

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 OCTOBER 2003

**02/0171/FL: PROPOSED RECONSTRUCTION OF BRIDGE IN STONE AT
DUNLOP HOUSE, DUNLOP, BY MCTAGGART CONSTRUCTION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning Permission was originally sought to build a new bridge to match the design of the original bridge. The plans attempted to detail a faithful representation of the original bridge. However, the proposed finishing material was not natural stone but a substitute stone product coloured and mixed to match the stone of the original bridge. When the application was presented to the Northern Area Local Planning Committee in April 2003, with a recommendation of refusal, the applicant clarified that it was his intention that existing stone from the demolished bridge be utilised where available. This intention amounted to a revision requiring continuation of the application to allow for consideration of the revised proposal.

1.2 Subsequent to that Committee and following correspondence with the applicants, they have now amended the proposal to that before the Committee. The application now proposes the use of natural buff sandstone as an external finish to the bridge. The balustrading, spindles and piers etc will be solid stone, the superstructure of the arch will be finished in reinforced concrete clad in natural stone. The bridge is designed in a manner to reflect the proportions and detailing of the lost bridge.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be consistent with the Development Plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these, on balance add weight to the presumption in favour of the development plan and in turn would support the approval of this application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not constitute a significant breach of Council policy.

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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 OCTOBER 2003

02/0171/FL: PROPOSED REBUILDING OF BRIDGE OVER CLERKLAND BURN TO BE FACED WITH NATURAL BUFF SANDSTONE AT DUNLOP HOUSE, DUNLOP, BY MCTAGGART CONSTRUCTION

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination the above application which is required to be determined by the Local Planning Committee under the scheme of delegation because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** Dunlop House is situated in a portion of its original grounds approximately 1 mile to the east of Dunlop village. The historic estate attached to Dunlop House enjoyed the benefit of a stone bridge across the Clerkland Burn which runs to the south of the main house. The bridge was listed as a result of being within the curtilage of the Category A listed Dunlop House. The stone bridge had fallen into a state of disrepair and had in the past been worked on using reinforced concrete and other non-traditional materials. In April 2001, as a consequence of unrelated work to clear flood debris from the underside of the bridge, the bridge partially collapsed and was subsequently removed by the applicant. Following Listed Building Enforcement Action in respect of the unauthorised demolition of the bridge which culminated in an unsuccessful Appeal by the applicants, the applicants were required by the Scottish Executive Inquiry Reporter to:

(1) Provide clear working drawings of the reconstructed bridge and submit these to the Planning Authority for approval. The drawings should show the reconstructed bridge as near as possible in the form it was in prior to its demolition, although the reconstructed bridge should be stable and in no danger of collapse; and

(2) Reconstruct the bridge in accordance with the approved plans using the stone remaining on site and importing additional stone if required. The imported stone should match the original to the satisfaction of the Planning Authority.

2.2 **Proposed Development:** Planning Permission was originally sought to build a new bridge to match the design of the original bridge. The plans attempted to detail a faithful representation of the original bridge. However, the proposed finishing material was not natural stone but a substitute stone product coloured and mixed to match the stone of the original bridge. When the application was presented to the Northern Area Local Planning Committee in April 2003, with a recommendation of refusal, the applicant clarified that it was his intention that existing stone from the

demolished bridge be utilised where available. This intention amounted to a revision requiring continuation of the application to allow for consideration of the revised proposal.

2.3 Subsequent to that Committee and following correspondence with the applicants, they have now amended the proposal to that before the Committee. The application now proposes the use of natural buff sandstone as an external finish to the bridge. The balustrading, spindles and piers etc will be solid stone, the superstructure of the arch will be finished in reinforced concrete clad in natural stone. The bridge is designed in a manner to reflect the proportions and detailing of the lost bridge.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dunlop and Lugton Community Council have advised that they have no objection to the proposal if the Planning Division is satisfied with the stone to be used in the bridge.

The natural stone to be used can be approved further to a condition attached to any consent granted.

3.2 The Architectural Heritage Society of Scotland have advised that they are satisfied with the proposal subject to ensuring the voussoirs are suitably detailed.

The Society's position on this matter is acknowledged and this particular issue can be addressed by means of a condition if the Committee agree to approve the application.

3.4 The Scottish Civic Trust have confirmed that they object to the application due to its non-compliance with the Reporters decision.

Noted. The Division acknowledges the importance of the bridge and of the use of suitable materials and has been seeking to secure an appropriate finish and design throughout the processing of the application. It is considered that the submission, while involving new construction, presents a solution that is a clear improvement over that which the Reporter was able to achieve. The bridge will be new, complete and finished externally in natural stone and stone cladding. By contrast, in determining the previous appeal against an Enforcement Notice, the Reporter was constrained to requiring the bridge to be rebuilt to the condition it had been in when it was demolished. At that time the structure was in a semi-ruinous condition and it would have been to that condition that the Reporter's decision would have had to return the bridge. The Trust also confirm detailed aspects that they consider are problematic in the design and incompatible with the original form of the bridge such as the detail of the voussoirs and the camber of the wearing course of the bridge.

It is considered that details of the voussoirs can be addressed by means of a condition. The issue of the camber is on balance considered to be of insufficient significance to warrant refusal of the application.

3.5 Historic Scotland have responded welcoming the use of natural stone. Again they raise the issue of the detailing of the voussoirs and indicate that, “possibly”, the end piers of the balustrade should be amended.

Noted. It is agreed that any new bridge should be constructed of a high quality material. The use of natural stone, subject to agreement of samples, will ensure this happens. The voussoir details can be addressed by means of a condition. The end piers are detailed as being consistent with the original designs and are acceptable.

4. REPRESENTATIONS

4.1 In addition to the Scottish Civic Trust consultation response listed above in Section 3, representations have also been received from two other individuals who live within the former estate. The main valid grounds of objection are as follows:

4.2 The use of a synthetic stone product is contrary to the terms of the Reporters decision and such a proposal should not be encouraged or considered.

Noted The proposal now involves the use of natural stone, nevertheless the objectors have not altered their comment since that amendment .

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 East Ayrshire Local Plan.

Ayrshire Joint Structure Plan

5.2 Policy E20 of the Ayrshire Joint Structure Plan confirms that proposals considered to have an adverse effect on heritage resources including Listed Buildings will not conform to the Plan.

It is considered that the application would not have an adverse impact on the heritage resource of Dunlop House

East Ayrshire Local Plan

5.3 The relevant policies in the EALP are as follows:

Policy ENV1

The Council will seek 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.

It is considered that the application to build the bridge in natural stone as proposed would accord with this policy.

Policy ENV4

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.

It is considered that the proposal is now in accordance with this policy.

Policy ENV14

This policy confirms that in assessing proposals there will be a general presumption against any development which would:

- (i) cause the permanent and irreversible loss of prime quality agricultural land (i.e. Classes 1, 2 and 3.1 in the Macaulay Land Classification System) (see Appendix 3);*
- (ii) have a permanent adverse impact or cause irreparable damage to built heritage resources requiring conservation or their settings include listed buildings, conservation areas, historic gardens and designed landscapes, scheduled ancient monuments, archaeological and industrial archaeological;*
- (iii) have a permanent adverse impact or cause unacceptable, irreparable damage to natural heritage resources requiring conservation and to existing species and habitats;*
- (iv) adversely affect the quality of water resources, water catchment areas, land drainage or flood protection interests or create water pollution problems;*
- (v) result in the destruction of any areas of peat which are considered to be of significant ecological value.*

It is considered that the proposal made would be consistent with this policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the consultation responses, representations, the site history and Government Guidance.

Consultations

6.2 As detailed above, the consultees, whilst generally satisfied with the use of natural stone remain concerned with detailed aspects of the bridge.

It is considered that on balance the proposal presents an acceptable solution some aspects of which will require further detailed consideration through the application of conditions to any consent granted.

Representations

6.3 As stated above the third party representees have not indicated that they wish to alter or amend their earlier objections.

Site History

6.4 The terms of the Reporters decision on this matter are clear. That decision however only sought the rebuilding of the bridge to a condition similar to that before its removal. The condition of the original bridge prior to its loss is not fully known, there being no categoric evidence on that issue. It is however clear that it was in a semi-derelict/ruinous condition. The applicants propose to build a complete new bridge, utilising natural stone.

The proposal to provide a new bridge as detailed is considered to be a suitable replacement for the bridge as demolished.

Government Guidance

6.5 The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, confirms detailed guidance on the consideration of applications in the vicinity of Listed Buildings.

In respect of new build proposals in the vicinity of listed buildings assessment is based on the effect the proposal will have on the setting of the listed building. It is the view of this Division that the application can be approved, due to its design and finishing material, as having in itself no detrimental impact on that building.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be consistent with the Development Plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these, on balance add weight to the presumption in favour of the development plan and in turn would support the approval of this application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not constitute a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

24 September 2003

(IW/SA/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultations.
4. Correspondence.
5. Representations.
6. Reporters Decision Letter, Ref P/LBE/190/5.
7. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.
8. Approved Ayrshire Joint Structure Plan.
9. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers should contact Ian Walker (01563 576769).

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0171/FL

Location: Dunlop House
DUNLOP

Nature of Proposal: Proposed Rebuilding Of Bridge Over Clerkland
Burn To Be Faced With Natural Buff Sandstone

Name & Address of Applicant: McTaggart Construction
36A Templand Road
DALRY KA24 5EU

DPO's Ref: IW/SA

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

1. Notwithstanding the details on the plan hereby approved, the details of the voussoirs coloured green on plan number 1982/SK1 are not approved. Further details of these features shall be submitted at a scale of 1:10 within one month of the date of this consent for the approval of the Planning Authority and thereafter implemented in accordance with that approval.

REASON In the interests of visual amenity.

2. Notwithstanding the plans hereby approved details/samples of the natural buff sandstone to be used in the rebuilding of the bridge shall be submitted to and approved by the Planning Authority before any development commences on the site. The bridge shall thereafter be constructed in the material as approved.

REASON In the interest of visual amenity.

**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.**