

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 MARCH 2003

**02/0997/CA: PROPOSED COMPLETE DEMOLITION OF CHURCH AND
REMOVAL OF MATERIAL FROM SITE**

AT ST BARBARA'S CHURCH, TOWNHEAD, DALMELLINGTON

APPLICATION BY THE DALMELLINGTON PARTNERSHIP

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose the complete demolition of the church and removal of the material from the site. They have indicated that all drains etc would be sealed or removed. (A Building Warrant for the works was issued in September of last year.)

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 condition indicated on the attached sheet.

2. CONCLUSIONS

3.1 As is 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 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. It is considered that these are generally supportive of the application.

3.2 Whilst demolition of non-listed buildings in Conservation Areas is not generally advocated, particularly where there are no agreed proposals for redevelopment or reuse of the site, the location and circumstances of this site are such that approval can be recommended.

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 there will be no significant breach of Council policy.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 MARCH 2003

**02/0997/CA: PROPOSED COMPLETE DEMOLITION OF CHURCH AND
REMOVAL OF MATERIAL FROM SITE**

AT ST BARBARA'S CHURCH, TOWNHEAD, DALMELLINGTON

APPLICATION BY THE DALMELLINGTON PARTNERSHIP

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 proposal involves the complete demolition of the building.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies to the north east of Townhead in the Dalmellington Conservation Area approximately 40 metres from the library and extends to some 0.21 hectares. It is a prominent 1960s property of symmetrical design featuring a central spire and multi-pitched, green sheeted roof. The building has been surplus to the requirements of the church for some years and largely as a result of vandalism was the subject of a Dangerous Buildings Notice served in 1996, although there is no current notice in effect on the property.

2.2 **Proposed Development:** The applicants propose the complete demolition of the church and removal of the material from the site. They have indicated that all drains etc would be sealed or removed. (A Building Warrant for the works was issued in September of last year.)

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council and Historic Scotland have not responded at the time of writing this report.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objection to the proposals but indicates that traffic management measures will be required to allow the works to proceed and these must be discussed and approved by the Roads Division prior to the works being undertaken. If traffic management proposals require closure of Townhead Street, which is narrow

and one-way, 6 weeks notice would have to be given for the closure order to be promoted.

This issue can be addressed by a note attached to any consent granted.

3.3 The Scottish Environment Protection Agency has no objections but confirms that all waste would have to be disposed of in accordance with the Waste Management Licensing Regulations 1994 or the Special Waste Regulations 1996 if special waste such as asbestos is present.

This issue can be addressed by a note attached to any consent granted.

3.4 Scottish Natural Heritage has been consulted in response to a suggestion from the Museum and Arts Department of the Council that there might be a requirement to survey the building for the presence of bats or a roost. SNH indicates that they have no record of any such presence but as all bats are legally protected, the premises should be surveyed and if bats are discovered SNH should be further consulted. A Licence would be required to demolish the building if bats were present and this should be undertaken before the animals return for the season.

A note can be attached to any consent granted advising that if there is evidence of bats in the premises the further advice of Scottish Natural Heritage should be sought because it would be an offence under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats Etc) Regulations 1994 to disturb the bats or their roosts. The applicants would be best advised to secure a professional survey of the premises to safeguard their interests in this matter.

3.5 The Scottish Civic Trust considers that the building, despite being an interesting example of its kind, is beyond repair and that its loss would not be detrimental to the townscape or character of the Conservation Area. The Trust have also requested that any future building on this prominent site should be well and sensitively designed using quality materials.

Noted.

3.6 The Architectural Heritage Society of Scotland considers the building in its present derelict state to be an eyesore with no prospect of beneficial use. The AHSS believes that firm proposals should be in place to indicate what is proposed to replace the existing structure. The presence of the building beneath a motte mound would suggest the presence of archaeological artefacts. The AHSS recommend a watching archaeological brief during demolition works.

Noted. A condition should be attached to any consent requiring the applicants to submit for the approval of the planning authority

a scheme for the treatment of the site following demolition. It is not considered necessary nor reasonable at this stage to impose a condition requiring an archaeological watching brief during demolition works. However, such a condition may be imposed in respect of any further planning applications on the site which would involve ground disturbance.

4. REPRESENTATIONS

4.1 No representations have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 of the Town and Country Planning (Scotland) Act 1997 requires that 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 Dalmellington / Patna/ Dalrymple Local Plan (1989). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan (1989).

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. Policy 6.28 B expresses a presumption against alterations or additions which adversely affect the character of designated Conservation Areas.

St Barbara's Church lies within the Dalmellington Conservation Area where it occupies a prominent location. The building has been vandalised to such an extent that its appearance is currently detrimental to the amenity of the Conservation Area. The building is of relatively recent construction (1960s) and adds little value to its surroundings. Demolition would not therefore adversely affect the Conservation Area and the proposal would be consistent with the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2002, (EALP), the consultations addressed in Section 3 of this report and the Memorandum of Guidance on Listed Buildings and Conservation Areas.

East Ayrshire Local Plan (Finalised Version with Modifications)

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 EALP should be considered as a prime material consideration.

6.3 Policy ENV2 indicates 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.”

St Barbara’s Church lies within the Dalmellington Conservation Area where it occupies a prominent location. The building has been vandalised to such an extent that its appearance is currently detrimental to the amenity of the Conservation Area. The building is of relatively recent construction (1960s) and adds little value to its surroundings. Demolition would not therefore adversely affect the Conservation Area and it is considered that the proposal would be consistent with Policy ENV2.

Consultation Responses

6.4 The statutory consultation process has not raised any issues that would preclude the granting of Conservation Area Consent.

As indicated in 3.4 above, the possible use of the building by bats need not prevent the issue of a favourable decision subject to the application of an appropriate note to the applicants.

Memorandum of Guidance on Listed Buildings and Conservation Areas

6.5 The Memorandum indicates:

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. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should 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.

St Barbara’s Church sits in its own grounds which are equally as unkempt as is the church in a ruinous condition. For this reason and because the building is of recent vintage and offers little positive contribution to the amenity of the Conservation Area, demolition can be considered as an acceptable option even though at this time there are no firm proposals for the re-use of the site. It is ordinarily the advice of Historic Scotland that no demolition takes place in a Conservation Area until there are acceptable proposals in place for a new building. Notwithstanding this advice, for the above reasons and because of the ruinous condition of the building, demolition would be appropriate in this

particular case. However, a condition should be attached to any consent requiring the applicants to submit for the approval of the planning authority a scheme for the treatment of the site following demolition.

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 is 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 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. It is considered that these are generally supportive of the application.

8.2 Whilst demolition of non-listed buildings in Conservation Areas is not generally advocated, particularly where there are no agreed proposals for redevelopment or reuse of the site, the location and circumstances of this site are such that approval can be recommended.

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 condition indicated 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 there will be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

03 March 2003
DVM/DVM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted Dalmellington / Patna / Dalrymple Local Plan (1989).
5. East Ayrshire Local Plan (Finalised Version with Modifications) (2002).
6. Approved Strathclyde Structure Plan (1989).
7. Approved Ayrshire Joint Structure Plan (1999).
8. Memorandum of Guidance on Listed Buildings and Conservation Areas

Anyone wishing to inspect the above papers should contact Mr. Dave Morris on 01563 576753.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0997/FL

Location	St. Barbara's Church Townhead DALMELLINGTON KA6 7QZ
Nature of Proposal:	Proposed complete demolition of church and removal of material from site
Name and Address of Applicant:	The Dalmellington Partnership C/o BTTC Main Street DALMELLINGTON
Name and Address of Agent	David Donaldson EAC SIP Office Barhill Road CUMNOCK

DPO's Ref: []
PPO's Ref: [Hugh Melvin]

The above [Conservation Area Consent](#) application should be granted subject to the following conditions:

1. Prior to the commencement of the demolition hereby approved, the applicants shall submit to and have received the approval of the planning authority for, a scheme of works for the treatment of the site following removal of the material formerly comprised in the building. The site shall be treated in accordance with the scheme as approved.

REASON: In the interests of the visual amenity of the Conservation Area and public safety.

Notes to Applicant

1. Prior to the commencement of the demolition works, the applicants should submit details of their proposals for traffic management during the progression of the approved works. The applicants should be aware that if, in discussion with the Council's Roads and Transportation Division, it is concluded that closure of Townhead Street will become necessary, a road closure order will be required.
2. The disposal of waste from the site should be in accordance with the Waste Management Licensing Regulations 1994 (as amended); any Special Waste should be disposed of in accordance with the Special Waste Regulations 1996 (as amended). Further information in respect of the above can be obtained from the Scottish Environment Protection Agency at Ayr, phone no. 01292 294000.
3. If there is evidence of bats in the premises, the further advice of Scottish Natural Heritage should be sought. It is an offence under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats Etc) Regulations 1994 to disturb the bats or their roosts. The applicants would be best advised to secure an early professional survey of the premises to safeguard their interests in this matter.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**