

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 OCTOBER 2001

**01/0602/CA: PROPOSED COMPLETE DEMOLITION OF EXISTING BUILDING
AT REX CINEMA, 79 MAIN STREET, NEWMILNS
BY ST VINCENT CRESCENT PRESERVATION TRUST**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to completely demolish the existing building with the intention of redeveloping the entire site for residential purposes. There is a current application submitted for a 2.5 storey new building fronting Main Street which comprises two 2-bedroom flats. It is also intended to submit a further application to provide additional housing on the remainder of the site.

2. RECOMMENDATION

2.1 It is recommended that the application 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. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the development plan is out of date and in terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be assessed against the material considerations. As indicated in Section 6 of the report, there are material considerations relevant to the determination of this application. The material considerations in this regard are of prime importance owing to the age of the development plan. The proposal is contrary to the policies of the East Ayrshire Local Plan (Finalised Version with Modifications) although it is considered that the response from Historic Scotland is a significant factor in allowing a departure from the general presumption of the local plan policies.

3.2.1 Furthermore, this development also forms a critical part of the Newmilns Townscape Heritage Initiative.

Alan Neish
Head of Planning and Building Control

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 Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is the subject of an objection and involves complete demolition of a building within a Conservation Area.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the Rex Cinema which is located within Newmilns Town Centre and the Main Street Outstanding Conservation Area. The Cinema is adjacent to 73-77 Main Street, Newmilns, which is a 'B' listed building. The Cinema is not a listed building. The site is also identified within the Newmilns Townscape Heritage Initiative (NTHI) as a site for new-build development.

2.2 **Proposed Development:** It is proposed to completely demolish the existing building with the intention of redeveloping the entire site for residential purposes. There is a current application submitted for a 2.5 storey new building fronting Main Street which comprises two 2-bedroom flats. It is also intended to submit a further application to provide additional housing on the remainder of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 West of Scotland Archaeology Service have not responded at the time of writing.

Noted.

3.2 The Scottish Environment Protection Agency have no objection to this proposal provided all the demolition wastes arising from this proposal are disposed of to a suitably licensed site.

Noted. A condition regarding disposal of the demolition wastes can be attached to any grant of consent.

3.3 The Department of Community Services, Environmental Health and Waste Management has no objections in principle to the proposed works.

However, the Department does offer the following general observations:

1. Demolition works should be carried out in accordance with the appropriate Code of Practice, and in such a manner, as not to cause nuisance to nearby residents.

The age and construction of the old Rex Cinema is such that there could be asbestos present. The handling and disposal of this material must be undertaken in accordance with current legislative requirements.

2. I would recommend that some consideration be given towards restricting hours of operation to normal day shift times in respect of any potentially noisy site engineering/construction activities, in order to avoid noise nuisance, etc to adjacent residents at unsociable hours.

Noted. A condition can be attached to any grant of consent restricting the hours of operation for this proposal.

3.4 Newmilns and Greenholm Community Council have not responded at the time of writing.

Noted.

3.5 Historic Scotland have confirmed that the Inspectorate is not opposed to the demolition of the former cinema building as it understands the principle has been accepted for a number of years on the basis that the redevelopment of the site will make a significant contribution to the revitalisation of the town centre. The Memorandum of Guidance (1998) states that “in instances where demolition is to be followed by redevelopment of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building”. It is understood that the redevelopment scheme for the site has been recently withdrawn in part. As such, the Inspectorate strongly recommends that any contract for demolition is not let until such time as any redevelopment proposals have been approved. This would be in accordance with the Memorandum.

Noted. A condition requiring that no demolition occurs until contracts have been let for an acceptable redevelopment of the site which has been granted planning permission can be attached to any grant of consent.

3.6 The Scottish Civic Trust acknowledges that whilst this may have been a fine 1930's cinema frontage at one time, it is now sadly beyond repair and the Trust understand that the interior is of no particular note. The Trust have no objection to its demolition, particularly given that they believe the proposed new build to replace it will help restore the street line and help to enhance the character of the Conservation Area within which it sits.

Noted.

3.7 The Architectural Heritage Society of Scotland object to the proposal.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received from the Architectural Heritage Society of Scotland which is noted in para 3.7 above.

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 Adopted Ayrshire Joint Structure Plan, Ayr County Development Plan (1953) and the Newmilns Town Map (1965).

5.2 However, the Adopted Ayr County Development Plan is now almost 50 years out of date. Given the age of this plan, its relevance to the application is negligible. As a consequence, significant weight must be attached to a more recent expression of policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the government guidance on conservation areas contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas, consultations and the objection noted above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered a prime material consideration.

6.3 Policies ENV1 and ENV2 are relevant in the consideration of this application. These policies state that the Council will seek to protect, preserve and enhance all heritage resources and will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings and other locally important, especially traditional older properties, throughout the area. There is a presumption against the demolition or partial demolition of all such properties.

These policies are in line with the guidance provided in the Memorandum of Guidance on Listed Buildings and Conservation Areas. Nevertheless, Historic Scotland, who produce this Guidance, have confirmed their acceptance of the demolition proposals in their consultation response (see para 3.5 above). Their reasoning for this decision is based on the fact that the principle has been accepted for a

number of years and that the redevelopment of the site will make a significant contribution to the revitalisation of the town centre.

Notwithstanding this view, the proposal must still be considered to be contrary to the East Ayrshire Local Plan (Finalised with Modifications).

6.4 The Memorandum of Guidance is produced by Historic Scotland and states:

“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.

In such circumstances, the whole purpose of designating the conservation area could be undermined. Many conservation areas include listed buildings but many other buildings in those areas, while not in isolation worthy of listing, may nonetheless contribute to the character of the area as a whole.

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 re-use extremely difficult.

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 the past, unsightly gaps have appeared in conservation areas as a result of premature demolition, and have resulted in unsatisfactory development, allowed primarily to fill those gaps. To avoid this happening, planning authorities are requested to consider the long term future of a particular site rather than considering the reasons for demolition in isolation.

Where development is proposed and consent for demolition is granted, authorities should attach a condition prohibiting demolition until contracts have been let for an acceptable redevelopment of the site which has been granted planning permission”.

As is noted in response to Historic Scotland’s consultation in para 3.5 above, a condition prohibiting demolition until contracts have been let for an approved redevelopment of the site can be attached to any grant of consent.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining the application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of this report, the development plan is out of date and in terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be assessed against the material considerations. As indicated in Section 6, there are material considerations relevant to the determination of this application. The material considerations in this regard are of prime importance owing to the age of the development plan. The proposal is contrary to the policies of the East Ayrshire Local Plan (Finalised Version with Modifications) although it is considered that the response from Historic Scotland is a significant factor in allowing a departure from the general presumption of the local plan policies.

8.2 Furthermore, this development also forms a critical part of the Newmilns Townscape Heritage Initiative.

9. RECOMMENDATION

9.1 It is recommended that the application 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 and Building Control

17 October 2001
(YN/MLS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans
2. Statutory Notices/Certificates
3. Letters of Representation
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Approved Strathclyde Structure Plan
6. Approved Ayrshire Joint Structure Plan
7. Ayr County Development Plan, Newmilns Town Map

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on (01563) 576771.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0602/CA

Site of Proposal:	Rex Cinema 79 Main Street NEWMILNS
Nature of Proposal:	Proposed Complete Demolition of Existing Building
Name & Address of Applicant:	St Vincent Crescent Preservation Trust 14 James Watt Road MILNGAVIE Glasgow G62 7JY
Name & Address of Agent:	Page & Park Architects 49 Cochrane Street GLASGOW G1 1HL

DPOs Reference: YN/MMM

The above CONSERVATION AREA application should be granted subject to the following conditions:-

1. No demolition works shall commence on site until the Planning Division has received, and agreed in writing its acceptance of, confirmation that contracts have been let for redevelopment of that part of the site fronting onto Main Street.

REASON In the interests in preserving the character and appearance of the Outstanding Conservation Area.

2. The works hereby approved shall not be carried out before 08.00 hours and after 18.00 hours on Mondays to Fridays and before 09.00 hours and after 17.00 hours on Saturdays nor at any time on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

3. All demolition wastes arising from this proposal shall be disposed to a suitably licensed site.

REASON In the interests of public safety.

AGENDA
