

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003

**03/0274/CA: PROPOSED DEMOLITION OF DERELICT BUILDINGS
AT 11-17 BURNSIDE ROAD, MAUCLINE**

APPLICATION BY MR ANDREW COOPER: BURNSWELL SPRING

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Conservation Area Consent is sought for the demolition of two redundant, derelict buildings within the site. The buildings proposed for demolition are two redundant stone units that are in a poor state of repair. A Dangerous Buildings notice has been served on the unit in the north east corner of the site.

1.2 The original demolition proposal has been amended so that an existing building facing directly onto Burngrange Lane has been omitted from the proposal to demolish buildings on the site. This building is in reasonable condition and has a slate roof with grey render wall finish.

1.3 The application does not include details of the intended use of the site. However, the applicant currently operates a small business called Burnswell Springs from a nearby location and it is likely that the cleared site would be developed in order that the business could expand and be operated from here.

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 listed 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 Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these

matters have been sufficiently addressed and do not merit refusal of the application.

3.2 The application as originally submitted was proposing to demolish a building which this Division as well as the relevant consultees wish to see retained as it does make a significant contribution to the character of the Conservation Area. In response to the concern raised the applicant omitted this building from the proposed demolition.

3.3 The two buildings now proposed for demolition are in a poor state of repair and indeed one has been identified as a Dangerous Building by the Building Control section. It is not considered that their loss would be of any significant detriment to the designated Conservation Area and despite the lack of a tangible redevelopment scheme at present the applicant has mooted a real intention to reuse the site for commercial purposes which it is hoped will be of benefit to the whole community.

3.4 There are no material planning considerations which would merit the refusal of this planning application as the concerns raised have either been adequately addressed or are not material to the determination of this planning application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it does not represent a significant departure from the development plan.

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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**03/0274/CA: PROPOSED DEMOLITION OF DERELICT BUILDINGS
AT 11-17 BURNSIDE ROAD, MAUCHLINE**

APPLICATION BY MR ANDREW COOPER: BURNSWELL SPRING

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 for Conservation Area consent which is to be considered by the Local Planning Committee under the scheme of delegation as the application is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site at 11-17 Burnside Road is located off the main thoroughfare through the settlement of Mauchline and is situated within the Outstanding Conservation Area. It is a site that has previously been used as premises for an agricultural engineering contractor's yard. The site is accessed from Burngrange Lane and comprises of a dwelling as well as five other commercial buildings. The whole site at present is disused and the last known use was for the agricultural engineering business, Ramsay and Jackson. They vacated the site approximately four years ago and no commercial activities have taken place on the site since then.

2.2 **Proposed Development:** Conservation Area Consent is sought for the demolition of two redundant, derelict buildings within the site. The buildings proposed for demolition are two redundant stone units that are in a poor state of repair. A Dangerous Buildings notice has been served on the unit in the north east corner of the site.

2.3 The original demolition proposal has been amended so that an existing building facing directly onto Burngrange Lane has been omitted from the proposal to demolish buildings on the site. This building is in reasonable condition and has a slate roof with grey render wall finish.

2.4 The application does not include details of the intended use of the site. However, the applicant currently operates a small business called Burnswell

Springs from a nearby location and it is likely that the cleared site would be developed in order that the business could expand and be operated from here.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Parks and Leisure Section has been consulted and they have no objection to the proposed development.

Noted.

3.2 The Coal Authority has no objection to the proposed development.

Noted.

3.3 East Ayrshire Environmental Health Service has advised that before any development could be undertaken a full site investigation will be required to assess the condition of the site with regard to the presence (or lack) of substances in or under the soil.

Noted. Upon receipt of any application to develop the site this shall be addressed during the consideration of such a proposal.

3.4 Mauchline Community Council has advised that they have no objection to the demolition. The Community Council has also advised that the safety measures which were to be implemented for a permission on a nearby site have not been done and they would wish these to be done.

Noted. This application can only be considered on its individual merits. Separate measures to deal with the other site referred to by the Community Council are currently being pursued by the Planning and Building Control Division, but are not relevant to the determination of this application.

3.5 Historic Scotland has advised that the proposal should be considered under the same policy for the demolition of Listed Buildings. They have requested that the Council consider if the loss of the buildings is justified in terms of the costs associated with the development of the rest of the site. They have concluded by stating that the proposal should be assessed in terms of whether the loss of the buildings would *preserve or enhance* the character of the Conservation Area.

It is recognised that where possible buildings within the Conservation Area should be retained unless it can be demonstrated that their removal is fully justified in terms of the overall redevelopment of a site. It is reasonable to say that the loss of these

buildings will neither preserve nor enhance the Conservation Area. In considering the amended proposal to remove the two stone buildings the Planning Division is of the view that their loss will not be of detriment to the character of the Area. They are not visible from the main road and are in poor condition.

3.6 The Royal Commission on the Ancient and Historical Monuments of Scotland has advised that the applicant requires to inform them of the proposed removal in order that they may record the buildings to be demolished.

Noted.

3.7 The Scottish Civic Trust has made a recommendation of refusal on the basis of the original submission. This is based upon its objection to the removal of the building in the corner of the site with its gable end onto Burngrange Lane. With regard to the other two buildings the Trust has stated that they have been compromised to an extent that they are beyond repair but the dountakings from these buildings should be salvaged.

The amendment to the application addresses the objection raised by the Scottish Civic Trust as the building, which the Trust objected to being demolished, has now been deleted from the proposal. The request to have the materials salvaged has been noted and this can be added as a condition to the consent, if the Committee is minded to approve the application.

4. REPRESENTATIONS

4.1 One letter of representation has been submitted in addition to the letter from the Scottish Civic Trust referred to in paragraph 3.7 above. This letter raises concerns about road safety and the potential use of the site as a bottling plant.

The application relates to the demolition of two redundant buildings within the application site which in itself does not raise any issues regarding road safety. Furthermore, the use of the application site for a bottling plant is not under consideration as part of the current application. The terms of the letter of representation do not raise any material planning considerations that would bear weight in the determination of this application.

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 of the structure plan states that developments considered to have an adverse effect on designated Conservation Areas shall not conform to the structure plan.

It is not considered that the removal of the two stone buildings will be detrimental to the character of the Mauchline Outstanding Conservation Area and the abovementioned policy is therefore complied with.

East Ayrshire Local Plan

5.3 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources including Conservation Areas.

The proposed demolition does not seek to protect or enhance the Conservation Area however as previously mentioned the buildings are in poor condition and it is not considered that their loss would be detrimental to the built heritage of the locality. The proposal is therefore not contrary to Policy ENV1.

5.4 Policy ENV2 states that the Council will actively encourage the retention, restoration, and renovation of unlisted buildings in the Conservation Area.

The buildings proposed for demolition are beyond a practical state of repair, as confirmed by the issue of a Dangerous Building notice, and it would therefore not be prudent for the Council to seek their restoration. This policy is therefore not contravened by the proposal.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and third party representation.

Consultations Responses

6.2 The Scottish Civic Trust and Historic Scotland have all objected to the proposal based upon what was originally submitted. The objections raised were due to the proposed removal of the larger grey rendered building with gable

facing onto Burngrange Lane. The applicant has omitted this building from the proposed demolition as recommended by the Planning Division in response to the objections. It is therefore considered that this objection has adequately been addressed and hence the concerns are not of sufficient weight to merit a recommendation of refusal.

Representations

6.3 The letter of representation did not raise any material planning considerations that require to be addressed in the determination of this planning application.

Planning History

6.4 The site is presently the subject of two current planning applications. One such application (Ref: 00/0238/CA) is also for Conservation Area Consent for the demolition of all of the buildings on the site with the exception of the large house directly facing onto Burngrange Lane. The other application is for the erection of four dwellinghouses on the site (Ref: 00/0243/FL). The Planning Division is unable to progress either of these applications due to a lack of correspondence from the applicant, who no longer owns the site in question.

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 Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these matters have been sufficiently addressed and do not merit refusal of the application.

8.2 The application as originally submitted was proposing to demolish a building which this Division as well as the relevant consultees wish to see retained as it does make a significant contribution to the character of the Conservation Area. In response to the concern raised the applicant omitted this building from the proposed demolition.

8.3 The two buildings now proposed for demolition are in a poor state of repair and indeed one has been identified as a Dangerous Building by the Building Control section. It is not considered that their loss would be of any significant detriment to the designated Conservation Area and despite the lack of a tangible redevelopment scheme at present the applicant has mooted a real intention to reuse the site for commercial purposes which it is hoped will be of benefit to the whole community.

8.4 There are no material planning considerations which would merit the refusal of this planning application as the concerns raised have either been adequately addressed or are not material to the determination of this planning application.

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 listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it does not represent a significant departure from the development plan

Alan Neish
Head of Planning and Building Control

31 July 2003
NM/NM
FV/AN

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).

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: 03/0274/CA

Location	11-17 Burnside Road MAUCLINE KA5 6AL
Nature of Proposal:	Proposed demolition of derelict buildings
Name and Address of Applicant:	Burnswell Spring 1 Burngrange Lane MAUCLINE KA5 6EL
Name and Address of Agent	Mr Andrew Cooper 1 Burngrange Lane MAUCLINE KA5 6EL

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

The above Conservation Area consent application should be granted subject to the following conditions:-

1. This permission relates to the demolition of the two stone buildings only and the building as marked in green on the plans hereby approved shall not be demolished under the terms of this permission.

REASON – The building identified on the plans is intrinsic to the Mauchline Outstanding Conservation Area and its loss would be detrimental and it therefore requires to be retained.

2. Upon demolition of the buildings hereby approved for removal the duntakings shall be salvaged and retained for future use either within the site or disposed to an architectural salvage store for reuse.

REASON – To ensure that the traditional materials used in the construction of these buildings are reused.

3. Prior to the commencement of development the developer shall complete the form enclosed to be sent to the Royal Commission on the Ancient and Historical Monuments of Scotland.

REASON – To enable an accurate record to be undertaken of the buildings prior to demolition.

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PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**