

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 02 OCTOBER 2009**

**09/0521/CA: DEMOLITION OF FORMER CUMNOCK PICTURE HOUSE AT  
GLAISNOCK STREET, CUMNOCK**

**BY EAST AYRSHIRE COUNCIL ASSET IMPROVEMENT SERVICE**

### **EXECUTIVE SUMMARY**

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

1.1 Conservation Area Consent is sought for the full demolition of the former Picture House. Redevelopment proposals have been submitted for the subsequent formation of a public car park facility and access road in the accompanying planning application ref: 09/0493/FL.

#### **2. RECOMMENDATIONS**

**2.1 It is recommended that this application for Conservation Area consent be approved subject to the conditions listed on the attached sheet.**

**2.2 The application shall require to be forwarded to Historic Scotland for further approval before the decision can be issued.**

#### **3. SUMMARY OF ANALYSIS**

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 Sections 25 and 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 there are material considerations relevant to this application however it is considered that these are supportive of the application.

3.2 It is considered that the representations made have not been substantiated through the consultation process and are not of sufficient weight to justify refusal of the application. Comments raised within the consultation process can be incorporated as conditions attached to any consent granted.

3.3 The removal of the former picture hall will undoubtedly alter the streetscape of Glaisnock Street however this can be considered to have benefits

not only in facilitating the redevelopment of the site in terms of a public car park but also allowing greater vistas to be established in respect of the two immediately adjacent listed buildings.

### **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 constitute a 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.**

## EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 OCTOBER 2009

09/0521/CA:DEMOLITION OF FORMER CUMNOCK PICTURE HOUSE

AT GLAISNOCK STREET, CUMNOCK

BY EAST AYRSHIRE COUNCIL ASSET IMPROVEMENT SERVICE

### 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 Southern Local Planning Committee under the revised scheme of delegation due to Council ownership of the site.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is occupied by the former Cumnock Picture House which has a frontage onto Glaisnock Street and that takes the form of a large imposing building which over its life time has been subject to a number of later additions and alterations both to the external and internal fabric. The front facade can be described as reflecting an art deco style however further inspection reveals the original art nouveau frontage which is hidden behind this later addition. Moving to the rear, the building style changes to become plain almost industrial appearance encompassing a rounded barn shaped roof structure which along with the external walls appears to be clad in asbestos. The rear gable is finished in brickwork with render with a single storey small mono-pitch add-on attached covering the full width of the gable. Almost attached to this is a free standing active electrical sub station which is bounded by a palisade fence. Immediately to the rear (west) of the former picture house the ground is level and vacant (formally used as a Council yard). Immediately to the west and north of this is Market Lane a narrow access road linking Car Road to Glaisnock Street and providing rear access to the properties of Ayr Road. Moving back to Glaisnock Street immediately to the north the site is bounded by the Dumfries Arms Hotel, which is a category B listed building, and to the south the Town Hall that has a category C(s) listing.

2.2 **Proposed Development:** Conservation Area Consent is sought for the full demolition of the former Picture House. Redevelopment proposals have been

submitted for the subsequent formation of a public car park facility and access road in the accompanying planning application ref: 09/0493/FL.

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

3.1 East Ayrshire Council Environmental Health Division has no objection to the proposed development and offer the following comments:

(i) Noisy work on site during construction shall be restricted to 7am to 7pm Monday to Friday, 8am to 1pm on a Saturday and no noisy work on a Sunday.

(ii) All waste arising from the works should be disposed of to the satisfaction of the Waste Management Authority. Any asbestos identified should be removed in accordance with the Method Statement.

(iii) Suitable dust suppression measures should be introduced.

***Noted. The above comments can be attached as a condition / advisory note on any consent granted.***

3.2 Scottish Power has no objection in principle however state that apparatus is within/adjacent to the site including an operational sub station, which may require alteration or protection depending on the extent of the development.

***Noted. The above comments can be attached as a condition / advisory note on any consent granted.***

3.3 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of the low-pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system.

***Noted. The above comments can be attached as a condition / advisory note on any consent granted.***

3.4 Scottish Environment Protection Agency has not responded to the consultation request at the time of writing the report.

***Noted.***

3.5 Historic Scotland has no objection in principle to the proposed development following the submission of additional information considering alternative options to that of demolition and consider the case for demolition has been demonstrated because the benefits of the wider proposals to improve the townscape will outweigh the loss of the building.

**Noted.**

3.6 Scottish Civic Trust has objected to the application primarily due to the lack of justification for demolition and the absence of any plans for the future of the site should these works go ahead.

***Noted. Details outlining the reasons for demolition and the redevelopment proposals have been submitted to the Planning Authority and subsequently forwarded to the Scottish Civic Trust for additional comment. However at the time of writing the report no further response has been received.***

3.7 The Architectural Heritage Society of Scotland has concerns regarding the removal of the building without details of an alternative design for the conservation area.

***Noted. Details outlining the reasons for demolition and the redevelopment proposals have been submitted to the Planning Authority and subsequently forwarded to The Architectural Heritage Society of Scotland for additional comment. However at the time of writing the report no further response has been received.***

3.8 Cumnock Community Council has not responded at the time of writing this report.

**Noted.**

#### **4. REPRESENTATIONS**

4.1 The neighbour notification process has been undertaken and the application was advertised in the local press. Four letters of objection were received including the objection raised by the Scottish Civic Trust which is detailed in section 3.6 of this report. The main issues raised in the other representations are detailed below:

4.2 I am disappointed and dismayed that the picture house façade is not even being considered for restoration to be incorporated into the development of the regeneration plans in Glaisnock Street, Cumnock.

***The possibility of retaining the existing façade of the picture house is not considered to be a reasonable option having regard to the redevelopment proposals as the site will enable both vehicular and pedestrian access to and from Glaisnock Street into the proposed car park facility. Furthermore Historic Scotland have been consulted***

***in terms of the removal of the building and have raised no objections.***

4.3 The early art nouveau frontage is supposedly intact underneath the later art deco façade. Not only therefore is this one of the few surviving cinema buildings but it also embodies two of the most important architectural styles of the twentieth century.

***As noted Historic Scotland has been consulted as part of the application process and its comments have been summarised in Section 3 of the report. In addition to this Historic Scotland has also assessed the architectural and historic merits of the building in terms of possible listing status. A site visit was undertaken by Historic Scotland and the comments are as follows. "Following our recent site visit including an inspection of the interior, we have considered the property against the criteria and, from the information available to us, do not find that it meets the necessary rigorous standards for inclusion as a building of special architectural or historic interest. The principle reason is that the accumulative effect of the later additions and alterations carried out in the 1930s and 1960s to both the exterior and interior of this 1913 cinema have eroded its intrinsic interest as an example of first phase purpose built cinema building in Scotland."***

4.4 I don't believe that any Council would lightly allow to be demolished the earliest school or town hall in the area especially if it was one of the earliest examples of that type of building known to be left in Scotland, yet that seems to be exactly what we have here proposed the demolition of a very fine early example of a type of public building now rare in this area being of a type unlikely to be rebuilt in these types of materials.

***Noted. The comments detailed above in section 4.3 explain the reasoning behind the decision made by Historic Scotland to not include this building for listing. This, coupled with the current derelict condition of the building, and the proposed redevelopment plans provides a sound basis for its removal.***

## **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 (EALP).

## Ayrshire Joint Structure Plan

5.2 No specific policies are relevant to this proposal

## East Ayrshire Local Plan

5.3 As stated in 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.

**An element of the proposed site for the car park is located within the Cumnock Conservation Area. This part of the site is currently taken up with the former picture house, which has lain vacant for a number of years. It is considered that the demolition of the picture house and the creation of a car park on this site will improve the appearance of the Conservation Area, assuming appropriate landscaping and materials are used in the development. Such requirements can be conditioned within any consent granted for the planning application for the re-development of the site – formation of the car park.**

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

6.1 The principal material considerations relevant to the determination of this application are the Alterations to the East Ayrshire Local Plan (finalised version with modifications), consultation responses received which are addressed in Section 3 of the report, the planning history of the site, and the supporting statement for the redevelopment of the site.

6.2 For clarity, whilst development proposals will continue to be assessed first and primarily against the adopted local plan, the Council has now given authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, significant weight can be given to the policies below.

### Alteration to the East Ayrshire Local Plan (finalised version with modifications)

6.3 As stated in Policy ENV7, development and demolition within a conservation area or affecting its setting shall preserve or enhance its character

and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to have amenity value shall be preserved. Given the importance of assessing design matters, outline applications will not normally be considered appropriate in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, policy ENV5 on demolition shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

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 complies with the Council's appropriate Design Guidance. In particular, the Council will not be supportive of any development that is unsympathetic 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.

**The site of the former picture house is located within the Cumnock Conservation Area. The former picture house has been vacant for a number of years and the external appearance of the building is having a negative impact on the visual amenity of the area. Therefore it is considered appropriate that its demolition be favourably viewed in circumstances where there is in place a suitable redevelopment proposal. A planning application has been submitted for the formation of a car park and access road and this is also before the committee.**

### Consultation Responses

6.4 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application. Any issues raised by consultees can be addressed by conditions should Members choose to grant consent. The Scottish Civic Trust submitted an objection detailed in section 3 of this report. Whilst this raises valid planning issues relating to the demolition of the picture

house the statement submitted in support of the redevelopment of the site assists in justifying its removal.

### Planning History

6.5 An application for full planning consent for the change of use of land to form a car park and access road encompassing this site and the area of ground immediately to the rear (Planning Ref: 09/0493/FL) is also before this committee for consideration.

### Supporting Statement

6.6 The proposed demolition of the former bingo hall within the 'Creating Civic Space' project will remove a vacant and derelict building whilst greatly improving the setting of two key listed buildings on Glaisnock Street – Cumnock Town Hall and the Dumfries Arms Hotel.

The 'Creating Civic Space' project and therefore the demolition of the former picture house should not be seen in isolation. The project forms an integral part of the regeneration proposals for Cumnock Town Centre and is inextricably linked to a number of complementary projects currently being developed or implemented.

Linked to the wider Cumnock Town Centre Regeneration Project, the 'Creating Civic Space' project complements the Cumnock CARS project. The CARS project, valued at £2.6million, is a grant scheme supported by Historic Scotland and East Ayrshire Council, which aims to improve the historic fabric of the Conservation Area. The scheme has been recently launched and interest has been expressed by a large number of property owners.

The CARS project is supported by various initiatives led by HRH The Prince Charles, Duke of Rothesay, including the 'Four Towns Enquiry by Design' project, the 'Knockroon' proposal and Dumfries House. The Prince's Regeneration Trust and the Prince's Foundation for the Built Environment actively support the CARS scheme.

As part of the overall regeneration of Cumnock and in the interests of the wider community, the benefits of the 'Creating Civic Space' project can be seen therefore to outweigh the loss of the unlisted, vacant and derelict former bingo hall.

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

7.1 The Council has an ownership interest in the site.

7.2 The application will not require to be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

## **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 Sections 25 and 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 there are material considerations relevant to this application however it is considered that these are supportive of the application.

8.2 It is considered that the representations made have not been substantiated through the consultation process and are not of sufficient weight to justify refusal of the application. Comments raised within the consultation process can be incorporated as conditions attached to any consent granted.

8.3 The removal of the former picture hall will undoubtedly alter the streetscape of Glaisnock Street however this can be considered to have benefits not only in facilitating the redevelopment of the site in terms of a public car park but also allowing greater vistas to be established in respect of the two immediately adjacent listed buildings.

## **9. RECOMMENDATIONS**

**9.1 It is recommended that this application for Conservation Area consent be approved subject to the conditions listed on the attached sheet.**

**9.2 The application shall require to be forwarded to Historic Scotland for further approval before the decision can be issued.**

### **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 constitute a significant breach of policy.

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

23 September 2009  
(RG/RG)

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Modified East Ayrshire Local Plan
8. Application No: 09/0493/FL

Anyone wishing to inspect the above papers please contact Robin Ghosh  
Planning Officer, on 01563 555483.

***Implementation Officer: Dave Morris***

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0521/CA

---

Site of Proposal:	Glaisnock Street, Cumnock
Nature of Proposal:	Demolition of former picture house
Name & Address of Applicant:	Asset Improvement Service, Council Offices, Lugar

---

DPO's Reference: Robin Ghosh

The above Conservation Area Consent should be granted subject to the following conditions:

1. Construction works on site shall not be carried out prior to 0700 hours and after 1900 hours on Monday to Friday, 0800 hours and after 1300 hours on a Saturday and not at any time on Sundays.

REASON: To prevent noise disturbance during the construction period extending into hours during which other sources of noise have subsided in the interest of residential amenity.

2. All waste arising from the works shall be disposed of to the satisfaction of the Waste Management Authority. Any asbestos identified shall be removed in accordance with the Method Statement.

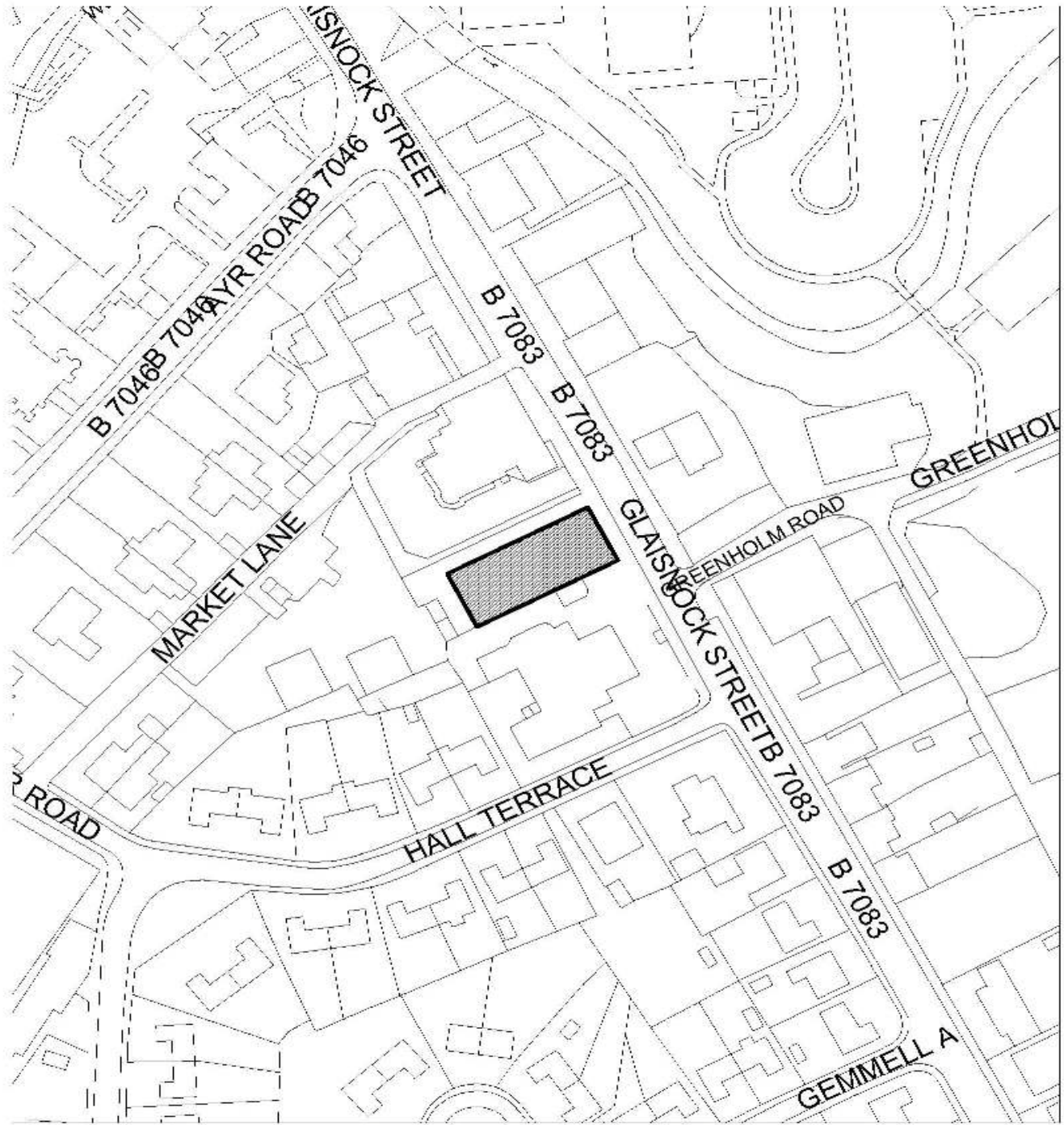
REASON: In the interests of environmental protection.


3. There shall be no implementation of the demolition hereby approved until such times as there in place a planning consent for the redevelopment of the site and contracts have been placed for that redevelopment.

REASON: in interests of the visual amenity of the conservation area.

**Notes to Applicant:**

1. Scottish Power have noted the presence of apparatus within the application site and advise that prior to development works commencing on site contact should be made directly with Scottish Power. Scottish Power can be contacted on 0141 567 4155.
2. Scotland Gas Networks advise that no mechanical excavations take place above or within 0.5m of the low-pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Scotland Gas Networks can be contacted on 0141 418 4093.



Title/Location	<b>Glaisnock Street</b>	East Ayrshire Council	↑
	<b>Cumnock</b>	Planning & Economic Development Division.	
	<b>Application No. 09/0521/CA</b>	6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a>	
Key		<b>Application Site</b>	Com Date: 02/10/09 Checked By

This map is provided for the Council's use only, subject to the provisions of Ordnance Survey in relation to the Control of Her Majesty's Stationery Office. It is not to be used for any other purpose without the prior written consent of the Council. Ordnance Survey copyright is acknowledged. Ordnance Survey is a registered trademark of Ordnance Survey Limited.