

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 September 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Application No. **12/00288/CAC**
Proposal Demolition of fencing and gate
Location **36 St. Andrew Street
North Berwick
East Lothian
EH39 4NX**
Applicant Mr and Mrs MacKinnon
Per Matthew MacKinnon
Ward 5
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Conservation area consent is sought for the demolition of a 1.8m high timber fence and gate that enclose the rear garden of a detached house that is located in North Berwick Conservation Area.

Through separate application 12/00288/P planning permission is sought for the addition of an extension to the house and for the erection of walls to enclose part of the west boundary and all of the north and east boundaries of the rear garden of the house. A separate report on application 12/00288/P/P is at this time on the Scheme of Delegation List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policy ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 addresses the need to control

development within conservation areas but is silent on the matter of the demolition of buildings. Thus it is not relevant to the determination of this application.

Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008 addresses the need to control development within conservation areas, including the demolition of buildings and thus is relevant to the determination of this application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy: December 2011 and also in Scottish Planning Policy: February 2010 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality.

There are no objections to this application for conservation area consent.

Policy ENV4 of the adopted East Lothian Local Plan 2008 states that conservation area consent for the demolition of a building (including a fence and a gate) will only be considered in the context of appropriate proposals for redevelopment or intermediate treatment and will only be permitted where its removal or replacement would not adversely affect the character of the conservation area.

The existing fences and gate are to be taken down to facilitate their replacement with the extension and walls proposed in application 12/00288/P. The relevant parts of the planning appraisal of the development proposed in application 12/00288/P conclude that the proposed extension and walls would not have a harmful affect on the setting of the applicant's house and would not be harmful to the character and appearance of the Conservation Area. Accordingly, the removal of the existing fences and gate is justified.

It does not conflict with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 or Scottish Planning Policy: February 2010.

RECOMMENDATION

That conservation area consent be granted subject to the following condition:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.