

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 JANUARY 2005

**04/0509/LB: PROPOSED DEMOLITION OF BUILDING AT AUCHINLECK
PRIMARY SCHOOL, SCHOOL ROAD, AUCHINLECK**

APPLICATION BY AUCHINLECK BUSINESS CENTRE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought to demolish the primary school, which is a Category C Listed Building. The applicant has not submitted any redevelopment proposals however it is indicated in a letter from the agent that residential development of the site is preferable.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these also indicate the recommendation should be one of refusal.

3.2 The building, which is currently vacant, has recently and in the past suffered from a lack of maintenance and is therefore in a state of disrepair. Structural, dry rot and timber treatment surveys have been undertaken and reports submitted by the applicant in support of the application to demolish on economic grounds. These reports have been considered by Historic Scotland's Conservation Engineer and the Council's own Structural Engineer. It is evident that the building would indeed require a lot of remedial work to render it suitable for use as a business centre, as per its current approval. However, the building's status as a Category C listed building is the pertinent material consideration in the determination of the application.

3.3 The proposal to demolish the listed school is not considered to be acceptable in principle and is contrary to the relevant development plan policy. The applicant has made the application on the basis that the building has fallen into a state beyond reasonable repair and it would not be feasible to undertake the necessary repair and has thus submitted the above mentioned reports. It is noted that a substantial amount of work would be required and the end use as a business/storage unit would not make this a financially viable option.

3.4 In the case where a listed building is in a significant state of disrepair and a redevelopment scheme of architectural merit is being proposed it may in some circumstances be considered acceptable as a justifiable departure from the development plan. The applicant has indicated that the future re-use of the site would be for residential development but no details of such a development scheme have been submitted.

3.5 When the applicant purchased the site from the Council this was on the basis that the building would be used for business purposes which would be of economic benefit to the wider community. This was actually secured by way of a restriction on the title deed and if the current application receives approval the applicant would have to apply to have this waived. In an effort to address this, the applicant did propose to donate the neighbouring former laundry building to the Council but the Council's Property section has advised this would not be of any benefit.

3.6 To conclude, albeit the former primary school is in a significant state of disrepair and will have significant costs to bring it back to a reasonable condition this alone does not justify demolishing the building. In the absence of a detailed redevelopment scheme which would be of economic benefit to the wider community there is no justification for departing from the policy and the recommendation must therefore be one of refusal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent a departure from the development plan.

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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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 an application for listed building consent which is to be considered by the Local Planning Committee under the scheme of delegation, due to it being recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises the former Auchinleck Primary School building. The building, which was erected in 1916, is on an 'E' shaped floor plan and constructed in red sandstone with a slate roof. There have been additions and alterations throughout the past century which have added to the unusual but well detailed design of the school.

2.2 The site fronts onto School Road which is a predominantly residential area. Two storey residential properties lie to the north and north east of the site. The former laundry building and indoor bowling rink lie to the east and the Railway Hotel fronting onto Main Street is immediately to the south of the site. Residential properties also lie to the south west and west.

2.3 **Proposed Development:** Listed Building Consent is sought to demolish the primary school, which is a Category C Listed Building. The applicant has not submitted any redevelopment proposals however it is indicated in a letter from the agent that residential development of the site is preferable.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Legal Services Section has advised that when the Council sold the property to the applicant the Title included a condition to the effect that the property is to be used, in all time coming, for the purposes of a

Business Centre only and for no other purpose whatsoever except with the Council's prior written consent. This was to reflect the fact that at the time of the sale, the Council did not accept the highest offer received but elected to sell the property to Auchinleck Business Centre at a lower price in order to achieve the Council's desired aim of having the property used as a Business Centre. In the event of consent being granted and an alternative future use being proposed (e.g. for housing) they will require to apply to the Council to have this Title condition either waived or discharged.

The applicant has been reminded of this stipulation contained within the Title and this would require to be addressed should the use of the site differ from that agreed. However, this is entirely a legal matter and it is not considered it is material to the determination of this application.

3.2 The Scottish Civic Trust has made a strong objection to the proposed demolition of Auchinleck Primary School for the following reasons:

- (i) the Trust understands that whilst the building had been vacant for some time that planning permission had been granted for its conversion to a new business and storage centre some two years ago;
- (ii) it is understood that at that time its listing was upgraded from C(s) to B, reflecting the importance of this building;
- (iii) The Memorandum of Guidance on Listed Buildings and Conservation Areas clearly states that:

“The Government policy with regard to the demolition of listed buildings is that no worthwhile building should be lost from our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”

“... the Secretary of State would normally expect to see evidence that the building had been advertised for sale or long lease to a restoring purchaser on the open market for a reasonable period and at a price reflecting its location and condition without success before granting a demolition consent”.

- (iv) the applicant has provided no information in respect of the condition of the building to justify its proposed demolition;
- (v) the applicant has provided no information in respect of the building being offered for sale/lease;
- (vi) the applicant has provided no details of any proposed works for the cleared site.

The Trust therefore strongly objects to this application and would strongly recommend its rejection.

It is noted that the proposal to demolish is contrary to the Memorandum and in the absence of a credible redevelopment scheme there is no justification for departing from this. It is considered that the reasons the Trust has stated for objecting to the proposed development are of material significance in the consideration of the application. However it should be noted that the building remains Category "C" listed.

3.3 Historic Scotland has advised that the building is still of special architectural and historic interest, and that they maintain their opposition to its demolition until information is provided to demonstrate that efforts have been made to find a new owner/user for the building. Dry rot and timber surveys were considered by the Conservation Engineers and they have advised that whilst there is clearly a problem, in particular of dry rot, the building is not beyond repair. The building, which has suffered from a lack of maintenance over the years, remains a locally important and very distinctive building and there is a need to explore all possible avenues for its retention and reuse.

The surveys supplied by the applicant do indicate that the building has indeed suffered from a lack of maintenance. However, the conclusions reached by Historic Scotland are that it is not beyond repair and this coupled with a lack of a detailed redevelopment scheme would not justify the demolition of the building.

3.4 The Architectural Heritage Society of Scotland has advised that whilst the derelict state of the school makes economic restoration for adaptive reuse generally unrealistic the external walls may be viable for some form of new build. A rescue package could therefore be considered as an alternative to complete demolition.

The current state of the building may indeed render the building's reuse uneconomical. However, the applicant has failed to demonstrate this and no reuse option has been proposed.

3.5 The Royal Commission on Ancient and Historical Monuments of Scotland has advised that if consent is granted that they are notified and are thereafter allowed a period of three months to record the building during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed.

This requirement can be imposed as a condition on the consent should the Committee be minded to approve the application.

3.6 Auchinleck Community Council has no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 Notwithstanding the objection received from the Scottish Civic Trust as indicated above, the application has not attracted any third party letters of representation.

Noted.

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 There are no policies contained within the structure plan which are especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy ENV2 of the local plan states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings and there will be a presumption against the demolition or partial demolition of all such properties.

The proposal is to demolish the primary school which is a listed building and therefore contrary to the terms of Policy ENV2.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas and the planning history of the site.

Consultations Responses

6.2 The consultation responses received from the amenity bodies do recommend against the demolition of the former primary school on the basis of the current submission. The reasons cited for this are primarily based upon the loss of a well detailed building representing the Arts and Crafts movement in the town of Auchinleck. These objections are material considerations which are of significant weight in the determination of this application.

Memorandum of Guidance on Listed Buildings and Conservation

6.3 The Memorandum states:

“The Government policy with regard to the demolition of listed buildings is that no worthwhile building should be lost from our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”

“... the Secretary of State would normally expect to see evidence that the building had been advertised for sale or long lease to a restoring purchaser on the open market for a reasonable period and at a price reflecting its location and condition without success before granting a demolition consent”.

The applicant’s agents have submitted information on the current condition of the former primary school building indicating that remedial works and repairs would be in excess of £400,000 and concur that conversion of the property to residential use would not be economically feasible. However, it is considered that in the absence of evidence to meet the tests indicated within the Memorandum, the proposal would not be consistent with the guidance issued by Historic Scotland.

Planning History

6.4 The former primary school was the subject of an application for the change of use of the vacant former school to business/storage centre (Ref: 02/0496/FL) and this was approved by the Committee at their meeting on 06 September 2002 and therefore remains extant.

6.5 Subsequent to this an application (Ref: 02/0996/FL) was submitted for the erection of a detached villa on land immediately adjacent to the site. This was refused by the Local Planning Committee at the meeting on 11 April 2003 and one of the reasons for refusal was that the proposed development would result in partial demolition of the front boundary wall and railings which form part of the listing.

It is considered that this planning history demonstrates the intention to retain the building and use it for business which is of benefit to the local community.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 If the current Listed Building Consent application receives approval the applicant will require to apply to the Council's Legal Service to have the restriction on the Title waived.

7.2 Should the Committee be minded to approve the application, it will require to be notified to and cleared by Historic Scotland prior to issue of any consent.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these also indicate the recommendation should be one of refusal.

8.2 The building, which is currently vacant, has recently and in the past suffered from a lack of maintenance and is therefore in a state of disrepair. Structural, dry rot and timber treatment surveys have been undertaken and reports submitted by the applicant in support of the application to demolish on economic grounds. These reports have been considered by Historic Scotland's Conservation Engineer and the Council's own Structural Engineer. It is evident that the building would indeed require a lot of remedial work to render it suitable for use as a business centre, as per its current approval. However, the building's status as a Category C listed building is the pertinent material consideration in the determination of the application.

8.3 The proposal to demolish the listed school is not considered to be acceptable in principle and is contrary to the relevant development plan policy. The applicant has made the application on the basis that the building has fallen into a state beyond reasonable repair and it would not be feasible to undertake the necessary repair and has thus submitted the above mentioned reports. It is noted that a substantial amount of work would be required and the end use as a business/storage unit would not make this a financially viable option.

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development plan. The applicant has indicated that the future re-use of the site would be for residential development but no details of such a development scheme have been submitted.

8.5 When the applicant purchased the site from the Council this was on the basis that the building would be used for business purposes which would be of economic benefit to the wider community. This was actually secured by way of a restriction on the title deed and if the current application receives approval the applicant would have to apply to have this waived. In an effort to address this, the applicant did propose to donate the neighbouring former laundry building to the Council but the Council's Property section has advised this would not be of any benefit.

8.6 To conclude, albeit the former primary school is in a significant state of disrepair and will have significant costs to bring it back to a reasonable condition this alone does not justify demolishing the building. In the absence of a detailed redevelopment scheme which would be of economic benefit to the wider community there is no justification for departing from the policy and the recommendation must therefore be one of refusal.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent a departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

16 January 2005
NM/HM/NM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous applications 02/0496/FL and 02/0996/FL

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0509/LB

Location	Auchinleck Primary School School Road AUCHINLECK KA18 2HZ
Nature of Proposal:	Proposed demolition of building
Name and Address of Applicant:	Auchinleck Business Centre c/o agent
Name and Address of Agent	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

The above LISTED BUILDING application should be refused for the following reasons:-

1. The proposal is to demolish a Category C Listed Building for which there is a no justification and it would therefore breach the provisions of Policy ENV2 of the East Ayrshire Local Plan which states that the Council will actively encourage the reuse and retention of listed buildings and there will be a presumption against the demolition of all such properties.

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