

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 12 MAY 2010**

**10/0140/CA: DEMOLITION OF SHED  
AT 13/15 CROSS STREET, GALSTON  
BY EAST AYRSHIRE COUNCIL**

**Report by Head of Planning and Economic Development**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The application seeks Conservation Area Consent to demolish this timber panel shed. This work will be carried out as part of the overall project as detailed in paragraph 6.6 of this report. The shed will be demolished and the ground landscaped in a design that is still to be finalised and the proprietor of No.15 will have vehicular proposed access through the proposed car park.

1.2 The applicants advise that in August 2009, East Ayrshire Council was awarded £250,000 by Scottish Government from the Town Centre Regeneration Fund (TCRF). The grant is to be used to accelerate economic recovery in Galston by providing formal car parking and high quality landscaping to a currently derelict area of land. The Council wishes to demolish this timber structure as the shed is in a dilapidated condition and unused by the owner.

#### **2. RECOMMENDATION**

**2.1 It is recommended that Conservation Area Consent be approved subject to the conditions detailed on the sheet attached to this report. Prior to the decision notice being released, the application shall be notified to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**

#### **3. CONCLUSIONS**

3.1 As indicated in this report, the application is considered to be in accordance with the terms of the Development Plan. It should therefore be approved unless material considerations indicate otherwise.

3.2 As detailed in Section 6 of this report there are material considerations which are relevant to the application. These are also supportive of the proposed demolition and do not warrant refusal 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 Economic Development's recommendation, it will not require to be referred to the Full Council as there would be no significant breach of Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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 Economic Development

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for Conservation Area Consent, to be considered by the Northern Local Planning Committee under the Scheme of Delegation as the Council is the applicant.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a timber shed to the rear of property at 13/15 Cross Street, Galston. To the east of the shed lies an area of informal car parking accessed off Church Lane, within the Galston Outstanding Conservation Area. The site is otherwise bounded by the rear elevations and gardens of properties fronting Church Lane and Cross Street.

2.2 **Proposed Development:** The application seeks Conservation Area Consent to demolish this timber panel shed. This work will be carried out as part of the overall project as detailed in paragraph 6.6 of this report. The shed will be demolished and the ground landscaped in a design that is still to be finalised and the proprietor of No.15 will have vehicular proposed access through the proposed car park.

2.1 The applicants advise that in August 2009, East Ayrshire Council was awarded £250,000 by Scottish Government from the Town Centre Regeneration Fund (TCRF). The grant is to be used to accelerate economic recovery in Galston by providing formal car parking and high quality landscaping to a currently derelict area of land. The Council wishes to demolish this timber structure as the shed is in a dilapidated condition and unused by the owner.

2.2 The applicant further advises that the Council and the owner of the shed have negotiated a variation to the access to the rear of 15 Cross Street to be provided via an existing gate to the rear of no. 11 Cross Street which is presently blocked by the existing shed.

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

3.1 The Architectural Heritage Society of Scotland and Galston Community Council have no objections to the proposal.

***Noted.***

3.2 Historic Scotland have no comments to make.

***Noted.***

3.3 The West of Scotland Archaeology Service (WOSAS) note that the site is located within the historic settlement of Galston. Whilst they have no objections to make, they advise it is possible that significant archaeology deposits and features from the earliest stages of this part of the town's development may survive below the modern hard surfaces which are present across the site.

***Noted. WOSAS suggest a condition to be attached to any grant of Conservation Area Consent and if Members choose to grant consent, an appropriately worded condition could be incorporated.***

### **4 REPRESENTATIONS**

4.1 No letters of representation have been received.

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

5.1 For the purpose of this application, the Development Plan comprises the Adopted East Ayrshire Local Plan 2003.

5.2 Policies ENV1, ENV2 and ENV4 are all relevant in the determination of this application and these policies seek to ensure that all development within conservation areas is sympathetic to the surrounding area and also seeks to protect and retain buildings which are important to the conservation area or character of nearby listed buildings.

***The proposed development is in accordance with Policies ENV1, ENV2 and ENV4 as this demolition will remove a dilapidated and***

***unsightly timber shed which will facilitate wider regeneration proposals that will make a significant contribution to the regeneration of the surrounding area in a manner which respects the Outstanding Conservation Area.***

## **6 ASSESSMENT AGAINST MATERIAL CONSIDERATION**

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the Alteration to the East Ayrshire Local Plan Finalised Version with Modifications, the Scottish Historic Environment Policy, the impact upon the amenity of the area and the planning history of the area.

### Consultation Responses

6.2 As detailed in Section 3 of this report, none of the consultation responses indicate that the application should be refused.

### Alteration to the East Ayrshire Local Plan Finalised Version with Modifications

6.3 Policies ENV1, ENV4 and ENV7 are all relevant which are equivalent to the adopted policies which aim to protect the character and amenity of the conservation area and nearby listed buildings.

***The proposed development is in accordance with Policies ENV1, ENV4 and ENV7 as this demolition will remove a dilapidated timber shed which will facilitate wider regeneration proposals that will make a significant contribution to the regeneration of the surrounding area in a manner which respects the character of the Outstanding Conservation Area.***

### Scottish Historic Environment Policy (SHEP)

6.4 This document sets out Scottish Government's policy in relation to the historic environment comprising conservation areas and listed buildings. This policy document states that demolition should only take place where there is a wider redevelopment scheme and if the building is of little townscape value or if its structural condition rules out its retention.

***This building is in a dilapidated condition and is of no architectural or townscape value. Its demolition will also facilitate a wider regeneration scheme as detailed in paragraphs 2.3 and 6.6. This application therefore complies with the SHEP.***

## Impact on the Amenity of the Area

6.5 This proposal will result in an improvement to the visual amenity of the area as the site will thereafter be subject to significant environmental improvement works to the benefit of Galston as a whole.

## Planning History

6.6 09/0816/PP: Planning permission was granted by the Northern Local Planning Committee on 29 January 2010 for the Formation of Car Park and Associated Alterations at Church Land and Church Lane Car Park, Galston.

6.7 At the hearing associated with this application Mr Leung of 15 Cross Street, expressed concern at his likely loss of access to his ground and bunding if the proposed car park was to go ahead. Whilst the Members agreed to grant planning permission for the proposed car park, they requested that the Project Team discuss access possibilities with Mr Leung. This application has been the result of these discussions and the Project Team have been able to provide this vehicular access using an existing gate for Mr Leung.

## **7 FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council arising from this application, other than that the works are proposed by this Authority.

7.2 If Members choose to grant consent, the application requires to be notified to Historic Scotland as it represents demolition in a conservation area.

## **8. CONCLUSIONS**

8.1 As indicated in this report, the application is considered to be in accordance with the terms of the Development Plan. It should therefore be approved unless material considerations indicate otherwise.

As detailed in Section 6 of this report there are material considerations which are relevant to the application. These are also supportive of the proposed demolition and do not warrant refusal of this application.

## **9. RECOMMENDATION**

**9.1 It is recommended that Conservation Area Consent be approved subject to the conditions detailed on the sheet attached to this report. Prior to the decision notice being released, the application shall be notified**

**to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**

## **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development's recommendation, it will not require to be referred to the Full Council as there would be no significant breach of Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

05 May 2010  
(FMF/FR)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form
2. Application Plans
3. Consultation Responses
4. Adopted East Ayrshire Local Plan
5. Finalised East Ayrshire Local Plan with Modifications
6. Scottish Historic Environment Policy

Anyone wishing to inspect the above papers please contact Fiona Finlay,  
Principal Planning Officer, on 01563 576798

***Implementation Officer: Dave Morris***

TP24

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0140/CA**

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Location 13/15 Cross Street Galston East Ayrshire KA4 8AA

Nature of Proposal: Demolition of shed

Name and Address of Applicant: Ms Sylvia Allen  
6 Croft Street  
Kilmarnock  
KA1 1JB

Name and Address of Agent

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Officer's Ref: Fiona Finlay  
01563 576798

The above Conservation Area application should be approved subject to the following condition.

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of the protection of any archaeological remains.

## **REASON FOR DECISION**

The application accords with the Development Plan and there are no material considerations that warrant refusing consent in this instance.