

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009

**09/0562/LB: DEMOLITION IN RETROSPECT
AT 1-3 CROSS STREET AND 2-6 BRIDGE STREET, GALSTON
BY EAST AYRSHIRE COUNCIL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application relates to the retrospective demolition of the B listed building of 1-3 Cross Street and the C(s) listed 2-6 Bridge Street. The Cross Street building was damaged by fire in September 2008 at which time the roof and chimney were removed as being an immediate safety hazard. The property was thereafter left open to the elements. Following a survey which indicated further rapid deterioration of the remaining structure, the building was demolished in May 2009 due to the risk to pedestrians walking past the building and for passing traffic. The Bridge Street building was damaged by fire a considerable time ago and has been left in a shell like state since that time. The fire in the adjacent Cross Street building had left the remainder of the building in a dangerous condition and therefore the building was demolished in May 2009.

2. RECOMMENDATION

2.1 It is recommended that this listed building application should be approved subject to notification to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be largely contrary to the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to the determination of this application. The structural report indicates that the condition of the buildings was extremely poor and posed immediate health and safety concerns which justified the demolition of the buildings. This is a view that is generally accepted by the consultees including the Building Standards section

who have been closely involved in the process towards demolition. Whilst the proposal is generally contrary to the Alteration to the East Ayrshire Local Plan it is considered that the demolition will also allow for the redevelopment of this part of Galston which in the long term will ultimately improve the visual amenity of the area. In this respect a report submitted to Cabinet on 18 November 2009 recommended that the site be utilised as a multi purpose local office thereby offering a significant opportunity to improve the visual amenity of Galston town centre.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council as this would not be a significant departure from Council 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 a listed building application which is to be considered by the Local Planning Committee under the scheme of delegation, since the Planning Authority is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within the town centre of Galston at the corner of Cross Street and Bridge Street, within the Galston Outstanding Conservation Area. The site is currently vacant given the recent demolition of the buildings and is surrounded by approximately three metre high boarding along the edge of the public footpath. The site is bounded to the east and north by two storey high buildings and to the west and south by Cross Street and Bridge Street respectively with buildings on the other side of the road.

2.2 **Proposed Development:** The application relates to the retrospective demolition of the B listed building of 1-3 Cross Street and the C(s) listed 2-6 Bridge Street. The Cross Street building was damaged by fire in September 2008. The property was thereafter left open to the elements. Following a survey which indicated further rapid deterioration of the remaining structure, the building was demolished in May 2009 for safety reasons. The Bridge Street building was damaged by fire a considerable time ago and has been left in a shell like state since that time. The fire in the adjacent Cross Street building had left the remainder of the building in a dangerous condition and therefore the building was demolished in May 2009.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Galston Community Council has not responded to their consultation response at the time of writing.

Noted.

3.2 East Ayrshire Council's Environmental Health Division has not responded to their consultation at the time of writing.

Noted.

3.3 Historic Scotland have no comments to make on the proposal.

Noted.

3.4 The Scottish Civic Trust regrets the loss of these historic buildings however they accept the findings of the engineers report stating that in this case the building group was beyond repair due to significant neglect and fire damage. Given this the Trust does not object to the application.

Noted. There are currently no finalised proposals for the re-use of this site.

3.5 Building Standards agreed that the property required to be demolished following a fire and service of a Section 30 Dangerous Building Notice.

Noted. This ties with the information submitted in support of the application.

4. REPRESENTATIONS

4.1 No objections have been received in connection with this application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

East Ayrshire Local Plan

5.2 Policies ENV1 and ENV2 are relevant in the determination of this application.

Whilst it is noted that there were pertinent health and safety concerns surrounding these listed buildings, the demolition of the buildings is contrary to the aims of these policies.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications), consultation responses, the impact on the amenity of the area and the supporting structural report.

Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 In this case, weight can be given to Policies ENV1, ENV 2, ENV 5 and ENV 7 of the Alteration. These policies seek to protect, preserve, renovate or restore built heritage resources.

Whilst it is noted that there were pertinent health and safety concerns surrounding these listed buildings, the demolition of the buildings is contrary to the aims of these policies.

Consultation Responses

6.3 Historic Scotland and the Scottish Civic Trust have raised no objections to the development.

Impact on the Amenity of the Area on the Galston Town Centre Regeneration

6.4 It is considered that the visual amenity of the area has been adversely affected by the loss of both of these historic buildings. The demolition of the buildings will therefore allow a long term replacement to be erected which will actually improve the visual amenity of the area in the longer term.

Structural Report

6.5 An accompanying structural report provides background to the deterioration of the buildings including separate fires to each property leaving both in an exposed, shell like state. Continued monitoring of the buildings indicated that their condition was getting worse and was likely to pose a considerable health and safety risk to passing pedestrians and motorists which is

noted at Section 3.5. Given these circumstances the demolition of the buildings was required as a matter of urgency.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in determining this application as the Council is the applicant.

7.2 If Members agree to the grant of listed building consent, the application requires to be referred to Historic Scotland for ratification purposes before any decision notice is released.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be largely contrary to the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to the determination of this application. The structural report indicates that the condition of the buildings was extremely poor and posed immediate health and safety concerns which justified the demolition of the buildings. Whilst the proposal is generally contrary to the Alteration to the East Ayrshire Local Plan it is considered that the demolition will also allow for the redevelopment of this part of Galston which in the long term will ultimately improve the visual amenity of the area.

9. RECOMMENDATION

9.1 It is recommended that this listed building application should be approved subject to notification to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council, as this would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

27 October 2009
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)
6. Planning application 04/0960/FL
7. Planning application 04/0955/LB
8. Planning application 00/0360/FL
9. Galston Town Centre Regeneration Cabinet Report 18 November 2009.

Anyone wishing to inspect the above papers please contact David Wilson, Senior Planning Officer (Acting), on 01563 576779.

Implementation Officer: Dave Morris

090562LB

TP24

EAST AYRSHIRE COUNCIL

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
(SCOTLAND) ACT 1997**

Application No: 09/0562/LB

Site of Proposal: 1-3 Cross Street and 2-6 Bridge Street, Galston



Nature of Proposal: Demolition in Retrospect

Name & Address of Applicant: Ms Sylvia Allen
East Ayrshire Council
Planning and Economic Development
6 Croft Street
Kilmarnock
KA1 1JB

DPO's Reference: DW/FR

The above Listed Building application should be approved



<p>Title/Location 1-3 Cross Street & 2-6 Bridge Street</p> <p>Galston</p> <p>Application No. 09/0562/LB</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p> <p>Com Date: 4/12/2009 Checked By</p>

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