

EAST AYRSHIRE COUNCIL

SPECIAL PLANNING COMMITTEE: 5 NOVEMBER 2015

15/0338/LB: DEMOLITION OF THE FORMER HIGHHOUSE COLLIERY ENGINE HOUSE AND ASSOCIATED HEAD FRAME AND REMOVAL OF THE ENGINE AND WINDING GEAR AT HIGHHOUSE INDUSTRIAL ESTATE, BARONY ROAD, AUCHINLECK, EAST AYRSHIRE

BY HIGHHOUSE ESTATES LIMITED

**Report by Head of Planning and Economic Development,
Economy and Skills**

Click for Application Details <http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=NNVR0HGFFNC00>

EXECUTIVE SUMMARY SHEET

PURPOSE OF REPORT

1. The purpose of this report is to present for determination an application for listed building consent which is to be considered by the Planning Committee under the Council's Scheme of Delegation since it is subject to more than 10 separate objections.

RECOMMENDATION

2. It is recommended that the application for listed building consent for demolition be refused for the reasons on the attached sheet.

CONTRARY DECISION NOTE

3. Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development the application will require to be referred to the Council because that would represent a significant departure from the development plan.

**Michael Keane
Head of Planning and Economic Development**

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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PURPOSE OF REPORT

1. The purpose of this report is to present for determination an application for listed building consent which is to be considered by the Planning Committee under the Council's Scheme of Delegation since it is subject to more than 10 separate objections.

APPLICATION DETAILS

2. **Site Description:** The application site is a B listed building (Engine House, Engine, and the Headframe) located within the Highhouse Industrial Estate located centrally within Auchinleck. The single storey brick Engine House was built circa 1896, whilst the existing steel Headframe was built circa 1968 to replace a previous wooden Headframe. The Historic Scotland listing excerpt notes that the engine located within the Engine House is the only steam winding engine in Scotland that is still in situ, and the Headframe is probably the last 'traditional' one built in Scotland.
3. The Engine House and Headframe are currently in a state of disrepair, the most obvious problem being that of deterioration and physical decay. Both the Engine House and Headframe are in need of repair and maintenance works. There is visual evidence of deterioration to the brickwork of the Engine House and damage to the roof, which adds to water ingress and further decay to the structure. The Headframe has visible rust and corrosion. The decayed state of the application site, its relative ease of access and its relatively secluded nature has resulted in vandalism in the form of fires and graffiti.
4. Located to the north of the application site are Highhouse Industrial Estate industrial buildings, whilst open ground is located to the south, west and east.
5. **Proposed Development:** The proposal seeks listed building consent for the demolition of the Highhouse Colliery Engine House and associated Headframe and removal of the Engine and winding gear. The applicant has indicated that they intend to clear the site and infill the winding drum pit and finish the site with soft landscaping.
6. The applicant has submitted a number of documents in support of the application to demolish the listed building which comprise of a Supporting Statement, a letter from Police Scotland, a letter from a tenant of Highhouse Industrial Estate, a Cost Appraisal from InsiteContracts Ltd, and a quote from Beattie Demolition.

CONSULTATIONS AND ISSUES RAISED

7. Historic Scotland (now Historic Environment Scotland from 1 October 2015) initially responded and requested further detail from the applicant that would sufficiently demonstrate that the repair of the building would not be economically viable. Upon receipt of information from the applicant, Historic Environment Scotland was re-consulted and has now advised that the additional information provided by the applicant is sufficient to demonstrate that repair of the structure is not economically viable.
8. The Coal Authority has no objection to the proposal and is satisfied that the precautionary measures proposed by the applicant as set out in the Initial Geological and Mining Risk Assessment Report are appropriate to address the mining legacy issues present on the application site.

It is important to note that The Coal Authority has advised that it does not support development above mine entries even where treated, and it would be unlikely that the Coal Authority could support any future development on the site. Members will however be aware that this is not a material consideration in the determination of this application for listed building consent.

9. The Architectural Heritage Society of Scotland (AHSS) objects to the proposal on several grounds:
 - (i) Removal of the headframe would raise a question about ground stability if this area was simply cleared and landscaped.

The applicant has submitted an Initial Geological and Mining Risk Assessment Report and The Coal Authority has advised in its capacity as consultee that it is satisfied that the precautionary measures proposed by the applicant during site operations as set out in the Initial Geological and Mining Risk Assessment Report are appropriate to address the mining legacy issues present on the application site.

- (ii) The headframe and engine house and contents are all important reminders of the contribution deep mining made nationally and locally. There are some original miners' rows of cottages close to the pit head. The existence of both working and living accommodation at Highhouse should be retained as part of the economic, social and cultural history of the area.

It is acknowledged that the Highhouse Colliery was and is an important part of Auchinleck's mining history. The mining industry was a key factor in the foundation and growth of towns such as Auchinleck, and the existing Engine House, Headframe and Engine represent an important element of the mining industry's surviving built heritage.

As a listed building, every opportunity should be taken to preserve and restore it, however in this case the Applicant has submitted an application and supporting information and the Planning Authority therefore has to assess the application as submitted against the relevant local and national policy. In this respect it is noted that Historic Scotland (now Historic Environment Scotland from 1 October 2015) has not objected to the application.

- (iii) The Highhouse winding engine should remain as a reminder of the huge contribution the area made to the engineering industry in the 19th and 20th century.

The National Mining Museum (NMM) has advised the Planning Service that there is little that they can do to aid the preservation of this winding engine. They advise that they have been able to conclude that the engine present on their own site, Lady Victoria Colliery, is a very similar engine by the same manufacturer and from a similar time, but is larger. The National Mining Museum has advised Council that they cannot therefore justify collecting another engine of the type given the space it would take up and the resources needed to care for it. They advise that they will do their best to make other potential collectors aware of its presence and predicament. If it is eventually dismantled/demolished without going to another collection, the National Mining Museum advised that they would like a memento of the engine, perhaps the manufacturers' plate, so that it will be represented in the Nationally Recognised collection.

The request from the NMM is noted and this would be a matter for the applicant and representatives from the NMM to address if permission was granted to demolish the structure.

- (iv) When demolition is proposed the applicants need to show that they have made all reasonable efforts to retain listed structures in accordance with the requirements of the SHEP: The Scottish Historic Environment Policy.

(a) That the 'building' is not of special interest'

The headframe, winding gear, engine house and contents are manifestly of special historical and socio-economic interest, being relics of the coal industry which was the mainstay of the local economy for nearly 200 years.

(b) That the building is incapable of repair

We note the Police support removal however citing 7 call-outs in one year is little justification. The reference by the Police to a poor and dangerous building has not been substantiated. The current roof requires attention to secure it from entry, but the brick building appears sound, with other openings closed up. The detailing of diagonally set bricks, and with pilasters separating the bays, demonstrates the care taken even in the design of a functional industrial building.

(c) That the demolition is essential to delivering significant benefits to economic growth or the wider community.

With some roof repairs and repainting of the head frame, the colliery structures would enhance the area. What the applicant sees as a problem, council with community involvement and support could transform what he sees as a liability, into an asset.

(d) The repair of the building is not economically viable, etc

There is no supporting information submitted to demonstrate that these structures are either unsafe or are incapable of repair. The retention of the A Frame at the former Barony Pit is evidence that the local community support retention of reminders of their heritage and that such projects can attract funding for preservation and enhancement.

An assessment of the application against the requirements of Scottish Historic Environment Policy (SHEP) is provided further on in this report. It should be noted that the applicant is only required to satisfy one of the above tests contained within the SHEP.

Saving these structures will benefit the local community and reinforce their sense of place and belonging to a town with a long mining tradition. Demolition and grassing over this corner of the estate will not provide significant economic benefits, as the ground is unusable for development. Simply removing structures because they are considered a nuisance should be rejected, with further discussion involving the applicant, to devise a more positive and beneficial solution.

The Highhouse Colliery was and is an important part of Auchinleck's mining history. The mining industry was a key factor in the foundation and growth of towns such as Auchinleck, and the existing Engine House, Headframe and Engine represent an important element of the mining industry's surviving built heritage.

As a listed building, every opportunity should be taken to preserve and restore it, however in this case the Applicant has submitted an application and supporting information and the Council therefore has to assess the application as submitted against the relevant local and national policy.

10. East Ayrshire Council Environmental Health Service (Contaminated Land Officer) has advised that the demolition of the Engine House does not raise any significant contamination land issues and that no contaminated land conditions are required.
11. The National Mining Museum has advised that there is little that they can do to aid the preservation of this winding engine. The NMM advise that they been able to conclude that the engine present on our own site, Lady Victoria Colliery, is a very similar engine by the same manufacturer and from a similar time, but is larger. The NMM state that they cannot therefore justify collecting another engine of the type given the space it would take up and the resources needed to care for it. I will do my best to make other potential collectors aware of its presence and predicament. If it is eventually dismantled/demolished without going to another collection, we would very much like a memento of it, perhaps the manufacturers plate, so that it will be represented in the Nationally Recognised collection.

An advisory note advising the applicant to consult with The National Mining Museum is recommended should members be minded to grant listed building consent.

12. West of Scotland Archaeology Service (WOSAS) has not responded to their consultation request at the time of writing this report.
13. Royal Commission on the Ancient and Historical Monuments of Scotland (now merged to become Historic Environment Scotland (HES) as of 1 October 2015) has not responded to their consultation request at the time of writing this report.

REPRESENTATIONS

14. 40 representations objecting to the application have been received following the public advertisement of this proposal. The points raised in the representations are as follows:-
15. The Highhouse Colliery is part of Auchinleck's mining history as well as the community and should not be allowed to be demolished.

Highhouse Colliery was and is an important part of Auchinleck's mining history. The mining industry was a key factor in the foundation and growth of towns such as Auchinleck, and the existing Engine House, Headframe and Engine represent an important element of the mining industry's surviving built heritage.

As a listed building, every opportunity should be taken to preserve and restore it, however in this case the applicant has submitted an application and supporting information and the Planning Service therefore has to assess the application as submitted against the relevant local and national policy. In respect of national policy Historic Environment Scotland was consulted and has advised that they do not object to the application noting the supporting information that has been presented by the applicant.

16. The headframe and winding engine are significant local historical landmarks and are reminders of the importance of mining in the area and both should be retained. The demolition of the engine house and head frame and removal of the engine and winding gear would be a great loss to the industrial heritage of Scotland.

The existing Engine House, Headframe and Engine represent important landmarks and symbolise an important testimony to the coal industry and the Auchinleck mining community. The Engine House and Headframe in particular make a distinctive contribution to the locale, even in their current state of disrepair.

As a listed building, every opportunity should be taken to preserve and restore it, however in this case the Applicant has submitted an application and supporting information and the Division therefore has to assess the application as submitted against the relevant local and national policy.

17. It does not matter if the whorrals (confirmation has been provided that whorrals refers to the Headframe and Headgear) are not the original ones, they were still used when Highhouse pit was working, and they are classified as 'listed', they should not be demolished.

Whilst the existing steel Headframe was built circa 1968 to replace a previous wooden Headframe, it still forms part of the Historic Scotland listing and remains an important feature of the former Highhouse Colliery.

As advised above, every opportunity should be taken to preserve and restore the listed structures, in this case the Applicant has submitted an application and supporting information and the Planning Service therefore has to assess the application as submitted against the relevant local and national policy.

18. Instead of spending money to demolish the whorrals, it would be better to spend it protecting them.

The applicant has submitted a report from InsiteContracts Ltd on potential repair/restoration costs as well as quote for demolition from Beattie Demolition. The figures put forward by the applicant show repair and restoration costs estimated to be £66,890.20, whilst demolition costs are £11,431.00. The repair and restoration cost does not include ongoing future maintenance costs.

The applicant has not provided detailed information in regard to efforts undertaken to secure funding to restore and retain the Engine House, Headframe and Engine on-site.

It is accepted that the costs involved in the repair and restoration of the Engine House and Headframe will adversely affect the economic viability of the site. The application site is not likely to have an alternative use as it is not feasible to incorporate it as part of future development of the site due to the comments from The Coal Authority advising that they would be unlikely to support any future development on the site. Therefore, what remains on the application site is an engineering structure and building of negative economic value, but with significant historical, social and cultural value. If the Engine House and Headframe is retained in situ, as well as the repair and restoration costs, there would be on-going maintenance costs, which would represent a significant financial commitment, on the part of the applicant, for no economic return.

The figures put forward by the applicant demonstrate that refurbishment and continued maintenance of the Engine House and Headframe would not be viable. Historic Environment Scotland accepts that the information provided is enough to establish that retention and repair of the building is not economically viable and this matter is further considered within this report in terms of national policy.

Despite the above, proper repair and maintenance is an essential part of good stewardship to manage the historic environment, as set out in the Scottish Historic Environment Policy, and in this case the special interest of the Engine House, Headframe and Engine could and should be preserved.

19. The pit headgear at Highhouse, though not as grand as the Barony A-frame, is no less an iconic structure and should be preserved, as it is the last example of coal mining activity at a community colliery in Ayrshire. Highhouse and Barony are the last remains of an industry that at its peak employed 17,500 miners and many thousands more in the ancillary industries.

The importance of the Engine House and Headframe relates specifically to its design, materials, location and historic associations. The Category B listed Engine House and Headframe stands as one of the last remaining acknowledgments to Auchinleck's mining heritage. The Engine House and Headframe is unquestionably an iconic landmark being readily viewable within the locale and stands as an important reminder of the heritage and history of Auchinleck.

20. The steam engine was the last working steam engine used in the mining industry and must be preserved and restored to its former glory, and the winding gear and engine house is of special interest and capable of repair and restoration. It would be criminal if the original steam winding engine was chucked onto a scrap heap.

The Engine House and Headframe are clearly capable of repair and restoration. The National Mining Museum has however advised that there is little that they can do to aid the preservation of this winding engine. They advise that they have been able to conclude that the engine present on their own site, Lady Victoria Colliery, is a very similar engine by the same manufacturer and from a similar time, but is larger. The National Mining Museum cannot therefore justify collecting another engine of the type given the space it would take up and the resources needed to care for it. They advise that they will do their best to make other potential collectors aware of its presence and predicament. If it is eventually dismantled/demolished without going to another collection, the National Mining Museum advised that they would like a memento of the engine, perhaps the manufacturers' plate, so that it will be represented in the Nationally Recognised collection.

21. The Highhouse engine house and headframe is a monument to those who worked, lived and died for the mining industry and should not be removed.

It is acknowledged that the existing Engine House, Headframe and Engine represent important landmarks and symbolise an important testimony to the coal industry and the Auchinleck mining community. The Engine House and Headframe in particular make a distinctive contribution to the locale, even in their current state of disrepair.

22. I am at a loss as to why a council with so much of its history steeped in mining and the traditions of that industry can be so intransigent and deny the historic significance of this site.

It is considered that as a listed building, every opportunity should be taken to preserve and restore the site, however in this case, the Council does not have any ownership interest in the property, and therefore the Planning Service has to assess the application as submitted.

As discussed above, it is acknowledged that the existing Engine House, Headframe and Engine represent important landmarks and symbolise an important testimony to the coal industry and the Auchinleck mining community.

23. This is an opportunity to protect and preserve living history to allow it to be seen first-hand. We must preserve our heritage for future generations. The site could be an attraction for tourists and many people have been brought to the area due to Dumfries House and the A-frame. Highhouse could be an exciting and added future attraction to the Dumfries House portfolio of buildings and objects of historical interest.

The applicant has further advised that they have met with a representative of The Barony Trust to ascertain whether the application site and the nearby Barony A Frame could be run by the Trust and offered as a tourist attraction, however it was deemed that public interest would be limited and the Trust itself advised that it is struggling for funds to continue with their existing commitment. According to the applicant, it was deemed that given the location of the subject property at the back of the Highhouse Industrial Estate the public interest idea was unworkable.

24. The reasons given for the demolition appear to be rather weak and not bonified reasons. Anti-social behaviour and drinking is not a justifiable reason for demolition. I cannot see what steps

have been taken to find an alternative use for these structures before resorting to destruction, nor do I see how either can be considered beyond repair.

Issues such as anti-social behaviour to justify demolition of a listed building is not normally a consideration of the Scottish Historic Environment Policy (SHEP).

Whilst the applicant has gone to great lengths to highlight anti-social behaviour and associated health and safety risks as justification for demolition, it should be noted that these issues are, for the most part, the result of a lack of maintenance over the years. No information indicating what measures the applicants have undertaken to improve the physical condition of the building has been submitted and it should be clear that any deterioration in condition of the structure is the responsibility of the owners. Any associated health and safety issues have arisen from the lack of regular maintenance and neglect. The justification for demolition based on anti-social behaviour and health and safety grounds is therefore not accepted as a justifiable reason for demolition.

The applicant has advised that they have given due consideration to alternative uses for these structures, but no great detail has been provided. The applicant states that they have approached The Museum of Mining and Historic Scotland now (Historic Environment Scotland) in an attempt to find a way forward with a solution for the building/structure conservation, however neither body has provided a solution. The applicant has further advised that they have met with a representative of The Barony Trust to ascertain whether the application site and the nearby Barony A Frame could be run by the Trust and offered as a tourist attraction, however it was deemed that public interest would be limited and the Trust itself advised that it is struggling for funds to continue with their existing commitment. It was deemed that given the location of the subject property at the back of the Highhouse Industrial Estate the public interest idea was unworkable.

The applicant has not provided detailed information in regard to efforts undertaken to secure funding to restore and retain the Engine House, Headframe and Engine on-site.

25. Security should be improved if there is an issue of vandalism on the Estate.

The applicant has advised that they have installed a CCTV system last year within the Highhouse Industrial Estate which has been partially effective as a deterrent and has improved their ability to monitor activity.

26. There must be a source of funding available to preserve this historic building.

The applicant has advised that there is no budget available for the care of the structures. The applicant has not provided detailed information in regard to efforts undertaken to secure funding to restore and retain the Engine House, Headframe and Engine on-site.

27. I would urge Councillors to fully consider making this a community asset and preserving something of our past so that children of the present and future will know where their heritage came from. Perhaps if a local community project could be initiated whereby any future restoration would be carried out by the people of the local area.

It is considered that as a listed building, every opportunity should be taken to preserve and restore the site, however in this case, the Council does not have any ownership interest in the property, and therefore the Planning Service has to assess the application as submitted in order to make this recommendation to Members.

28. It would be more fitting for the Council to encourage some sort of development like a small museum, this would be in line with the regeneration strategy for the village and surrounding area, it could also comply with the Ayrshire and Arran Tourist strategy which EAC signed up to.

The application site is not likely to have an alternative use as it is not feasible to incorporate it as part of future development of the site due to the comments from The Coal Authority advising that they would be unlikely to support any future development on the site.

The applicant has further advised that they have met with a representative of The Barony Trust to ascertain whether the application site and the nearby Barony A Frame could be run by the Trust and offered as a tourist attraction, however it was deemed that public interest would be limited and the Trust itself advised that it is struggling for funds to continue with their existing commitment. It was deemed that given the location of the subject property at the back of the Highhouse Industrial Estate, the public interest idea was unworkable.

29. The type of fabric represented by the Headgear and Winding House is vital to our future as well as essential to remembering our past.

The existing Engine House, Headframe and Engine represent important landmarks and symbolise an important testimony to the coal industry and the Auchinleck mining community. The Engine House and Headframe in particular make a distinctive contribution to the locale, even in their current state of disrepair.

30. There needs to be debate about how to turn what is seen as a liability by the Edinburgh based property company that owns Highhouse Industrial Estate, to a community asset that is owned and managed by the miners and their families who live in Auchinleck and the surrounding villages.

As a listed building, every opportunity should be taken to preserve and restore the site, however in this case, the Council does not have any ownership interest in the property, and therefore the Planning Service has to assess the application as submitted.

31. It is noted that correspondence has been received from a representative of The Friends of the National Mining Museum of Scotland and who is also a member of the Pits, Ponies, People and Stories project in South Lanarkshire, stating that there is interest in securing the Colliery winding wheels depending on the outcome of the application.

Should the Members be minded to grant the application, it is recommended that an advisory note be added for the applicant to contact the National Mining Museum Scotland and The Friends of the National Mining Museum of Scotland, with regard to reusing or rehousing the structures.

ASSESSMENT AGAINST DEVELOPMENT PLAN

32. Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 places a duty on planning authorities in determining an application for listed building consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for listed building consent. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

Ayrshire Joint Structure Plan

33. Policy ENV 6 of the Ayrshire Joint Structure Plan indicates that development proposals that will have an adverse effect on heritage resources, including listed buildings of architectural and historic interest, shall not conform to the Structure Plan.

The proposal involves the demolition of a B listed building, which will have an adverse impact on this particular heritage resource within East Ayrshire. The proposal is therefore contrary to the principles of this strategic policy.

East Ayrshire Local Plan 2010

34. Policy ENV 1 states that the Council will seek to protect, preserve and enhance all built heritage resources requiring conservation including Listed Buildings.

Listed Buildings are rarely approved for demolition, and there has to be sound reasons for proposing demolition, usually on the basis of structural grounds, with the argument that restoration and continued maintenance is not a viable option, as proposed by the applicant in this instance.

Essentially, the proposal to demolish the B listed building is contrary to the principle of this strategic policy.

35. Policy ENV 4 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. Development affecting a listed building or its setting shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.

As above, the application is for the demolition of the Engine House and associated Headframe and removal of the Engine and winding gear. The applicant has indicated that they intend to clear the site and infill the winding drum pit and finish the application site with soft landscaping.

There is no intention from the applicant to retain, restore, renovate or re-use the listed building. The proposal is therefore contrary to Policy ENV 4.

36. Policy ENV 5 states that proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it, demonstrated by evidence that the building:

- (i) Has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser.

Where re-use of the building is not viable, marketing the site can provide the opportunity for others to step in and rescue a listed building. It is an important safeguard against wilful neglect and opportunistic destruction. The applicant has not indicated that marketing has been undertaken in this instance.

- (ii) Is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report.

The applicant has submitted a report from InsiteContracts Ltd on potential repair/restoration costs as well as quote for demolition from Beattie Demolition. The figures put forward by the applicant show repair and restoration costs estimated to be £66,890.20, whilst demolition costs are £11,431.00. The repair and restoration costs do not include ongoing future maintenance costs.

The figures put forward by the applicant demonstrate that refurbishment and continued maintenance of the Engine House and Headframe would not be viable. Historic Scotland (now Historic Environment Scotland) accepts that the information provided is enough to establish that retention and repair of the building is not economically viable.

For information, the Local Plan policy approach reflects that of SPP and SHEP, both of which presume against demolition that will adversely affect a listed building.

Both the Local Plan and the Structure Plan support the retention and protection of listed buildings. It is, however, acknowledged that the application site is in a poor state of repair and has been affected by vandalism, including fire and graffiti, nonetheless, in order to comply with Local Plan policy the applicant is required to submit supporting information to demonstrate that every effort has been made to keep the building/structure and that it cannot feasibly be repaired and restored. Supporting information has been submitted, however the application does not wholly accord with the above policies as it is clear the building/structure is capable of repair, albeit at considerable cost to the applicant.

ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

37. The principal material considerations relevant to the determination of the application are the consultation responses, representations, planning history, pre-application discussions, the applicants supporting information, Scottish Planning Policy (SPP), the Scottish Historic Environment Policy (SHEP), and the Proposed Local Development Plan.

Proposed Local Development Plan

38. For clarity, whilst development proposals will continue to be assessed first primarily against the Adopted Local Plan, the Council at its meeting on 23 September 2015 has now given authority for an appropriate and proportionate degree of weight to be given to the East Ayrshire Local Development Plan 2015 in the determination of planning applications. In addition, from 27 October 2015 the Adopted East Ayrshire Local Plan (2010) will be 5 years old and less weight can be given to this plan. Accordingly, more weight shall be given to the proposed East Ayrshire Local Development Plan.
39. Policy ENV 1 is relevant to this application. Policy ENV 1 states that the Council will support:
- The retention and preservation of all listed buildings and buildings within conservation areas.
 - The adaption and re-use of listed buildings and buildings within conservation areas to meet modern requirements, where this can be achieved in a manner sensitive to the character of the building.

Proposals for the total or partial demolition of a listed building will only be supported where it can be demonstrated beyond reasonable doubt that every effort has been made to retain the building. Demolition will only be acceptable where it can be evidenced that:

- (i) The building is not of special interest; or
- (ii) The building is incapable of repair; or
- (iii) The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- (iv) The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential purchasers for a reasonable period.

The application is considered to be contrary to Policy ENV 1 of the Local Development Plan as the proposal fails to comply with the four criteria above.

It is noted that no objections were received in regard to Policy ENV 1 as part of the notification of the proposed Local Development Plan.

Consultation Responses

40. The consultation responses essentially do not object to the proposal, with the exception of the representation from The Architectural Heritage Society of Scotland. Historic Scotland (now Historic Environment Scotland) in particular have advised that the additional information provided by the applicant is sufficient to demonstrate that repair of the structure is not economically viable and this issue is further explored within this section of the report considering the provisions of the SHEP and associated Historic Environment Scotland guidance.

Representations

41. The grounds of objection to the proposed demolition are centred on the fundamental argument against demolition, and that the Engine House, Headframe and Engine are all of historic, cultural, social, and community merit, and should be retained. It is argued that the Engine

House, Headframe and Engine are important to the mining and industrial history of Auchinleck and the surrounding area, and makes a significant contribution to the locale. The points of objection raised in the representations have been taken into consideration as part of the assessment of this application.

Pre Application Discussion

42. The applicant approached the Planning Service for pre-application discussion. Advice was provided by the Heritage Projects Co-ordinator on the relevant Local Plan policies and the need to demonstrate beyond reasonable doubt that every effort has been made to find practical ways of keeping the listed building.

Planning History:

43. There is no relevant planning history for the application site.

Scottish Planning Policy (SPP)

44. Scottish Planning Policy (SPP) was updated and published by Scottish Government on 23 June 2014. The SPP states that planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry. The SPP contains a clearly expressed presumption that listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

The proposed demolition of the Engine House and associated Headframe and removal of the Engine and winding gear would not, ostensibly, be in accordance with SPP. However, the Scottish Historic Environment Policy (SHEP) 2011 provides a more detailed account of the Scottish Ministers' policy on the demolition of listed buildings. An assessment of the proposal against SHEP is detailed below.

Scottish Historic Environment Policy (SHEP) 2011

45. SHEP highlights the importance of good stewardship and of the proper repair and maintenance of listed buildings and it emphasises the Scottish Ministers' expectation that Government departments and agencies will all adhere to these standards. SHEP advocates that, once lost, listed buildings cannot be replaced. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting. Where demolition is nonetheless proposed, Paragraph 3.50 of SHEP sets four tests (of which an applicant must be able to satisfy one test) for the consideration of applications to demolish a listed building, these being:
- (a) The building is not of special interest; or
 - (b) The building is incapable of repair; or
 - (c) Demolition is essential to the delivery of significant benefits to economic growth or the wider community; or
 - (d) Repair is not economically viable and that the listed building has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

46. The SHEP states that in the case of applications for the demolition of listed buildings it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities should therefore only approve such applications where they are satisfied that one of the above criteria is satisfied.

(a) The building is not of special interest

The Highhouse Engine House, Headframe and Engine are clearly of special interest, demonstrated by their B listing and the Historic Environment Scotland description that supports its listing. The Engine House and Headframe form an important focal point on the site and represent an important local landmark and structure in the development and history of mining in the locality. The Engine House, Headframe and Engine provide a distinct connection to the local mining and industrial history of the area. There would undoubtedly be cultural, social and community benefit to be derived from keeping all of the buildings on site. The building/structure is of special interest and therefore test (a) is not satisfied.

(b) The building is incapable of repair

Evidence has not been provided by the applicant which demonstrates that the building is incapable of repair, therefore test (b) is not satisfied.

(c) Demolition is essential to the delivery of significant benefits to economic growth or the wider community

The applicant has advised that since Highhouse Estates Ltd took ownership of the Estate in 2011 they have achieved an improvement in the tenant profile and 100% occupancy, despite the reported anti-social behaviour occurring within the Estate. It has not been proven that demolition of the listed building/structure is essential to delivering significant benefits to economic growth or the wider community and therefore test (c) is not satisfied.

(d) Repair is not economically viable and that the listed building has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Test (d) includes that the building should have been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. Where re-use of the building is not viable, marketing the site can provide the opportunity for others to step in and rescue a listed building. It is an important safeguard against wilful neglect and opportunistic destruction. The Historic Environment Scotland guidance note on demolition includes that where a building is capable of repair it will always be important to show that the property has been marketed for a reasonable period to a restoring purchaser at a price reflecting its condition. The applicant has not indicated that this has been done in this case.

The Historic Environment Scotland guidance on demolition recognises that conventional marketing is difficult when dealing with buildings or structures of cultural value but only limited scope for re-use. That guidance would apply in this instance. The

guidance adds that it is unlikely that consent for demolition of an uninhabitable structure would be granted purely on the basis of a deficit in economic viability. It still expects marketing to repairing purchasers in such cases. With no marketing, the proposed demolition fails the national policy test.

The applicant has advised that they have given due consideration to alternative uses for these structures, but no great detail has been provided. The applicant states that they have approached The Museum of Mining and Historic Scotland in an attempt to find a way forward with a solution for the building/structure conservation, however neither body has provided a solution. The applicant has further advised that they have met with a representative of The Barony Trust to ascertain whether the application site and the nearby Barony A Frame could be run by the Trust and offered as a tourist attraction, however it was deemed that public interest would be limited and the Trust itself advised that it is struggling for funds to continue with their existing commitments. It was deemed that given the location of the subject property at the back of the Highhouse Industrial Estate the public interest idea was unworkable.

Without market testing, the task of demonstrating that it is not viable to retain the Engine House, Headframe and Engine becomes more difficult. From the applicants evidence it is probable that, in isolation, the application site would be unattractive to restoring purchasers because the structure has no obvious use as it stands and its use in redevelopment or retention would be a considerable additional cost. The figures put forward by the applicant show that refurbishment and continued maintenance would not be viable. Historic Environment Scotland accepts that the information provided is enough to establish that retention and repair of the building is not economically viable.

The applicant has advised that there is no budget available for the care of the structures. However, detailed information in regard to efforts undertaken to secure funding to restore and retain the Engine House, Headframe and Engine on-site has not been provided.

In these circumstances, it is concluded that the proposal fails to satisfy test (d) in the SHEP.

Managing Change in the Historic Environment; Guidance Note – ‘Demolition’

47. The guidance states that only where it can be shown that all efforts to retain a building have been exhausted will consent to demolish be granted. This will require applicants to set out clearly the practical steps that have been taken to try to keep the building and must be supported by clear evidence to show why these have failed.
48. Paragraph 5.1 of the guidance states that applications for demolition will be assessed against the following tests: importance of the building, condition of the building, economic viability of reusing the building, and wider public benefits. Consent may also be granted for the demolition of a building that is capable of repair but where the costs of doing so mean that its repair would not be viable.
49. Paragraph 5.10 of the guidance states that conventional marketing is difficult when dealing with buildings or structures of cultural value but only limited scope for reuse such as bridges, doocots or fountains. In such cases feasibility studies can be useful in assessing the options

for repair and sources of finance: a local Building Preservation Trust, City Heritage Trust or conservation architect may be able to assist in this. It is unlikely that consent for demolition of an uninhabitable structure would be granted purely on the basis of a deficit in economic viability – the interest of the structure, its condition, the available funding, and marketing to repairing purchasers are the main factors in these cases.

50. ***The applicant has not demonstrated that the property has been marketed for a reasonable period to a restoring purchaser at a price reflecting its condition. As stated in the above guidance, it is unlikely that consent for demolition of an uninhabitable structure would be granted purely on the basis of a deficit in economic viability. Issues such as the interest of the structure, its condition, the available funding, and marketing to repairing purchasers are the main factors in these cases. The proposal therefore does not satisfy the above guidance note.***

Applicants supporting information

51. The applicant has advised that since they took ownership of the property in 2011 they have undertaken a programme of improvements at the estate to upgrade the quality of the accommodation at Highhouse, including works to all the blocks of buildings that include the former colliery buildings at the site. A total spend in excess of £100,000 has been committed at Highhouse since 2011, which has resulted in an improvement in the tenant profile and 100% occupancy and demonstrates that good estate management is beneficial to both landlord and tenant as well as the local public who have open access to the Highhouse Estate.
52. Further, it is advised that the structures that are the subject of this application need to be removed as they continue to provide a rallying point for vandals at Highhouse. For many years the former Engine House and Headframe have been an established congregating point for groups of youths seeking a meeting point for drinking sessions, drug taking, fire raising and using the structures as a climbing frame. A number of concerns have been raised:
- There is continuing structural damage to the buildings caused by the repeated fires and wilful damage
 - Health and safety concerns for people climbing the structure often under the influence of drink or drugs
 - Intimidation of lawful users and tenants at the estate
 - Wastage of police time
 - Theft of combustible items from elsewhere on the estate.
 - Accumulation of rubbish around Engine house
 - Health and safety concerns from broken glass and discarded needles at the site
 - Rusting of the Headframe and deterioration of the masonry of the engine house will render the structures physically dangerous over time.
 - The structures are an increasing eyesore in an otherwise well managed and landscaped industrial estate.
 - Realistically there is not future for these structures and no budget for their care.
53. The applicant has submitted a letter from Police Scotland dated 13 April 2015 advising, “A check on our systems reveal a total of 7 calls in the last 12 months concerning youths drinking within the estate or setting fires in the area of the old building adjacent to the wheel”, and “I

understand that you are intending to apply to demolish the building next to the old coal wheel in an effort to reduce the foregoing issues. In essence, I would support that intention as the building appears in a poor and dangerous state of repair and its removal would remove the attraction of a ready-made shelter for the young people concerned”.

54. A letter was also submitted from a tenant of the Highhouse Industrial Estate dated 24 April 2015 supporting the demolition of the structures as the site, “...has been a meeting point for groups of young people drinking, starting fires and behaving anti-socially..”. The letter states that it is off-putting to clients and customers visiting their premises, creates a threatening and dangerous environment for staff, their property is being vandalised and materials stolen, and the estate is being littered with rubbish and smashed bottles.
55. A further letter from the Applicant sent to Cumnock Police Station on 30 July 2015 states that a tenant within the estate had their yard broken into and various items were taken and used to fuel a fire at the Engine House which is adjacent to their yard.
56. The applicant has advised that they have given due consideration to alternative uses for these structures and that they have also approached the Museum of Mining and Historic Scotland in an attempt to find a way forward for their conservation. Unfortunately, neither body has come forward with a solution and meanwhile the problems and the deterioration continue.
57. It is also noted by the applicant that the citation of the listing notes that the Headframe is a modern replacement (1964) and is only included as an associated structure. As regards to the Engine House the applicant states that their photo survey makes clear that the design interest that has given rise to the listing has been severely compromised by later alterations and by the bricking up of the doors and windows by previous owners. The structural integrity of the building is now in question and the north wall in particular is cracked and out of plumb. The roof weather seal has been stripped and the steel plates are rusting.
58. According to the applicant the on-going retention of these structures with no beneficial alternative use and no benefit to the current employment land-use at the industrial estate is in nobody's interest.

FINANCIAL AND LEGAL IMPLICATIONS

59. If Members choose to refuse listed building consent, the listed building application requires to be referred to Historic Environment Scotland as the building is B listed, noting that Historic Environment Scotland have not objected to the proposal.
60. There are potential financial implications for the Council in coming to a view on this application as, should the Planning Committee be minded to refuse the proposed development, this could lead to an appeal by the applicant. Furthermore, if the Council is considered to have acted unreasonably in refusing the proposed development, a claim for an award of expenses could be made by the applicant.
61. As stated above, should the Planning Committee refuse permission then it could result in an appeal by the applicant to the Scottish Government Department for Planning and Environmental Appeals (DPEA). The Council would require to participate in whatever procedure is considered appropriate by the DPEA in order to put forward its case. This could be via further written representation, hearing or inquiry sessions or a combination of these

methods. This therefore may also lead to further costs being incurred to the extent that it may be necessary to either engage expert external advice, support or representation and/or to engage professional expert witnesses to give evidence on the Council's behalf as necessary.

COMMUNITY PLAN

62. The Community Plan is not directly relevant to the assessment of a listed building application of this nature.

CONCLUSIONS

63. As indicated within this report, the proposal is not in accordance with the adopted East Ayrshire Local Plan 2010 and the proposed East Ayrshire Local Development Plan and therefore should be refused unless material considerations indicate otherwise. As stated above, there are material considerations relevant to this application and these indicate that the proposal for demolition should be refused.
64. Where a proposal involves an intervention which will have a significant adverse impact on the special interest of the listed building, planning authorities, in reaching decisions should consider carefully:-
- The relative importance of the special interest of the building; and
 - The scale of the impact of the proposals on that special interest; and
 - Whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and
 - Whether there are significant benefits for economic growth of the wider community which justify a departure from the presumption against demolition.
65. In the case of applications for the demolition of listed buildings, in particular, in this case, Members should therefore only approved such applications where they are satisfied that:-
- The building is not of special interest; or
 - The building is incapable of repair; or
 - The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
66. Objections have been received from the consultation and notification process, however it is noted that, in particular, Historic Scotland do not object to the proposal. There is a compelling argument to retain the Engine House and Headframe based on historic, social and cultural associations. These are intrinsically linked to the structures former function and its association with the Auchinleck mining community and its contribution to the mining industry. When viewed in both a local and regional context the structures represent an important surviving example of mining structures and should be preserved. Neglect, damage or deterioration of an important heritage asset should not justify its demolition.

67. Overall the proposal does not comply with the criteria of the SHEP and is contrary to the provisions of the adopted East Ayrshire Local Plan 2010 and the proposed East Ayrshire Local Development Plan. As indicated above, the applicant has supplied some supporting information to justify demolition, however the submission lacks significant supporting information, in particular the applicant has not demonstrated that the property has been marketed for a reasonable period and nor has detailed information been provided in regard to efforts undertaken to secure funding to restore and retain the Engine House, Headframe and Engine on-site.

RECOMMENDATION

68. It is recommended that the application for listed building consent for demolition be refused for the reasons on the attached sheet.

CONTRARY DECISION NOTE

69. Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development the application will require to be referred to the Council because that would represent a significant departure from the development plan.

Michael Keane
Head of Planning and Economic Development, Economy and Skills

27.10.2015

FV/MK

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of representation
5. Adopted East Ayrshire Local Plan (2010).
6. Approved Ayrshire Joint Structure Plan (2007)
7. Scottish Planning Policy
8. SHEP
8. East Ayrshire Local Development Plan - Draft

Anyone wishing to inspect the above background papers should contact Craig Thomas, Planning Officer on 01563 576772.

Implementation Officer: David McDowall, Operations Manager: Building Standards and Development Management

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 15/0338/LB

Location	Highhouse Industrial Estate Barony Road Auchinleck East Ayrshire
Nature of Proposal:	Demolition of the former Highhouse Colliery engine house and associated head frame and removal of the Engine and winding gear
Name and Address of Applicant:	Highhouse Estates Limited 13 Manor Place Edinburgh EH3 7DH
Name and Address of Agent	N/A

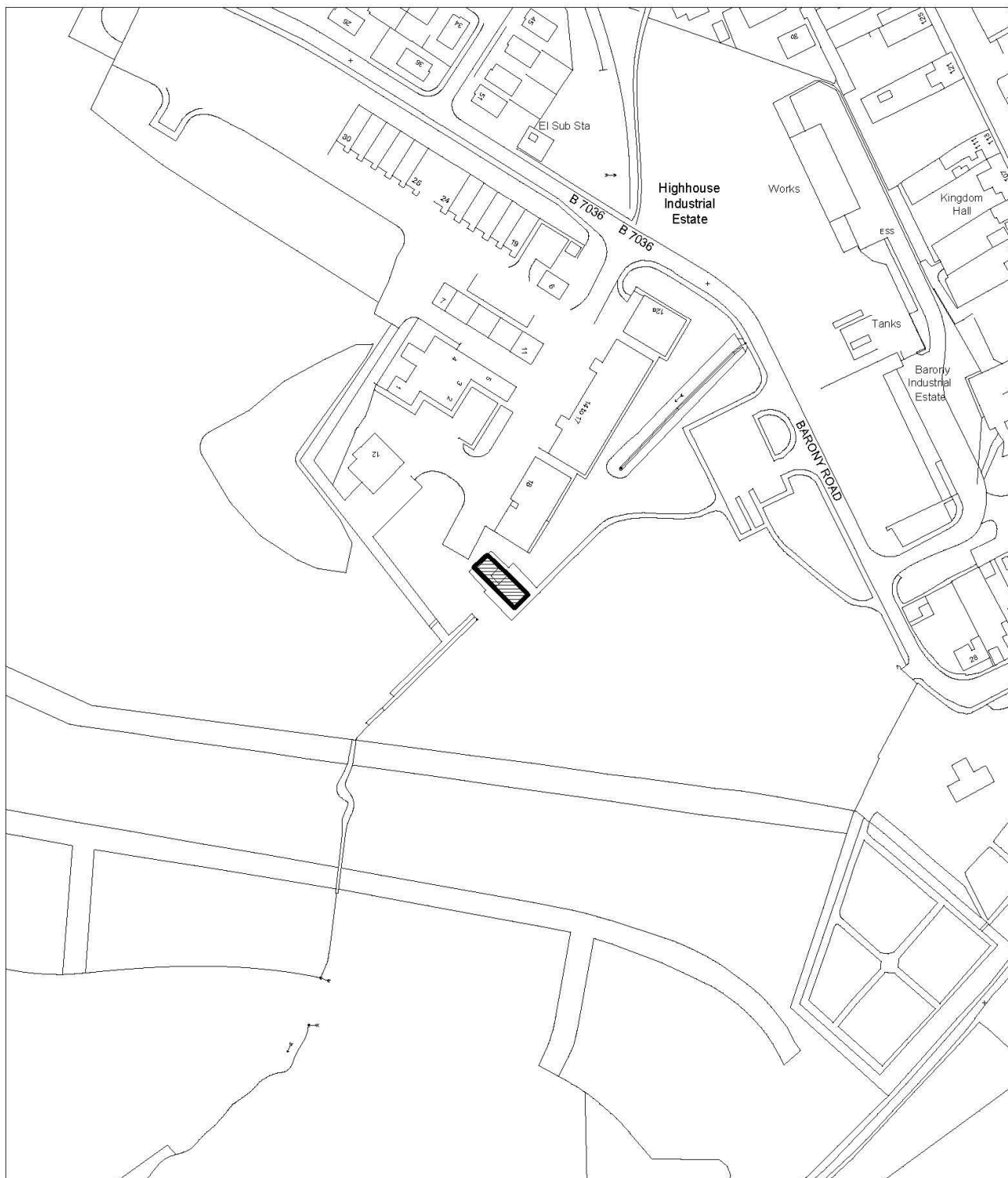
DPO Reference: Craig Thomas
(01563) 576772

The above application should be refused:

1. The proposal is contrary to Policy ENV 6 of the Ayrshire Joint Structure Plan in that it will have an unacceptable adverse impact on the Category B listed structures.
2. The proposal is contrary to Policy ENV 1 of the East Ayrshire Local Plan 2010 in that it fails to protect, preserve and enhance the Category B listed structures.
3. The proposal is contrary to Policy ENV 4 of the East Ayrshire Local Plan 2010 in that it fails to actively encourage the retention, restoration, renovation and re-use of the Category B listed structures, and fails to preserve their special character and historic setting.
4. The proposal is contrary to Policy ENV 5 of the East Ayrshire Local Plan 2010 in that it has not been demonstrated that the Category B listed structures have been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser.
5. In terms of the Scottish Minister's presumption against demolition of listed buildings outlined in Scottish Planning Policy (SPP), the specific tests laid down in Scottish Historic Environment Policy (SHEP) and the requirements of the East Ayrshire Local Plan 2010, it has not been clearly demonstrated that every effort has been made to retain the B listed structures in that:

- (a) the planning authority considers the structures to be of particular special interest not only locally but indeed regionally;
- (b) it has not been proven that the structures are incapable of repair or that the structures are structurally unsound;
- (c) the demolition of the structures is not considered to be essential in delivering significant benefits to economic growth or the wider community; and
- (d) it has not been proven that the repair, restoration, conversion, adaption or potential uses of the structures to secure its future use is economically unviable as it has not been made clear, beyond reasonable doubt, that the structures have been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period of time.

- 6. The proposal is contrary to Policy ENV 1 of the proposed East Ayrshire Local Development Plan in that it fails to demonstrate beyond reasonable doubt that every effort has been made to retain the building.
- 7. The proposal is contrary to Policy ENV 1 of the proposed East Ayrshire Local Development Plan in that it has not been demonstrated that the Category B listed structures have been marketed at a price reflecting its location and condition to potential purchasers for a reasonable period.



Title/Location Highhouse Industrial Estate Auchinleck Application No. 15/0338/LB	East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 05/11/15
Key  Application Site	