

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 14 NOVEMBER 2003**

**03/0822/FL: PROPOSED ERECTION OF FENCING AT DUNASKIN HERITAGE CENTRE, WATERSIDE.**

**APPLICATION BY DALMELLINGTON & DISTRICT CONSERVATION TRUST**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This application has been submitted on a retrospective basis and full permission is sought for post and rail steel fencing and gates separating the Dunaskin Heritage Centre's car park from the access road from A713 and the Visitor Centre. It was brought to the attention of the Planning Division by a letter of complaint from a neighbouring property.

1.2 The fence measures on average 1.55 metres in height and is divided into four sections. Three of the sections are erected along the west boundary of the Dunaskin Heritage Centre car park and they are divided by an adjoining building to the car park and an existing brick wall that separates the car park from the adjoining building to the north. The fourth section of the proposed fence provides a gate to allow access along the north boundary of the car park through the existing brick wall.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the condition on the attached sheet.**

**3. CONCLUSIONS**

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in section 6 of the report, there are material considerations relevant to this application, however it is considered that these can be addressed and are not of sufficient weight to merit refusal of the application.

3.2 The fence in question has been erected prior to consent being granted on land which is within the ownership of the applicant. Its purpose has not been specified within the application, but it is clear that it is there to provide extra security measures for the main entrance area of the Dunaskin Heritage Centre.

3.3 The steel post and rail fence is seen to be sympathetic to character of the conservation area in question. Its design and material are appropriate, but the colour finish should be amended to create a more neutral impact on the area.

3.4 The proposed development is, subject to the application of an appropriate condition regarding final treatment, considered to have no material impact on the outstanding conservation area and there are no overriding material planning considerations that would indicate that the application should be refused.

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

**Alan Neish**  
**Head of Planning 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**

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**APPLICATION BY DALMELLINGTON & DISTRICT CONSERVATION TRUST**

### **Report by Head of Planning and Building Control**

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

1.1 The purpose of this report is to present for determination a full planning application, which is to be considered by the Local Planning Committee under the scheme of delegation, as the application is subject to an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site lies within the curtilage of the Dunaskin Heritage Centre in Waterside which covers the area of the former Dalmellington Ironworks. It is sandwiched between the Visitor Centre and the car park and the old industrial buildings of the Dalmellington Iron Company. The site is immediately adjacent to the public A713 road between Dalmellington and Ayr.

2.2 **Proposed Development:** This application has been submitted on a retrospective basis and full permission is sought for post and rail steel fencing and gates separating the Dunaskin Heritage Centre's car park from the access road from A713 and the Visitor Centre. It was brought to the attention of the Planning Division by a letter of complaint from a neighbouring property.

2.3 The fence measures on average 1.55 metres in height and is divided into four sections. Three of the sections are erected along the west boundary of the Dunaskin Heritage Centre car park and they are divided by an adjoining building to the car park and an existing brick wall that separates the car park from the adjoining building to the north. The fourth section of the proposed fence provides a gate to allow access along the north boundary of the car park through the existing brick wall.

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

3.1 Historic Scotland has advised that it has no formal or informal locus for this application since it does not directly or indirectly affect any listed buildings.

***Noted.***

3.2 The Architectural Heritage Society of Scotland has advised that they have no objection to the development but recommends that some screening in the provision of planting is provided to soften the 'utilitarian' appearance of the fence.

***Conditions could be attached to any consent granted for the proposed fence to address the issue raised by AHSS.***

3.3 Dalmellington Community Council had not responded to the consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of representation with an attached petition having 22 signatures has been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 The fencing is unsightly and totally out of keeping with the rest of the site. It harms both the character and the appearance of the Dunaskin site.

***The proposed fence matches the existing fence around the play park in the northwest corner of the Heritage Centre site. On the other hand it represents a change in style from the existing steel fencing with gates located at the entrance into the Dalmellington Ironworks. Nonetheless, it is considered that the visual impact of the fence can be addressed through the imposition of appropriate conditions.***

4.3 The fencing is of the same construction as that used to surround the children's play tower where the gate to the play tower is not locked at night because children were more at risk of hurting themselves trying to climb over the fence and falling on the sharp metal edges. The gates in the new fencing are locked at 5:00 pm every night, so the safety aspect does not appear to be a consideration.

***While noting the concerns of the objectors, the alleged safety aspect has to be balanced against the need to provide security for the Heritage Centre. It should be noted that the application site is private land owned by the Dalmellington and District Conservation Trust and that there is no public right of access through the site.***

4.4 There can be occasions when there are a lot of visitors to the site when the Heritage Centre itself is closed either for recreational purposes or visitors to larger functions at the nearby Chimneys Restaurant. Local residents will now have to deal with the resultant congestion, while a 'ring of steel' surrounds a huge car park uncontaminated by cars.

***While noting the concern of the objectors, the alleged congestion by cars parking in the surrounding area of the application site after operation hours of the Heritage Centre for recreational or other purposes is incidental to the remit of the Heritage Centre. Therefore, the alleged congestion is not a material consideration in the determination of this application.***

4.5 The Heritage Centre has yet to give a convincing reason for erecting this fencing. We have been told that it is for 'security', yet as access is still readily available by taking a minor detour, as the other end of the site is not fenced off, this does not seem to be a valid reason.

***The Dalmellington and District Conservation Trust do not require to justify its reasons for erecting the fence in question in planning terms. The point raised by the objectors is not a material consideration in the determination of this application.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 The structure plan does not contain any specific policies which are relevant to the proposed development.

### East Ayrshire Local Plan

5.3 Policy ENV4 of the EALP states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area in terms of its layout, size, scale, design, siting, materials and colour of finish.

***The retrospective application is for a steel fence situated within Dunaskin Heritage Centre which is part of the designated Waterside***

***and Dunaskin Outstanding Conservation Area. The proposed fencing is sympathetic to the area with regard to size, design, siting and materials. However, the steel coloured finish is not considered suitable and differs from the existing steel fencing within the application site which is painted black. It is considered that a condition should be attached to any consent granted for the development to ensure that the fence is finished to match existing fencing within the Heritage Centre site.***

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

6.1 The other principal material considerations relevant to the determination of the application are NPPG 18 – ‘Planning and the Historic Environment’, consultation responses and third party representations.

### National Planning Policy Guidelines

6.2 Guidance on the control of development within conservation areas has been given in National Planning Policy Guidance 18: Planning and the Historic Environment. Consistent with preserving and enhancing the character or appearance of the designated area, proposals should be assessed in terms of their impact upon the character or appearance of the whole conservation area.

***This is also the main focus within the EALP by addressing layout, size, scale, design, siting, materials and colour of finish. The proposal is thus considered to be consistent with NPPG18.***

### Consultations Responses

6.3 There are no consultation responses that would suggest refusal of the application is appropriate.

### Representations

6.4 The concern raised by the objectors with regard to the appearance of the fence being out of keeping with the character of the area is indeed a material consideration. However, these concerns can be addressed through the imposition of an appropriate condition if planning permission is to be granted.

### Planning History

6.5 The site in question is part of a larger area owned by the Dalmellington and District Conservation Trust which includes an expired planning permission (Ref. 02/0065/FL) for the development of a race track for off-road kart racing and

a pending application (Ref. 03/0930/FL) for the continuation of use of the race track for racing.

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

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

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in section 6 of the report, there are material considerations relevant to this application, however it is considered that these can be addressed and are not of sufficient weight to merit refusal of the application.

8.2 The fence in question has been erected prior to consent being granted on land which is within the ownership of the applicant. Its purpose has not been specified within the application, but it is clear that it is there to provide extra security measures for the main entrance area of the Dunaskin Heritage Centre.

8.3 The steel post and rail fence is seen to be sympathetic to character of the conservation area in question. Its design and material are appropriate, but the colour finish should be amended to create a more neutral impact on the area.

8.4 The proposed development is, subject to the application of an appropriate condition regarding final treatment, considered to have no material impact on the outstanding conservation area and there are no overriding material planning considerations that would indicate that the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the condition 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

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

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

31 October 2003  
HT/HT/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

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

Anyone wishing to inspect the above background papers should contact Ms. Heidi Thorsdalen on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0822/FL

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Location	Dunaskin Heritage Centre Dalmellington Road WATERSIDE
Nature of Proposal:	Erection of fence (retrospective)
Name and Address of Applicant:	Dalmellington & District Conservation Trust Dunaskin Heritage Centre Dalmellington Road WATERSIDE KA67JF
Name and Address of Agent	N/A

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DPO's Ref: Heidi Thorsdalen  
PPO's Ref: Hugh Melvin

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

1. Within 6 months of the date of this consent, the proposed fence shall be painted black to match the existing fencing within the Heritage Centre.

REASON - To ensure that the fence matches the external appearance of the existing fencing and thereby maintains the visual quality of the area.

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