

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 3 JUNE 2005

**05/0106/LB: PARTIAL DEMOLITION, RETENTION AND STABILISATION
OF FIRE DAMAGED BURNS MONUMENT, KAY PARK, KILMARNOCK
BY EAST AYRSHIRE COUNCIL TECHNICAL SERVICES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Retrospective listed building consent is sought for the partial demolition of the Burns Monument building and the retention and stabilisation of the remainder of the building. This application is as a result of the fire within the building on 19 November 2004 which led to the collapse of the two storey rear Museum section and the semi octagonal two storey tower, leaving only the front stairs, porch, part of the ground floor outer walls and two of the main internal walls. Tarpaulin has been attached to the remains of the building to protect the previously unexposed interior stonework and the Burns Statue has been protected by timber boarding. A safety fence has been erected around the remains of the building for health and safety reasons. Decorative stone features formerly part of the building are stored on the ground beside the fire-damaged monument.

2. RECOMMENDATION

2.1 **It is recommended that the application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated 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 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application and they are generally supportive. This retrospective application has been brought about by the fire in the building in November 2004 which led to the collapse of the two storey tower leaving only the stairs, porch and part of the ground floor outer walls. It is considered that, given the

circumstances, the partial demolition and the retention and stabilisation of the remains of the Burns Monument is acceptable.

Alan Neish
Head of Planning, Development and Building Standards

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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05/0106/LB: PARTIAL DEMOLITION, RETENTION AND STABILISATION OF FIRE DAMAGED BURNS MONUMENT, KAY PARK, KILMARNOCK BY EAST AYRSHIRE COUNCIL TECHNICAL SERVICES

Report by Head of Planning, Development and Building Standards

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 as it is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application relates to the Burns Monument, a category 'B' listed building located at an elevated position within the Kay Park to the east of Kilmarnock Town Centre. The Burns Monument building opened in 1879 and occupies a very prominent site both in the Kay Park but also within the skyline of Kilmarnock. The building was constructed in the Scottish Baronial style, being 2 storeys in height with a tower. It had a total height of 24 metres. The building was constructed with bull faced Ballochmyle red sandstone with polish dressing alongside a rubble masonry inner core.

Access to the building was through a set of stairs at the front leading to a portico, which houses the monument of Robert Burns. The interior of the building was lined with timber boards, framing and timber staircase. The building was closed to the public in 1980 and was surrounded by 2 metre high palisade fence for security purposes.

2.2 **Proposed Development:** Retrospective listed building consent is sought for the partial demolition of the Burns Monument building and the retention and stabilisation of the remainder of the building. This application is as a result of the fire within the building on 19 November 2004 which led to the collapse of the two storey rear Museum section and the semi octagonal two storey tower, leaving only the front stairs, porch, part of the ground floor outer walls and two of the main internal walls. Tarpaulin has been attached to the remains of the building to protect the previously unexposed interior stonework and the Burns Statue has been protected by timber boarding. A safety fence has been erected around the remains of the building for health and safety reasons. Decorative stone features formerly part of the building are stored on the ground beside the fire-damaged monument.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Civic Trust have commented that they are delighted that efforts were made to retain as much of the building's features as possible. They support the recommendation that the remaining components of the building be provided with some sort of lateral support but would recommend that reinforced concrete would be the least appropriate material. They recommend that the number of decorative stone components stored on the site behind the security fence, be stored in a covered and secure environment to prevent any architectural theft or any further vandalism and ensure that surfaces of stones that were not previously exposed are protected from the elements. The Civic Trust supports the faithful reconstruction of this prominent piece of Kilmarnock architectural heritage and would encourage the Local Authority to pursue such action. Detailed drawings of the building are available and there is no shortage of other documentary evidence to assist an accurate rebuild.

There are no plans to provide any lateral support for the remainder of the building in the short term. The recommendation of the Scottish Civic Trust can be addressed with regard to the decorative stone components formerly part of the building which can be stored in a safe, secure and weatherproof compound for any future use. This can be addressed by attaching a condition to any grant of listed building consent. The plans for the future development of the Burns Monument will be the subject of a separate listed building application and planning permission and are not of direct relevance to this application under consideration.

3.2 The Architectural Heritage Society of Scotland and Historic Scotland have no adverse comments to make regarding the proposed development.

Noted.

3.3 Piersland Bentinck Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No objections have been received to the proposed development.

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).

Adopted Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any issues of a strategic nature.

Adopted East Ayrshire Local Plan

5.3 Policies ENV 1 and ENV 2 are of direct relevant to this application. Policy ENV 1 seeks to protect, preserve and enhance all listed buildings. Policy ENV 2 actively encourages the retention, restoration, renovation and reuse of listed buildings. There will be a presumption against the demolition or partial demolition of listed buildings.

Although the application involves the partial demolition of the Burns Monument building, this has been caused by the recent fire within the building and the applicant is seeking retrospective listed building consent for those works which were essential following the fire for health and safety reasons. The application also involves the retention and stabilisation of the remainder of the building on site and any future proposals for the building will be the subject of separate listed building and planning applications. It is considered that the works proposed can be accommodated within the above policies.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of the application are the consultation responses received that are addressed in Section 3 of the report and the Memorandum of Guidance on Listed Buildings and Conservation Areas.

Consultation Responses

6.2 It is not considered that any aspects of the consultation responses have raised any issues that would warrant refusal of this application.

Memorandum of Guidance on Listed Buildings and Conservation Areas

6.3 Government policy with regard to the demolition of listed buildings is that no worthwhile building should be lost to the environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. In assessing the importance of a building, attention should be paid not only to its architectural merit but also to its historic merit. Planning Authorities are urged in considering

applications for consent to demolish, to presume in favour of the preservation of listed buildings.

Project Team

6.4 The Executive Director of Neighbourhood Services has established a multi-disciplinary project team which includes representatives from appropriate Council departments and representatives from Historic Scotland and Loss Adjusters and the Council's Insurers. The Project Team meet on a regular basis and have considered financial, operational, technical, heritage and planning issues relating to the potential redevelopment of the Monument. A series of options have been identified for further investigation and public consultation. The option pursued would be the subject of separate applications for listed building consent and planning permission.

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 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application and they are generally supportive. This retrospective application has been brought about by the fire in the building in November 2004 which led to the collapse of the two storey tower leaving only the stairs, porch and part of the ground floor outer walls. It is considered that, given the circumstances, the partial demolition and the retention and stabilisation of the remains of the Burns Monument is acceptable.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the attached sheet.

Alan Neish
Head of Planning, Development and Building Standards

25 May 2005 (PC/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Memorandum of Guidance of Listed Buildings and Conservation Areas.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576798.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0106/LB

Site of Proposal:	Burns Monument Kay Park KILMARNOCK KA3 7RS
Nature of Proposal:	Proposed Partial Demolition Retention and Stabilisation of Fire Damaged Burns Monument
Name & Address of Applicant:	East Ayrshire Council 6 Croft Street KILMARNOCK KA1 1JB
Name & Address of Agent:	East Ayrshire Council Technical Services Council Offices Lugar CUMNOCK KA18 3JQ

DPOs Reference: PC/SA

The above LISTED BUILDING application should be granted subject to the following conditions:-

(1) The decorative stone components on site formerly part of the building shall be stored in a safe secure and weatherproof compound. Details of the measures for storage shall be submitted to and approved by the Head of Planning, Development and Building Standards within one month of the date of this consent and implemented within one month of the approval of the storage details.

REASON To allow the decorative stone components to be stored in a secure environment to allow for future use in any development proposals.

**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.**