

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 17 JUNE 2005

**05/0171/CA: PROPOSED DEMOLITION OF PROPERTY AT
4/5 CATHCARTSTON AND 20/21 KENNEDY'S CLOSE, DALMELLINGTON**

APPLICATION BY HALF FULL DEVELOPMENTS LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Conservation Area Consent is sought for the full demolition of this property that is an unlisted building within Dalmellington Conservation Area. The application is supported by a Structural Survey of the building but no indication has been given as to any redevelopment proposals for the site. It is believed that the applicant wishes to construct a new building on the site to provide for a pharmacy although no formal indication of this potential afteruse of the site has been provided.

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; however it is considered that these are not supportive of the application.

3.2 Conservation Area Consent is sought for the demolition of a 2-storey traditionally constructed tenement block occupying a prominent location within the centre of the Conservation Area of Dalmellington. However, the proposal is not consistent with the policy provisions for Conservation Area consent in terms of the East Ayrshire Local Plan and furthermore, the demolition is contrary to the advice outlined in Historic Scotland's Memorandum of Guidance.

3.3 No justification for the proposed demolition of the property has been provided and, although a report into the structure of the building has been submitted, it does not provide a significant and valid account into the conclusions of the report and it is not perceived that this would justify the demolition on structural grounds. Similarly, no future proposals for the cleared site have been provided as part of the application and therefore the proposal is clearly contrary to the stated Ayrshire Joint Structure Plan and East Ayrshire Local Plan policies.

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 not require to be referred to the Development Services Committee because it would not be classed as a significant departure from the East Ayrshire Local 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 a Conservation Area Consent which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposal is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The property is located within the town centre of Dalmellington and lies in a prominent position within the Conservation Area. The application site covers a significant area positioned at the corner of Cathcartston at the junction of High Street with Main Street on the southern side of the narrow Muck Water and relates to the existing buildings and curtilage at this location.

2.2 The property is a 2-storey L-shaped tenement block of traditional construction with harled walls, slated roof, straight stone skewes and small irregular openings. The chimney stacks have been retained although one stack would appear to have been rebuilt. The windows are timber sash and case with a variety of small pane glazing patterns. Whilst there is no record of when the building was first built it is shown on the 1st Edition OS Map of 1853 therefore dating it to a period some time before this. The current condition of the building is relatively poor partly due to the recent removal of the slate roof covering.

2.3 **Proposed Development:** Conservation Area Consent is sought for the full demolition of this property that is an unlisted building within Dalmellington Conservation Area. The application is supported by a Structural Survey of the building but no indication has been given as to any redevelopment proposals for the site. It is believed that the applicant wishes to construct a new building on the site to provide for a pharmacy although no formal indication of this potential afteruse of the site has been provided.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing this report

Noted.

3.2 Historic Scotland has provided informal comments on the proposed demolition. The building was considered for listing in 2004, and although the building was rejected, it was considered marginal and its merits were recognised both by Historic Scotland and East Ayrshire Council. It was hoped that conservation area protection would be sufficient to ensure the retention of the building. In addition note is made to the proposal being contrary to Government Policy, as set out in the 'Memorandum of Guidance on Listed Buildings and Conservation Areas' (1998), Sections 4.26, 4.28 and 4.29 which are expanded in Section 6 of this report

Noted.

3.3 The Architectural Heritage Society of Scotland recognises that the building is in a dilapidated condition but, however, is of the opinion that the building can be restored. The Society further believes that as the building occupies a prominent position its removal would be a loss in the existing grouping of buildings in the historic village centre with an adjacent cottage having a date stone of 1744.

It is agreed that given the prominent position of the building within Dalmellington Conservation Area, the loss of this building, in the absence of any appropriate redevelopment proposals, would be detrimental to the character and visual amenity of the Conservation Area.

3.4 West of Scotland Archaeological Service has not responded to the consultation letter at the time of writing this report

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received with regard to the proposed development.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy E20 states that development proposals considered to have an adverse effect on the following heritage resources shall not conform to the structure plan:

- A listed buildings of architectural and historic interest;
- B designated conservation areas;
- C historic gardens and designed landscapes; and
- D archaeological locations.

Demolition of the property, especially in the absence of any redevelopment proposals, is considered to be seriously detrimental to the character and appearance of the Dalmellington Conservation Area and, consequently, the proposal is considered to be contrary to the policy.

East Ayrshire Local Plan

5.3 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.

The property lies within the Dalmellington Conservation Area and its removal would run counter to the Council's stated objective to 'preserve and enhance all heritage resources' which include Conservation Areas. The proposal is considered to be contrary to the policy.

5.4 Policy ENV2 states that the Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

Demolition of the property would be clearly contrary to the provisions of this policy. The applicant has not provided any evidence of attempts to secure re-use or restoration of the property as an alternative to its complete demolition. While the applicant has provided a Structural Report on the building, the conclusion that the building is dangerous and the only viable option is to demolish is derived from a purely visual inspection of the property.

5.5 Policy ENV4 seeks 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. The policy also states that development 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.

It is considered that demolition would seriously adversely affect the character and appearance of the Dalmellington Conservation Area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The other 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 Council's Design Guidance 4: Listed Buildings and Buildings within Conservation Areas.

Consultations Responses

6.2 The consultation responses received would indicate that the refusal of this application for demolition would be appropriate.

Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas'

6.3 Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998' gives detailed advice on the consideration of Conservation Area Consent with the role of the Planning Authority being to preserve or enhance the character and appearance of Conservation Areas.

Paragraph 4.26 states that the demolition of even a single building and the construction of a new building or buildings in its place could result in the character or appearance of a conservation area, or part of it, being severely prejudiced.

Paragraph 4.28 states if the building is considered to be of any value (proposed for listing by Historic Scotland) either in itself or as part of a group, a positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. However, in some cases, demolition may be thought appropriate, for example if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its reuse extremely difficult. While the applicant has provided a Structural Report on the building, the conclusion that the building is dangerous and the only viable option is to demolish is derived from a purely visual inspection of the property.

Furthermore, paragraph 4.29 outlines that in instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building. In this regard, no details have been provided by the applicant that would potentially offer an appropriate redevelopment scheme for the site.

East Ayrshire Council Design Guidance 4: Listed Buildings and Buildings within Conservation Areas

6.4 In line with Historic Scotland's Memorandum the Council's Design Guidance 4 Paragraph 3(a) states that there will be a general presumption in favour of the retention and improvement of listed buildings and buildings within Conservation Areas rather than their demolition and replacement. Where retention is not proposed, applications for demolition of such properties must be accompanied by a detailed justification for its removal including a structural engineers report and full details of the redevelopment of the site.

In the absence of both a detailed structural engineer's report to determine the suitability of the building for retention / restoration, and no information on any redevelopment proposals for the site, the demolition would be contrary to the advice outlined in Historic Scotland's Memorandum of Guidance and the Council's Design Guidance.

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 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; however it is considered that these are not supportive of the application.

8.2 Conservation Area Consent is sought for the demolition of a 2-storey traditionally constructed tenement block occupying a prominent location within the centre of the Conservation Area of Dalmellington. However, the proposal is not consistent with the policy provisions for Conservation Area consent in terms of the East Ayrshire Local Plan and furthermore, the demolition is contrary to the advice outlined in Historic Scotland's Memorandum of Guidance.

8.3 No justification for the proposed demolition of the property has been provided and, although a report into the structure of the building has been submitted, it does not provide a significant and valid account into the conclusions of the report and it is not perceived that this would justify the demolition on structural grounds. Similarly, no future proposals for the cleared site have been provided as part of the application and therefore the proposal is clearly contrary to the stated Ayrshire Joint Structure Plan and East Ayrshire Local Plan policies.

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 not require to be referred to the Development Services Committee because it would not be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

30 May 2005
RG/HM/RG
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. Approved Ayrshire Joint Structure Plan (1999).
6. Memorandum of Guidance on Listed Buildings and Conservation Areas
1998

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0171/CA

Location	4/5 CATHCARTSTON DALMELLINGTON
Nature of Proposal:	DEMOLITION
Name and Address of Applicant:	HALF FULL DEVELOPMENTS 4 BELLSBANK CRESCENT DALMELLINGTON
Name and Address of Agent	AITCHISON ARCHITECTS 5 BOURNE STREET HAMILTON ML3 7BW

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

The above CONSERVATION AREA CONSENT application should be refused for the following reasons:

1. The proposed demolition of this unlisted building within Dalmellington Conservation Area, in the absence of either a comprehensive justification for demolition or details of an appropriate redevelopment scheme for the site, is contrary to the provisions of the Policy E20 of the approved Ayrshire Joint Structure Plan and Policies ENV1, ENV2 and ENV4 of the adopted East Ayrshire Local Plan.
2. The loss of this prominent unlisted building within the central part of Dalmellington, in the absence of an appropriate redevelopment scheme for the site, would be detrimental to the character and visual amenity of Dalmellington Conservation Area.

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