

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 SEPTEMBER 2001

**01/0406/FL: PROPOSED ERECTION, ALTERATION AND CONVERSION TO
FORM 24 HOUSES**

AND

**01/0383/LB: PROPOSED ALTERATIONS TO HOUSE INCLUDING DEMOLITION
AND REBUILDING OF WING BLOCKS
AT DRAFFEN FARM, LOUDOUN STREET, STEWARTON, FOR JOHN DICKIE
HOMES LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 19 dwellinghouses in front of and to the rear of the farm buildings and for the conversion of the farm buildings to form 5 further dwellinghouses. Listed Building Consent is sought for the works insofar as they relate to Listed farm buildings.

1.2 The applicant proposes to erect 13 dwellinghouses on the land to the front of the farm buildings. It is proposed that 12 of those will be two-storey, four-bedroom detached dwellinghouses, whilst the remaining dwelling, which is proposed to be situated immediately adjacent and to the front of the farm buildings, will be a two-bedroom bungalow. The applicant proposes to finish the dwellings with a combination of white painted render, red or buff facing brick and grey concrete roofing tiles.

1.3 The dwellings which are proposed to be erected to the rear of the farm buildings are in the form of 6 two-storey, three-bedroom terraced units. The applicant proposes to externally finish those dwellings with white painted render and grey concrete roof tiles.

1.4 The proposed alterations to the farm buildings involve the demolition and rebuilding of the wing blocks to form 4 three-bedroom dwellinghouses. The ridge line of the rebuilt sections would be some 70cm higher than the height of the existing ridge line. The character of the rebuilt sections would also be substantially different from that of the original as they would be characterised by additional window and door openings, including the construction of additional dormer windows. Notwithstanding this, the footprint of the rebuilt wing blocks would match the existing footprint. The central section of the farmhouse is proposed to be internally modified such that it is retained as one dwellinghouse. No external alterations are proposed to that part of the farmhouse other than the conversion of a window opening on the rear elevation to form a doorway. The applicant proposes to externally finish the rebuilt wing blocks with white painted render and natural slate. It is also proposed to replace the missing natural slate on the remainder of the farm buildings in a like-for-like manner.

1.5 It is proposed that the mature trees which form the tree-lined avenue, and which are covered by a Tree Preservation Order, will be removed to make way for the proposed development. The applicant proposes to form 2 new accesses to the site. One access would be formed approximately 20m east of the existing access, serving two of the detached dwellings which are proposed to be orientated such that they front Loudoun Street. The main access to the site would be formed approximately 65m east of the existing access and would serve the remainder of the detached dwellings, the farm buildings and the terraced units.

1.6 The applicant also proposes to provide 1593m² of public open space, additional tree planting, associated landscaping and an extension of the public footpath from Loudoun Street to the principal access to the site.

2. RECOMMENDATION

2.1 It is recommended that both applications be refused for the reasons indicated on the attached sheets.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 above, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, with regard to the planning application and Section 25 with regard to the Listed Building Application, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.21, there are material considerations relevant to the determination of these applications

3.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the principle of the 19 dwellinghouses is contrary to the Adopted Local Plan, it is nevertheless in accordance with the site's designation for residential development in the East Ayrshire Local Plan (Finalised Version with Modifications). Notwithstanding this, the proposals fail to comply with Policies RES7, ENV1, ENV2, ENV4 and ENV15 of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 The applicant has not addressed the objections of the heritage bodies in respect of the conversion of the Listed Building. Rather, the applicant has indicated the wish to have the application determined as it stands.

3.4 Notwithstanding the comments of the heritage bodies, no further adverse consultation responses have been received.

3.5 In respect of the points of objection, it is considered that the proposal would result in an unacceptable degree of overlooking to properties on Loudoun Street, given the sloping nature of the site and the orientation of the detached dwellinghouses.

3.6 The Committee should note that the proposal is considered to be acceptable in terms of the principle of the development. However, the proposed layout of the site is not acceptable given the loss of the tree-lined avenue (formed by trees covered by a Tree Preservation Order) and the inclusion of dwellinghouses to the immediate south of the farm buildings and the terraced units to the rear of the farm buildings. Moreover, the proposals for the partial demolition, rebuilding and conversion of the Listed Building are not acceptable in terms of the proposed design. The applicant has indicated they wish to have the applications determined as they stand.

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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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present a full planning application and an associated application for Listed Building Consent which are to be considered by the Local Planning Committee under the Scheme of Delegation as both applications are recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site of both applications lies on the western edge of Stewarton, between Loudoun Street and Cutstraw Road. It extends to some 1.5 hectares. Part of the site is presently under pastoral use whilst the remainder, which was formerly the garden ground and yard associated with the abandoned farm buildings, is in an overgrown state. The land slopes generally upwards from the southern part of the site adjacent to Loudoun Street, to the northern part of the site. An unsurfaced access road in the form of an avenue, partially lined on both sides by mature trees, runs from the access to the site at Loudoun Street (in the south west corner of the site) to the former farm buildings. To the west of the access road the land slopes downwards towards the rear of the properties on Loudoun Street and towards open fields, which lie to the west of the site.

2.2 The former farm buildings, which are Category B Listed, occupy an elevated position in the northern section of the site. They take the form of an early 19th century, 2 storey, u-plan classical farmhouse with single storey pavilion wings. The wings extend back as barns and byres and form a courtyard to the rear of the buildings. The principal farmhouse building is of ashlar construction and is characterised by a single storey projecting porch, large pilasters, cornice and regular window arrangement in the form of 4-pane timber sash and case. The wings are of rendered and off-white painted rubble masonry. The roof of the entire complex was originally of slate, although much of this has been removed and the timber sarking exposed.

2.3 Existing residential properties lie adjacent to and opposite the southern part of the site on Loudoun Street. Open fields lie to the east and west of the site, although planning permission has been granted for the erection of 29 dwellinghouses on the land to the west of the site on 29 March 2000. Further residential properties lie some 50m from the north west of the site, on Cutstraw Road.

2.4 **Proposed Development:** Full planning permission is sought for the erection of 19 dwellinghouses in front of and to the rear of the farm buildings and for the conversion of the farm buildings to form 5 further dwellinghouses. Listed Building Consent is sought for the works insofar as they relate to Listed farm buildings.

2.5 The applicant proposes to erect 13 dwellinghouses on the land to the front of the farm buildings. It is proposed that 12 of those will be two-storey, four-bedroom detached dwellinghouses, whilst the remaining dwelling, which is proposed to be situated immediately adjacent and to the front of the farm buildings, will be a two-bedroom bungalow. The applicant proposes to finish the dwellings with a combination of white painted render, red or buff facing brick and grey concrete roofing tiles.

2.6 The dwellings which are proposed to be erected to the rear of the farm buildings are in the form of 6 two-storey, three-bedroom terraced units. The applicant proposes to externally finish those dwellings with white painted render and grey concrete roof tiles.

2.7 The proposed alterations to the farm buildings involve the demolition and rebuilding of the wing blocks to form 4 three-bedroom dwellinghouses. The ridge line of the rebuilt sections would be some 70cm higher than the height of the existing ridge line. The character of the rebuilt sections would also be substantially different from that of the original as they would be characterised by additional window and door openings, including the construction of additional dormer windows. Notwithstanding this, the footprint of the rebuilt wing blocks would match the existing footprint. The central section of the farmhouse is proposed to be internally modified such that it is retained as one dwellinghouse. No external alterations are proposed to that part of the farmhouse other than the conversion of a window opening on the rear elevation to form a doorway. The applicant proposes to externally finish the rebuilt wing blocks with white painted render and natural slate. It is also proposed to replace the missing natural slate on the remainder of the farm buildings in a like-for-like manner.

2.8 It is proposed that the mature trees which form the tree-lined avenue, and which are covered by a Tree Preservation Order, will be removed to make way for the proposed development. The applicant proposes to form 2 new accesses to the site. One access would be formed approximately 20m east of the existing access, serving two of the detached dwellings which are proposed to be orientated such that they front Loudoun Street. The main access to the site would be formed approximately 65m east of the existing access and would serve the remainder of the detached dwellings, the farm buildings and the terraced units.

2.9 The applicant also proposes to provide 1593m² of public open space, additional tree planting, associated landscaping and an extension of the public footpath from Loudoun Street to the principal access to the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to the installation of road safety/traffic calming features on Loudoun Street, the provision of the proposed footpath extension, the provision of a 2.5m x 90m visibility splay and the relocation of the 30mph speed limit signs (a traffic order in respect of which is presently nearing completion).

Should the proposal be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 East Ayrshire Council's Department of Education and Social Services states that it has no specific objection to the proposals. It does, however, state that Stewarton Academy may be unable to accommodate children from the development.

Noted. If secondary school children cannot be guaranteed accommodation at Stewarton Academy, the Council would be required to maintain its statutory duties by redirecting pupils to alternative schools.

3.3 West of Scotland Water Authority have confirmed that there is both a public sewerage system and public water supply main available for the proposed houses.

Noted.

3.4 SEPA has no objection to the proposal, provided the foul drainage is connected to the public sewer. In addition, SEPA has requested that any planning permission includes a condition requiring the applicant to treat surface water from the site in accordance with CIRIA's Sustainable Urban Drainage Manual 2000.

Should the application be approved an appropriate note and condition can be included in the Planning Permission.

3.5 Scottish Power has no objection to the proposal, provided its apparatus is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 British Gas Transco has no objection to the proposal, provided its apparatus is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.7 The Coal Authority has no objection to the proposal.

Noted

3.8 Stewarton Community Council has not responded to the consultation letter.

Noted

In response to the consultation letter in respect of the application for Listed Building Consent:

3.9 Historic Scotland maintain the informal views as set out in earlier correspondence and fully supports the views of the Scottish Civic Trust.

A site meeting was undertaken to assess whether any deterioration of the listed building within the last 12 months has been so significant that some intervention to the degree shown in the latest scheme might be justified in terms of loss of historic fabric, the structural condition of the building and any increased costs related to remedial works.

It was noted at the site meeting that the listed building was still in sound structural condition, and that it had been made sufficiently secure for damage to the interior and exterior to be relatively limited in its extent. As such, the Inspectorate would reiterate its view that any redevelopment of the listed building and associated new-build should respect the character of the listed building by retaining and re-using as much of the historic fabric as possible, and ensuring that the appearance of the site when viewed from a distance is still similar to that of a farm.

The proposed intervention to the character and historic fabric of the listed building is significant enough that the Inspectorate would maintain an objection in the strongest terms, and would caution the Council at this stage that a formal submission of this or a similar scheme is likely to be regarded as unacceptable in terms of national policy.

See response to 3.10 below.

3.10 The Scottish Civic Trust has objected to the proposal, stating that the demolition of the wings cannot be justified in terms of structural instability or vandalism. It also states the proposed materials to be used in the rebuilt section would detract from the carefully designed appearance of the principal façade. Given that the rebuilt wings would be higher than the existing wings, the original hierarchy would be betrayed. Furthermore, the Trust states that the rebuilt wings, with their additional window openings, door openings and dormers, fail to comply with any form of symmetry and as such, they would lack the simple finesse of the principal farmhouse. The Trust is also concerned that the two bathrooms within the farmhouse would be altered, one of which is decorated and fitted out in the 1920s Art Deco style. The Trust also objects to the erection of the dwellinghouses to the south of the farm building, stating that they would destroy its setting and interrupt the vista of the principal elevation.

The applicant has commissioned the services of a structural engineer to prepare a report in terms of suitability of the existing farm buildings for conversion. The report concludes that the main farmhouse is suitable for redevelopment on the basis contained within the proposal. However, given the proposals for the wings, the structural report advises that extensive repair and structural alterations would be required and recommends that demolition and rebuild is the most appropriate method

of realising the proposals. However, the Committee should note that the recommendations contained within the structural report are based on the present applicant's proposed redevelopment of the farm buildings. It is considered that the proposal to rebuild the wing sections would have an adverse impact on the appearance of the principal farm building given the additional height to be added to the roof. Furthermore, it is considered that the proposed dormers and window openings on the rebuilt wing section do not respect the elegance and balance of those on the principal elevation. However, it is not considered that the loss of the Art Deco bathroom would justify a refusal of the applications as it is in a ruinous state, contributes little to the character of the building and is not an original feature. It is considered that the erection of the dwellinghouses to the south of the farm buildings would have an adverse impact on the setting of the listed building, and in particular Plot 25, which would be situated some 18m immediately in front of the farm buildings. It is therefore considered that the present proposed site layout is detrimental to the setting of the Listed Building, when viewed from Loudoun Street.

The applicant has been advised that, with certain amendments to the layout of the dwellinghouses to the south of the farm buildings, and alteration to the design of both the dwellinghouses to the rear of the farm building and of the rebuilt wing sections, a solution may be reached which could satisfy the requirements of Historic Scotland, the Architectural Heritage Society for Scotland and the Civic Trust. However, the applicant has formally indicated in writing that they wish the applications to be determined as they stand.

3.11 The Architectural Heritage Society of Scotland has objected to the siting of the proposed entrance to the site as it denies the significance of the original tree-lined avenue. However, the Society has no objection to the overall proposals subject to detailed design amendments to the rebuilt wing sections.

The avenue is narrow and of insufficient width to allow two vehicles to pass. It is therefore considered that it would be inappropriate to retain it as the principal entrance to the site. Nevertheless, it makes a valuable contribution to the setting of the farm buildings, notwithstanding the fact that the trees are covered by a TPO. It is considered that the avenue should be retained as a footpath link, as in previous consents. However, the present proposed site layout does not allow for this and as noted, the applicant is not prepared to amend the current proposals. The Committee should note that the applicant has provided a tree survey in support of the application. The survey indicates that several of the trees lining the avenue should be felled. Nevertheless, the majority are recommended for retention and should the avenue have been retained, replacement trees could have been planted to replace those felled.

4. REPRESENTATIONS

Further to the objections received from Historic Scotland, The Scottish Civic Trust and The Architectural Heritage Society of Scotland, referred to in section 3 above, one other representation has been received from the occupier of a dwellinghouse on Cutstraw Road in respect of the application for full planning permission. That objection can be summarised as follows:

4.1 The proposal would result in a loss of privacy

It is not considered that the development would give rise to an unacceptable degree of overlooking in respect of the existing dwellings on Cutstraw Road, given that the development lies some 50m from Cutstraw Road. It is, nevertheless, considered that, as the two-storey detached dwellinghouses are proposed to be erected on a sloping, elevated site, an unacceptable degree of overlooking would occur in respect of the existing dwellinghouses on Loudoun Street, particularly given the current proposed orientation of the houses.

4.2 Lack of facilities in the town.

The site is included as a housing site in the East Ayrshire Local Plan (Finalised Version with Modifications) and as such, the principle of development on the site has been established. Furthermore, there remain live consents for 5 houses south of Draffen, 11 dwellings within a conversion and extension of Draffen (Full) and 19 houses to the west of Draffen (Outline).

4.3 Stewarton Academy is presently overcrowded.

See response to 3.2 above which presents no objections from the Department of Education and Social Services.

4.4 The public water system is struggling to cope.

West of Scotland Water Authority have raised no objections to the proposal (see para 3.3 above)

4.5 The access is unsuitable to serve the development.

The applicant proposes to relocate the access and, subject to conditions, the Roads and Transportation Division have no objections to the proposals.

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 Stewarton Local Plan (1987). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies outwith the settlement boundary of Stewarton, as defined by the Adopted Plan and in the countryside where there is a presumption against development.

It is considered that the erection of the dwellinghouses on the site would be contrary to the site's designation as an area of countryside, outwith the settlement boundary.

5.3 Nevertheless, insofar as the conversion of the existing farm buildings is concerned, Policy 5.3.6 of the Adopted Local Plan is of relevance. Policy 5.3.6 provides for the conversion of existing derelict buildings in the countryside where a maximum of 5 dwellings would be formed as a result.

It is considered that the aspect of the proposal which only relates to the conversion of the existing farm buildings is in accordance with Policy 5.3.6. Nevertheless, the planning authority is required to consider the application as a whole, and as such, the overall proposals are contrary to the provision of the Adopted Local Plan.

5.4 The application for Listed Building Consent also requires to be considered in accordance with Policy E20 of the Approved Ayrshire Joint Structure Plan. Policy E20 states that development proposals considered to have an adverse effect on listed buildings will not conform to the Structure Plan.

See response to 3.10. The proposal detracts from the character and setting of the Listed Building. It is therefore considered that the proposal fails to comply with the Approved Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), government guidance on listed buildings as contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas, the Approved Ayrshire Joint Structure Plan, the site's planning history and the consultation responses detailed above.

In respect of the application for full planning permission:

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration in respect of the application for full planning permission.

6.3 The application site forms part of a larger site identified for housing purposes in the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES1 states that the Council will support residential development on designated sites.

It is considered that the proposal is consistent with the site's designation and with the terms of Policy RES1.

6.4 Policy RES6 of the East Ayrshire Local Plan (Finalised Version with Modifications) is also of relevance. Policy RES6 states:

"Subject to the provisions of other policies contained in the Local Plan, the Council will support the sympathetic conversion of:

(i) large residential properties into smaller residential units or to other residential uses of an institutional care related nature."

It is considered that the proposal generally complies with the provisions of the above Policy insofar as it relates to the conversion of the existing farm buildings.

6.5 Notwithstanding the comments at 6.4 above, Policy RES7 of the East Ayrshire Local Plan (Finalised Version with Modifications) states:

"The rehabilitation or conversion to residential use of existing and traditionally designed and constructed buildings both within settlement and the rural area will be encouraged. 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;"

As noted above, the structural report submitted by the applicant indicates that the principal farm house is capable of beneficial conversion. It also states, however, that the wing blocks would require to be demolished and rebuilt to accommodate the applicant's proposals. The report states that the east wing has insufficient foundations for the conversion to dwellinghouses.

"(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;"

Since both wings of the farmhouse are to be demolished with new buildings proposed in their place, the proposals do not comply with the above policy, either in terms of floorspace or external wall area..

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

See response to Section 3 above.

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

Notwithstanding the shortcomings of the design of the rebuilt wing sections, the proposal insofar as it relates to the conversion of the existing farm buildings is considered to be in keeping with the general character of the surrounding area.

“(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.”

See response to 3.10 above; this illustrates divergence from the design principles of the original building.

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

See response to 3.10 above; this illustrates how the proposal would have an adverse impact on the appearance of the listed building.

“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. “

It is considered that had the detailed design of the rebuilt wing sections been of an appropriate standard, a relaxation of criteria (ii) of RES7, may have been acceptable. However, as noted above, the applicant has indicated they wish to have the application determined as it stands. It is therefore considered that the proposal fails to comply with the provisions of Policy RES7.

6.6 The proposal also requires to be considered with regard to Policy RES19 which states that developers will be required to meet the standards of public open space as defined in Schedule 3 of the East Ayrshire Local Plan (Finalised Version with Modifications). Part 1 of Schedule 3 requires that a minimum of 300m² of open space shall be provided for each 10 dwellinghouses. In this instance, the applicant proposes to provide 1593m² of public open space to serve the 24 dwellinghouses proposed in this application and a further 29 dwellinghouses granted planning permission under 99/0265/FL.

It is considered that the proposal meets the requirements of Policy RES 19.

6.7 Policy RES22, which requires developers to observe the minimum private open space standards as detailed in Schedule 4 of the East Ayrshire Local Plan (Finalised Version with Modifications), also requires to be considered. Schedule 4 provides that each dwellinghouse should have a minimum of 100m² of private open space.

In this instance each of the proposed dwellings would have a private open space provision of at least 100m². It is therefore considered that the proposal can satisfy the terms of Policy RES22.

6.8 Policy ENV15 of the East Ayrshire Local Plan (Finalised Version with Modifications) seeks to protect individual, groups and areas of trees which make significant contribution to the landscape quality of both the built and rural environment, through the serving of Tree Preservations Orders.

As noted in paragraph 3.11 above, the applicant proposes to remove the tree-lined avenue to accommodate the development. It is therefore, considered that the proposal is contrary to the terms of Policy ENV15.

In respect of the determination of the application for Listed Building Consent:

6.9 Policy ENV1 of the East Ayrshire Local Plan (Finalised Version with Modifications) requires to be considered. Policy ENV1 states that:

“The Council will seek to protect, preserve and enhance 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.”

As noted in paragraph 3.10 above, the proposed works to the Listed Building, including the proposed rebuilding of the wing blocks, are not considered to enhance the appearance of the principal listed farmhouse. The proposal is therefore considered to be contrary to Policy ENV1.

6.10 Policy ENV2 is also of relevance and states that:

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

Given that the proposal involves the demolition of a substantial part of a listed building, it is considered that the proposal is contrary to the provisions of Policy ENV2 of the East Ayrshire Local Plan (Finalised Version with Modifications). Furthermore, it is not considered that the redevelopment proposals for the rebuild sections are of sufficient design quality to justify the partial demolition.

6.11 Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications) requires to be considered with respect to the development of the wider site. Policy ENV4 states:

“The Council will seek 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.”

Whilst the concept of residential development in the grounds of the listed farm buildings is acceptable, it is considered that the present proposed site layout would adversely affect the setting of the Listed Building. The single-storey dwellinghouse proposed for Plot 25 would be situated some 18m immediately in front of the farm buildings. It is therefore considered that the vista of the principal farmhouse, when viewed from the lower section of the site, would be lost. Furthermore, it is considered that the six terraced units proposed to be erected to the rear of the listed building do not respect the appearance or setting of the farm buildings. The form and architectural detailing of the proposed terraced units are alien to the rural environment and do not reflect the form and detailing of the listed building. It is therefore considered that the proposal is contrary to the terms of Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications).

6.12 Historic Scotland’s Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 is also a material consideration in the determination of both applications. Section 2.10 of the Guidance states that “no worthwhile building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it”.

The applicant has advised, through the submission of the structural report, that the east wing is not suitable for conversion given the condition of the existing foundations. The structural report states, however, that the condition of the foundations of the west wing is less critical, but that it still could not accommodate the applicant’s proposals. Therefore the applicant proposes to demolish and rebuild both wings, as the current proposals cannot be accommodated within the existing structure. It is considered, however, that an appropriate scheme could have been formulated which could be accommodated within the existing west wing. However, the applicant, as noted above, has indicated that they wish the application to be determined as currently submitted. As such, the application is contrary to Historic Scotland’s Memorandum of Guidance.

The site has been the subject of several previous applications for planning permission:

6.13 Planning Permission 96/0363/OL for the erection of 19 dwellinghouses was granted on 8 November 1996.

This application related to a larger site, which included part of the current application site. This proposal, whilst not relating directly to the listed building, showed appropriate regard to the setting of the farm buildings and retained the tree-lined avenue.

6.14 Planning Permission 96/0364/OL for the erection of 5 dwellinghouses was granted on 8 November 1996. This application related to a smaller site which formed part of the site of the current application.

See response to 6.14 above

6.15 Planning Permission 99/0157/FL, for the conversion and extension of the Listed farm buildings to form 11 dwellings, was granted on 3 May 2000. This consent remains valid.

This proposal paid due regard to the architectural features of the original building and incorporated elegant vertically proportioned window openings and dormers.

6.16 Listed Building Consent 99/0250/LB for the partial demolition, extension and conversion of listed farm buildings to form 11 dwellings was granted on 3 May 2000. This consent remains valid.

See response to 6.16. In this instance, it was considered that the high design quality of the redevelopment proposals justified the partial demolition.

6.17 Planning Permission 99/0788/FL for a variation of time condition on 96/0364/OL was granted on 24 March 2000.

Noted

6.18 Planning Permission 99/0789/FL for a variation of time condition on 96/0363/OL was granted on 24 March 2000.

Noted

6.19 Planning Permission 99/0265/FL for the erection of 41 dwellinghouses on a larger site which included part of the present application site was refused by the Local Planning Committee on 10 September 1999. The Council considered that “the application constitutes an overdevelopment of housing provision in Stewarton, giving rise to an unattainable demand upon secondary education facilities and exacerbating the shortfall in leisure facilities. These matters are sufficient to outweigh the provision of the Finalised Kilmarnock and Loudoun District Local Plan, as a result of its age and (in respect of the supply of land for housing) the inaccuracy of the housing provisions due to windfall sites and density of development on other sites.” This decision, however, was the subject of an appeal to the Scottish Ministers. In his

decision letter dated 29 March 2000, the Reporter concludes “the proposal is consistent with the provision of the Finalised Kilmarnock and Loudoun District Local Plan and of the draft East Ayrshire Local Plan; the plans should carry substantial, but not full weight; substantial weight should be attached to the previous planning permissions for housing on the land; the proposal would not give rise to an unsustainable demand upon secondary education facilities or exacerbate any shortfall in leisure facilities; and (subject to appropriate planning conditions) the access arrangements to the site would not jeopardise road safety”. The Reporter therefore granted Planning Permission subject to conditions on 29 March 2000.

The proposals in respect of that application did not relate directly to the Listed Buildings, nevertheless, the layout of the dwellings on the site paid adequate regard to the setting of the farm buildings and the tree-lined avenue was retained as a feature within the proposal.

6.20 Planning Permission 00/0578/FL for the erection of 37 dwellinghouses on a larger site which included part of the present application was granted on 26 January 2001. The proposal was similar to that in respect of 99/0265/FL, although it proposed the removal of the tree-lined avenue.

Again this proposal did not relate directly to the listed buildings but paid adequate regard to their setting, notwithstanding the removal of the tree-lined avenue.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Should the Committee be of a mind to approve either application, the application would require to be referred to the Development Services Committee, as an approval would represent a significant breach of Council Policy and of Policy E20 of the Approved Ayrshire Joint Structure Plan.

7.3 Should the Committee be of a mind to approve the application for Listed Building Consent, the application would require to be referred to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regs 1987.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, with regard to the planning application and Section 25 with regard to the Listed Building Application, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.21, there are material considerations relevant to the determination of these applications

8.2 Given the age of the Adopted Stewarton Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be

considered as a prime material consideration. Whilst the principle of the 19 dwellinghouses is contrary to the Adopted Local Plan, it is nevertheless in accordance with the site's designation for residential development in the East Ayrshire Local Plan (Finalised Version with Modifications). Notwithstanding this, the proposals fail to comply with Policies RES7, ENV1, ENV2, ENV4 and ENV15 of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 The applicant has not addressed the objections of the heritage bodies in respect of the conversion of the Listed Building. Rather, the applicant has indicated the wish to have the application determined as it stands.

8.4 Notwithstanding the comments of the heritage bodies, no further adverse consultation responses have been received.

8.5 In respect of the points of objection, it is considered that the proposal would result in an unacceptable degree of overlooking to properties on Loudoun Street, given the sloping nature of the site and the orientation of the detached dwellinghouses.

8.6 The Committee should note that the proposal is considered to be acceptable in terms of the principle of the development. However, the proposed layout of the site is not acceptable given the loss of the tree-lined avenue (formed by trees covered by a Tree Preservation Order) and the inclusion of dwellinghouses to the immediate south of the farm buildings and the terraced units to the rear of the farm buildings. Moreover, the proposals for the partial demolition, rebuilding and conversion of the Listed Building are not acceptable in terms of the proposed design. The applicant has indicated they wish to have the applications determined as they stand.

9. RECOMMENDATION

9.1 It is recommended that both applications be refused for the reasons indicated on the attached sheets.

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

**18 September 2001
(DS/MLS/MMM)
FV/DM**

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of objection.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Adopted Stewarton Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Memorandum of Guidance on Listed Buildings and Conservation Areas.
9. Planning applications: 96/0364/OL, 99/0157/FL, 99/0250/LB, 99/0788/FL, 99/0789/FL, 99/0265/FL and 00/0578/FL.
10. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Derek Scott on 01563) 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0406/FL

Site of Proposal:	Draffen Farm STEWARTON
Nature of Proposal:	Proposed Erection, Alteration and Conversion To Form 24 Houses
Name & Address of Applicant:	John Dickie Homes Ltd Burnfield Avenue GLASGOW G46 7TT
Name & Address of Agent:	The Miller Partnership 19 Royal Crescent GLASGOW G3 7SX

DPOs Reference: DS/MMM

The above FULL application should be refused for the following reasons:-

1. The proposal, insofar as it relates to the erection of the 19 new build dwellinghouses, is contrary to the site's designation as an area of countryside in the Adopted Stewarton Local Plan (1987) where there is a presumption against development.
2. The proposal, insofar as it relates to the erection of the 19 new build dwellinghouses, is contrary to Policy 4.1.3 of the Adopted Stewarton Local Plan (1987) which presumes against residential development in the countryside.
3. The proposal is contrary to the provisions of Policy RES 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that the design of the rebuilt wing blocks damages the architectural integrity of the Listed Building and does not meet the design requirements of the Council's approved Design Guidance.
4. The proposal is contrary to Policy ENV 15 of the East Ayrshire Local Plan (Finalised Version with Modifications) which seeks to protect individual, groups and areas of trees which make a significant contribution to the landscape as the proposals show the removal of an avenue of trees which are covered by a Tree Preservation Order.
5. The proposal is contrary to the provisions of Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications) which seeks to ensure that all development within, or affecting the setting of a Listed Building, is sympathetic to the building concerned. The proposal involves locating houses to the south of the farm

buildings and in particular, the siting of a dwellinghouse some 18m from the front of the listed farm buildings. This adversely affects the vista of the farm buildings when viewed from Loudoun Street. Moreover, the erection of six terraced units immediately to the rear of the Listed Building, which are alien in terms of their form and design details, and the removal of the tree lined avenue, together all further detract from the setting of the adjacent Listed Building.

6. The proposal is contrary to Policy E20 of the Approved Ayrshire Joint Structure Plan which states that development proposals which have an adverse affect on Listed Buildings will not conform to the Structure Plan. The new-build elements of the proposal are unsympathetic to the character, design and setting of the Category "B" Listed Building and detract from its appearance and listed status.

7. It is considered that given the levels of the site and the orientation of the proposed dwellinghouses, the proposal would result in an unacceptable degree of overlooking in respect of existing properties in Loudoun Street, which would not be in the best interests of residential amenity.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0383/LB

Site of Proposal:	Draffen Farm STEWARTON
Nature of Proposal:	Proposed Alterations to House including Demolition and Rebuilding of Wing Blocks
Name & Address of Applicant:	John Dickie Homes Ltd Burnfield Avenue GLASGOW G46 7TT
Name & Address of Agent:	The Miller Partnership 19 Royal Crescent GLASGOW G3 7SX

DPOs Reference: DS/MMM

The above LISTED BUILDING application should be refused for the following reasons:-

1. The proposal is contrary to the provisions of Policy ENV 1 of the East Ayrshire Local Plan (Finalised Version with Modifications) which seeks to protect, preserve and enhance heritage resources including Listed Buildings as it is considered that the proposals for the re-building of the wing blocks detract from the elegant appearance and character of the listed Building.
2. The proposal is contrary to the provisions of Policy ENV 2 of the East Ayrshire Local Plan (Finalised Version with Modifications) which presumes against the demolition or partial demolition of Listed Buildings as the proposal involves the demolition of a substantial part of a Listed Building with no acceptable replacement or reconstruction being proposed.
3. The proposal is contrary to the provisions of Policy RES7 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that the design of the rebuilt wing blocks damages the architectural integrity of the Listed Building and does not meet the design requirements of the Council's approved Design Guidance.
4. The proposal is contrary to Policy E20 of the Ayrshire Joint Structure Plan which states that development proposals which have an adverse effect on Listed Buildings will not conform to the Structure Plan. It is considered that this proposal will have such an adverse affect by reason of the design quality being to a lesser standard than was the case on that part of the building being demolished.

5. The proposal is contrary to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 which states "that no worthwhile building should be lost to our environment unless it is demonstrated that every effort has been exercised to find practical ways of keeping it". In this instance, the applicant is unprepared to provide further amendments to the rebuilt wing blocks such that they would represent an acceptable replacement for those parts of the Listed Building to be demolished.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA