife will inevitably be driven from the site during the development process with a high risk of additional woodland features being damaged by plant machinery in addition to the trees identified for direct felling.

***The proposal will result in the felling of 18 trees which is minimal when compared to the number of trees within the woodland. SWT and RSPB have not objected to the development as the proposals will result in very little damage to the Listed Wildlife Site. The woodland management scheme proposed within the Section 75 legal agreement will improve the habitat for the wildlife. SNH have been consulted regarding the presence of bats. They do not feel that it would be appropriate to carry out a full bat survey of the site at this time. Many of the mature trees within the development site will remain. The development is unlikely to significantly affect the***

**foraging area or potential roosting sites. With regard to the felling of trees, potential roosts should be checked prior to felling and advice sought and should a felled tree expose a roost no further work on the trees undertaken without prior approval. If there are either hibernating bats or active roosts within the building a licensed bat worker should be on site immediately prior to demolition to check bats and advice sought from SNH. It is unlikely that the building will be supporting a significant summer roost as the building is in a state of considerable disrepair. If there is a significant roost site the erection of bat boxes should be required by the developer to mitigate against the potential loss. The advice of SNH regarding potential bats and bat roost can be addressed by attaching conditions to the planning consent if granted.**

4.3 Craig House which belonged to the public was sold to the purchaser for a low price on the condition the house was restored to its former glory not to be converted in any way and certainly not for the erection of a further 20 houses. Craig House which has been destroyed by vandals over the last few years should be demolished and the whole area reserved for the wildlife. There is no real need for such development in the area.

**Craig House although presently just a shell, is a 'B' listed building. The present proposal will ensure its complete restoration to its former condition. The sale of the new build dwellinghouses will contribute towards the cost of restoration of Craig House.**

4.4 The present roads and access to the development are totally inadequate to cope with the increased volume of traffic which would occur if housing is allowed to go ahead.

**The Roads Division have no objections to the proposal provided roads improvements are undertaken on the U51.**

4.5 The country lane is the sole access to 2 farms, slow moving wide farm machinery and livestock use this lane daily and if the development is allowed they insist on a 2 lane road and the narrow bridge being widened and dangerous corners straightened.

**The Roads Division have recommended passing places on the approach road that will allow the access to be acceptable in terms of road safety.**

4.6 There is extreme concern about the blind corner near Craig Lodge on the single track road leading to the proposed site access. The stone wall has recently been demolished by out-of-control cars at this location as has the stone

wall near the entrance to Craig Lodge. These roads are regularly used for horse riding, family countryside walks and cycling by local residents.

***The Roads Division have recommended passing places on the approach road that will allow the access to be acceptable in terms of road safety.***

4.7 Craig House is in the Green Belt. A development of this nature would be contrary to sound planning objectives traditionally covered under Policies HR1 – HR6 in the finalised local plan and Policies CA 11, CAT 1A, RES 2 and RES 2A of the Strathclyde Structure Plan. To determine this application by policies contained in the currently unadopted new Local Plan which has yet to be cleared through public inquiry would be premature.

***There are no green belt designated areas in East Ayrshire. The application site is located in the Rural Protection Area and the proposal has been assessed against the housing and environmental policies of the East Ayrshire Local Plan, Finalised Version with Modifications in Section 6 of the report. The Approved Strathclyde Structure Plan has been superseded by the Approved Ayrshire Joint Structure Plan. The Council has agreed that greater weight should be attached to more recent expressions of policy in the EALP than in the Adopted Kilmarnock Local Plan which is of considerable age and based on old government guidance. Furthermore, NPPG1 “The Planning System” states that more recent expressions of policy and planning guidance may outweigh the policies of the development plan.***

4.8 Sound planning policies require that proposals of this nature should not be supported in ‘Countryside around Towns’ locations unless they are clearly justified under criteria: economic benefit, specific locational need, infrastructure implications and environmental impact. The proposed development accords with none of these provisions.

***The ‘Countryside Around Towns’ designation is a term used in the Approved Strathclyde Structure Plan which has been superseded by the Approved Ayrshire Joint Structure Plan. The proposed development has been assessed against the Adopted Kilmarnock Local Plan, East Ayrshire Local Plan, Finalised Version with Modifications and the Approved Ayrshire Joint Structure Plan in section 6 of the report.***

4.9 They would support the restoration and conversion of Craig House and they firmly believe that the enabling development would have a severe and

unacceptably detrimental impact which would greatly outweigh the benefits gained from restoring Craig House itself. Fourteen suburban style dwellings would be out of place in the countryside setting and would contribute to the already very noticeable 'suburban sprawl' taking place around Kilmarnock.

***The applicant has provided information that the enabling development is essential to the funding of the restoration of the listed building. The design and number of houses proposed is acceptable and will not detract from the character of the building and area.***

4.10 The proposed development is in a designed landscape.

***The area is not formally recognised within the Inventory of Gardens and Designated Landscapes in Scotland.***

4.11 The development is detrimental to the setting of the listed building itself on a highly visible hill top site. The proposed development will be visible from adjacent farms.

***It is considered that the proposed fourteen dwellings will not detract from the setting of the listed building and the rural area.***

4.12 The proposed development should not be considered for approval unless financial arrangements are in place which guarantee beyond any doubt to secure completion of the restoration of Craig House in its entirety.

***See response to 6.3 of the report. As advised earlier, the proposal is now that the House would be completely restored in advance of any new build housing development.***

4.13 This present application differs little from previous proposals which have all been previously refused twice by the Scottish Ministers.

***The present proposal is largely identical to the previous proposal 99/0068/FL which was dismissed by the Scottish Executive. The main change is that the applicant has secured funding such that completion of the House restoration precedes the necessary, but limited, new build development. See Section 6.3 of the report.***

4.14 They request that there should be a public hearing held to express their views.

***The scheme of delegation allows for an objector to be offered the opportunity to address the Committee where there is more than one objection to a proposal which is contrary to the development plan or***

***where there is a significant new planning issue. In this instance the opportunity for objectors to address the Committee is granted.***

## **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 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 With regard to the Adopted Kilmarnock Local Plan 1986, the proposed development requires to be assessed against Policies 4.1.6, 4.8.6, 5.10.3, 5.10.4, 5.10.5 and 5.10.6 which relate to housing development in the countryside outwith the settlement boundary and design criteria in respect of listed buildings.

***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 conversion of a derelict building.***

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

6.1 The other material considerations in the assessment of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), NPPG's, the impact on the amenity of the area, the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, planning history 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 relevant policies under the EALP are RES 3, RES 7, RES 8, RES 13, RES 17, ENV 1, 2 and 4, 10, 14 and 15.

6.3 RES 3 indicates those circumstances where the Council will expect a developer to enter into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997

***Initially it was proposed that, under Policy RES 3, a Legal Agreement would secure the phased restoration of Craig House linked to the***

**receipt of a subsidy from each new build house sold. With the applicant now undertaking to fully restore the House in advance of the new build, the primary purpose of the Legal Agreement becomes that of addressing a landscape and woodland management scheme for the area covered by the Tree Preservation Order. A condition can be used to ensure that the House is indeed restored before the new build element is constructed.**

6.4 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 full 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 in part for the conversion of a traditionally designed building to residential use within the rural area. The proposal does not involve an extension to the existing listed building however fourteen houses will be built within the grounds. It is considered that the design and location of the new build will not detract from the architectural integrity of the building. The alterations proposed to the listed building are in keeping with the design of the building. The development meets the requirements of all the statutory undertakers including the Roads Division. It is***

***proposed to use materials similar to the materials used on the listed building.***

6.5 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 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 applicant had initially submitted that they would be prepared to enter into a Section 75 legal agreement to ensure the complete restoration of Craig House. In as much as the applicants are now***

***proposing to fully complete the restoration of Craig House first, the cost the restoration being funded in part by the enabling development of 14 dwellinghouses to be built in the Estate grounds, a legal agreement is no longer required in that respect. A condition can secure the restoration works in advance of the necessary enabling new build elements. The proposal will result in the listed building being subdivided into 11 apartments. However, these alterations will not detract from the historic/architectural merit of the building. The design and location of the new houses are sensitive to the setting and design of the listed building and the surrounding rural area. The new build meets the provisions of all other housing policies.***

6.6 RES 13 confirms the Council's support of residential development in the Rural Protection Area only where specific criteria apply, including where it is enabling the conversion of a large rural institutional property.

***The terms of RES 13 are met by this proposal.***

6.7 RES 17 confirms that the Council will not permit residential development in the countryside in a number of circumstances including where there are Sites of Special Scientific Interest and on other recognised important areas of known nature conservation, built heritage or natural heritage interest. Development would also not be permitted where it would result in the loss of land planted for forestry, areas of ancient or semi-natural woodland, mature shelter belts or in the loss of mature trees.

***It is considered, when setting the heritage benefits of securing the restoration of Craig House against the lesser impacts in terms of tree loss and effects on the listed wildlife site, that the development can be supported. It is noted that there are no objections from SWT and that SNH's concerns do not amount to an objection given the conditions proposed at the conclusion of this report.***

6.8 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 encourages 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 ensure the restoration of a vacant derelict listed building.***

6.9 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 conversion and restoration of Craig House is in keeping with the architectural features of this listed building. The enabling development will not adversely affect the setting of Craig House and its design and the materials used are in keeping with character of the adjacent listed building and the surrounding area.***

6.10 Policies ENV 10, ENV 14 and ENV 15 of EALP deal with the impact of the development on the natural environment. Policy ENV 10 resists development likely to adversely effect listed wildlife sites and safeguards all sites of recognised nature conservation value. Where development is approved for such sites appropriate measures should be taken to conserve and manage as far as possible the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable.

***The RSPB and SWT have not raised any objections as the present proposals limit the damage to the Listed Wildlife Site. They have requested that a woodland management plan be produced for the site and old and fallen trees which are valuable to the wildlife should not be felled or cleared away. Their requirements can be met by attaching a condition to the planning consent if granted.***

6.11 Policy ENV 14 presumes against any development which would have permanent adverse impact on the setting of listed buildings or have a permanent adverse impact or cause unacceptable irreparable damage to natural heritage resources requiring conservation and to existing species and habitats.

***It is considered that the benefits offered by the restoration and conversion of Craig House are sufficient to justify the limited impact on the natural and built heritage resources of the site.***

6.12 Policy ENV 15 strongly encourages the protection and positive management of remaining areas of ancient and semi natural woodland and protection of individual, groups and areas of trees which contribute significantly to

the landscape quality of the rural environment through the serving of Tree Preservation Orders.

***The woodland surrounding Craig House is protected by a Tree Preservation Order. The proposal will result in the loss of a limited number of trees in this wooded area. The associated loss of trees will comprise of 14 living trees and 4 dead trees. The wooded area has been neglected in the past and would benefit from sound long term management. The legal agreement would ensure that a landscape and woodland management plan for the area would be provided.***

6.13 The Approved Ayrshire Joint Structure Plan highlights the importance of Listed Buildings and Policy E19 does not support developments which have an adverse effect on listed buildings of architectural and historic interest.

***The proposed development will bring a listed building back into use and ensure its full restoration. The proposal is therefore in accordance with the Approved Ayrshire Joint Structure Plan.***

6.14 NPPG 18 “Planning and the Historic Environment” states that in the determination of applications affecting a listed building or its setting the planning authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. It acknowledges the need in some cases for enabling development but defines this as 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.

***As indicated above the proposed development will secure the future of Craig House by restoring the building to its former structure. The form of enabling development is considered acceptable to allow the complete restoration of Craig House.***

6.15 With regards to the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 it encourages new uses for old buildings which may be the key to their continued survival. When considering applications for alterations or extensions, the Planning Authority 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.

***Craig House is largely a shell with many of the internal architectural and historical features having been removed by vandals. The conversion of Craig House into residential units will ensure the***

**restoration of the building. The new dwellinghouses will be in keeping with the Grade B Listed Building. Conditions can be attached to the planning consent regarding external materials to ensure that they are consistent with the listed building.**

#### 6.16 Planning History:

- KL/W/FL/89/261E – Erection of housing at Craig House refused on 20 September 1995 and dismissed on appeal by the Scottish Executive on 10 July 1996.
- 97/0330/LB and 97/0359/FL – Listed Building consent was sought for the conversion of Craig House to 11 apartments and planning permission for the conversion and the erection of 20 houses within the grounds. The listed building consent was approved solely for conversion works and the planning consent was refused on 4 June 1998. The applicants chose to appeal the refusal of planning consent and the appeal was dismissed by the Scottish Executive.
- 99/0068/FL – Planning consent was refused on 21 December 1999 for Change of Use and conversion of Craig House to form 11 apartments and construction of 14 dwellinghouses within the grounds. An appeal was lodged by the applicants to the Scottish Executive against the refusal of planning consent. The Reporter was satisfied that a new build element is essential to the funding and the design, layout and number of new houses are such as to be just within the limits of acceptability in terms of the character and appearance of the area and the impact on the listed building, its setting, the TPO and the wildlife site. The reporter further commented that while the essential works are themselves substantial they fall a considerable way short of securing completion of the restoration of the long term future of the property. Given the high estimates of restoration costs and the limited contribution from the proceeds of sale of the new houses a considerable shortfall remains. The proposed Section 75 Agreement itself does not provide a mechanism which would guarantee the completion of the restoration and long term use.

***The nature of the present proposal under consideration is essentially identical to the above proposal which was refused consent on appeal, with the exception of the location of the house within Plot 6 which has moved closer to Plot 5 and the new roadway. The main changes are in relation to the implementation of the development and the fact that the applicant has changed from Lavender Homes, who originally applied for planning permission, to Chardon Homes. The applicant has now proposed a significant improvement in the***

***development proposals such that there is no longer requirement to secure a legal agreement regulating the submission and administration of enabling funding. There will continue to be an effective cross subsidy from each of the 14 new build houses but no works will commence on these houses until the main House is restored. This undertaking by the applicants effectively addresses the Reporter's concerns about ensuring the complete restoration of Craig House. It will be noted from the above that the Reporter was satisfied that the development proposed was appropriate and planning consent was refused previously on appeal by reason of the inadequate financial assurances given.***

6.17 The comments of the consultees can be addressed by attaching conditions to the planning consent if granted and through the terms of the Section 75 legal agreement. The concerns of the objectors regarding poor road access and impact of the development on the rural area and listed wildlife site have not been echoed by the consultees. With regard to any impact on the amenity of the rural area and the listed building, the proposed development will have a positive impact due to the restoration and improvement of the listed building and the provision of a woodland management scheme for the surrounding woodland. The siting and number of new dwellinghouses proposed will not have an adverse impact on the rural area.

6.18 It should be noted that the Listed Building consent granted on 4 June 1998 remains extant and relates to the same works to Craig House as those proposed within this planning application.

6.19 In order to ensure the complete restoration of Craig House and to address the proper management of the woodland area it is recommended that a Section 75 agreement is concluded. It should address the following matters:-

- **Submission of a programme of works for the complete restoration of Craig House, these works are to be completed in advance of any construction commencing on the new build houses**
- **The submission of a landscape and woodland management scheme for the area covered by the Tree Preservation Order.**

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

7.1 A clause in the missives of sale of Craig House by the former Strathclyde Regional Council to Mr Groome, the current owner provided that, due to the original nominal purchase price, Mr Groome would be obliged to remit to the Council one half of any profits obtained by him should he sell on the property to a

third party prior to the commencement of any works of restoration to the property; and that within a period of 10 years from the date of the said date of entry. The extent of any such remittance to East Ayrshire as the successor Authority to Strathclyde Region is not relevant to the determination of the application, however it does trigger notification of the application to the Scottish Ministers if the Committee decides to approve the application; see below.

7.2 Legal Implications: The Council has an indirect financial interest in the determination of this application 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 Section 4 and Section 5 of this report, the planning application is subject to a substantial body of objections and it is contrary to the Adopted Local Plan. As a consequence should the Committee agree to grant consent, the application will require to be notified to the Scottish Ministers.***

## **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 generally supportive of the planning application. The proposal is consistent with the policies of the EALP as the applicant has submitted information proving that the new build is essential to the funding of the restoration of the listed building. The design and number of new houses is acceptable in terms of the character and appearance of the area and the impact on the listed building its setting, the listed wildlife site and TPO. The area is not formally recognised within the Inventory of Gardens and Designed Landscapes in Scotland but is covered by a Tree Preservation Order, wherein only a small number of trees will be lost. The woodland area together with Craig House have been neglected and would benefit from sound long term management.

8.3 The previous application which was refused consent on appeal is essentially identical to the present proposal, subject to the change to the phasing of restoration. The Reporter was satisfied that the development proposed was appropriate, however his main concern was the inadequacy of the financial

assurances. This has now been addressed by the applicant who intends to implement full restoration of Craig House before commencing the new build houses. The enabling new build is still required, however a condition can ensure that works related to the new build will not commence until Craig House is restored in full. The legal agreement will primarily ensure a landscape and woodland management plan for the area covered by the Tree Preservation Order.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions on the attached sheet.**

**9.2 It is further recommended that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 6.19 of the report.**

**Stephen Chorley  
Director of Development Services**

17 September 2001 (PC/SA)  
FV/DM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. Letters of objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan 1986.
7. Approved Strathclyde Structure Plan.
8. East Ayrshire Local Plan Finalised Version with Modifications.
9. NPPG 18 Planning and the Historic Environment and NPPG1 The Planning System.
10. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.
11. Planning Application Nos. KI/W/FL/89/261E, 97/0330/LB, 97/0359/FL and 99/0068/FL.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0840/FL

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Site of Proposal	Craig House CROSSHOUSE
Nature of Proposal	Change of Use and Conversion of Craig House to form 11 no Apartments and Construction of 14 no Dwellinghouses Within Grounds
Name & Address of Applicant	Chardon Homes Limited Fernlea Ancaster Road CALLANDER FK17 8EL
Name & Address of Agent	LBG Waterston 20 Old Bothwell Road GLASGOW G71 8AW

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DPO'S Reference PC/SA

Subject to Notification to the Scottish Ministers.

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

1. There shall be no commencement of construction on the 14 new houses; other than the formation of the access road, turning point and provision of services; prior to the completion of the restoration of Craig House in accordance with the approved details.

REASON In the interest of securing the restoration of the listed building as the first phase on this overall development project.

2. No development shall be carried out until a finalised programme plan, showing the phases by which the land will be developed, has been submitted to and approved by the Planning Authority.

REASON In order to ensure a properly programmed development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, no extensions or garages unless forming part of the approved layout plan, shall be erected in relation to any of the houses hereby approved, unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

4. Details/samples of all facing, roofing, external wall and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of visual amenity.

5. Notwithstanding the details of the plans hereby approved all new and replacement windows shall be of traditional sliding sash and case operation and of timber sash and case construction with central mullions where appropriate unless otherwise agreed with the Planning Authority.

REASON In the interests of visual amenity.

6. Details of all boundary walls and fencing shall be submitted to and approved in writing by the Planning Authority before any development commences on site. Such walls and fencing as are approved shall be erected prior to the occupation of any dwelling whose curtilage boundary they form.

REASON In the interests of visual amenity.

7. No building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees highlighted in blue and shown on the approved plans as being retained on the site. The fencing shall enclose either:

- (a) the area described by the limit of the spread of the branches of the tree; or
- (b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structures, 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.

8. A landscaping scheme to include the T.P.O. area and the provision of garden space shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented in accordance with the phasing plan submitted in pursuance of Condition 2 above. The scheme shall include full details of new compensatory tree planting to replace those trees to be felled, the formal garden to the south of Craig House, and confirmation of there being no individual gardens for the courtyard. Such replacement planting shall be implemented within a timescale to be agreed within the proposed management plan.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

9. No excavation work, storage of plant machinery, building materials, or excavated material shall take place within 10 metres of the trunk of any of the trees on the site to be retained highlighted blue on the approved plans, unless otherwise agreed with the Planning Authority.

REASON In order to protect the trees on site in the interests of visual amenity.

10. Details of the means of excavating and constructing the roadways and footpath within 10 metres of the trees highlighted blue in the approved plans shall be submitted to and approved by the Planning Authority prior to the development. Such details shall ensure that the works do not cause damage (short or long term) to the highlighted trees.

REASON In order to protect the trees on site in the interests of visual amenity.

11. Notwithstanding the plans hereby approved, the external surface of the walls of the proposed new houses shall be rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

12. Notwithstanding the details on the plans hereby approved the roof design of the integral garages on both house types B and D shall be finished with a full

gable, details of which shall be submitted to and approved by the Planning Authority before development commences.

REASON In the interests of visual amenity.

13. All external woodwork on Craig House including that on the winter house shall be painted, and not stained or varnished.

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

14. The walls and stonework details on Craig House shall be painted in a cream or stone colour. A sample of the colour shall be submitted to and approved by the Planning Authority prior to the commencement of development.

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

15. Notwithstanding the submitted plans further details of the design and materials to be used in the reconstruction of portico, balusters between columns and the entrance steps shall be submitted to and approved by the Planning Authority prior to the commencement of development.

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

16. The basement doors on the south and east elevations of Craig House shall have rectangular fanlights thereby reducing the height of the doors.

REASON In the interest of preserving the buildings architectural and historic character.

17. The dormer windows on the north and south pitches of Craig House do not accurately represent the design of the original dormers. Drawings shall be submitted to for the prior approval of the Planning Authority to demonstrate a design that matches the original dormers. This design shall thereafter be used in the construction of the dormers on both the north and south roof pitches.

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

18. The roof pitches of Craig House shall be clad in natural slate of a Scottish variety, unless it can be demonstrated that Welsh or English slate was used on the house.

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

19. The size, type and colour of chimney cans shall be submitted to and approved by the Planning Authority, prior to the commencement of development.

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

20. Further details of the position of the speed tables shall be submitted to and approved by the Planning Authority, prior to the commencement of development.

REASON In the interest of road safety.

21. Detailed drawings shall be provided for the features on the Winter House as itemised below:-

a). The upper windows in the link between the house and winter house were border-glazed rather than patterned as shown in the drawings. A detail of this distinctive feature shall be provided for the prior approval of the Planning Authority.

b) The gutters shall be replaced in cast-iron and sited as indicated by the existing gutter brackets. The downpipes fed into hoppers which appear to have been the turn-of-the-century type that are oblong in shape with ogee side profiles. The proposed colour of the rainwater goods shall be provided for the prior approval of the Planning Authority.

c) The hatches at ground level of the west elevation have hand-made hinges and were an integral part of the design and function of the building. This features shall be retained, in a form blanked off from the inside.

d) The existing glazing pattern has been altered in the proposal drawings. The applicants shall submit details for the approval of the Planning Authority, showing either the adoption of existing glazing bars or the installation of new glazing matching the existing pattern.

e) The new windows proposed for the south elevation are too large, and shall be reduced so that they impact less on the design of the winter garden and also remain subservient in scale to the windows on the main house.

f) The wrought iron or steel screen between the winter house and main house is a good piece of Burnet iron-work, and shall be removed and re-used elsewhere in the winter house if possible.

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

22. Notwithstanding the plans hereby approved the eaves details of the new houses are not approved and further details of same shall be submitted to and approved by the Planning Authority prior to the commencement of work on the new houses.

REASON In the interests of visual amenity.

23. All servicing and infrastructure provisions shall be formed only along the new or existing access road as detailed unless otherwise agreed in writing by the Planning Authority.

REASON In the interest of retaining the maximum number of trees on site and ensuring their preservation from damage in the interest of visual amenity.

24. Notwithstanding the details on the plans hereby approved all external doors shall be of timber panelled construction unless otherwise agreed in writing by the Planning Authority.

REASON In the interests of visual amenity.

25. Notwithstanding the plans hereby approved, the design of the bay window feature on the elevations of house type B and D is not approved. Further details of this window shall be submitted to and approved by the Planning Authority prior to commencement of any of the new houses.

REASON In the interest of visual amenity.

26. There shall be no commencement of any works on site until the junction works and the passing places are available for use on road U51 as detailed in

approved plan 710A Rev E, 710A, 18 & 19. Details of passing places are to be submitted, to and approved by the Planning Authority and thereafter implemented as agreed.

REASON In the interest of road safety.

27. Notwithstanding the details on the plans hereby approved, further details of the positioning of the proposed house in Plot No 6 relative to the adjacent woodland shall be submitted to and approved by the Planning Authority, prior to the commencement of development.

REASON In the interest of retaining the maximum numbers of trees on site.

28. No surface water shall issue from the site onto the public road.

REASON In the interests of road safety.

29. No vehicle shall leave the site with earth, mud or other forms of deleterious material attaching to its wheels in a quantity which may result in a nuisance or hazard to vehicles or pedestrians.

REASON In the interest of road safety.

30. No construction or site access shall be taken via Craig Lodge or the Craig Centre access roads at any time.

REASON In the interest of road safety.

31. Other than those trees agreed to be felled to enable the provision of the access road and turning point, there shall be no felling of any trees on site, without the specific written consent of the Planning Authority, prior to the full completion of the restoration works to Craig House as approved.

REASON To prevent the unnecessary felling of trees.

32. Prior to the felling of any trees on site or the commencement of any work on Craig House the advice of Scottish Natural Heritage shall be sought regarding potential bat roosts. If a significant bat roost is found bat boxes shall be erected in locations to be agreed by the Planning Authority.

REASON To mitigate against the potential loss of bats.

33. Notwithstanding the approved plans, detailed drawings to a minimum scale of 1:50 regarding the repairs to Craig House and the courtyard development of 4 houses shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The repairs and courtyard development shall thereafter be implemented as approved.

REASON To ensure the proposals are in keeping with the architectural merit of the listed building.

34. Details of the intended surfacing materials to be used on the car parking spaces and turning circle beside Craig House and the proposed Courtyard shall be submitted to and approved by the Planning Authority prior to the commencement of development. These areas shall be formed as approved prior to the occupation of any dwelling within the Courtyard or Craig House.

REASON In the interests of road safety and visual amenity.

#### **NOTE TO APPLICANTS**

1. This consent does not involve the Council in the maintenance of open space.
2. The developer should make early contact with West of Scotland Water with respect to the layout and specifications of new sewers.
4. Prior to the commencement of development on site, the applicant should satisfy himself as to the suitability of the site for construction purposes.
5. The developer shall make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their 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.
6. The Council does not currently have a general agreement with WoSWA 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.
7. No mechanical excavation shall be carried out within 500mm of Transco Plant.
8. All internal roads shall be constructed to comply with the Roads Division Guidelines

**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**

