

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 February 2013
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Application No. **12/00728/CAC**
Proposal Demolition of building, wall and railings
Location **5-17 Station Hill
North Berwick
East Lothian
EH39 4AN**
Applicant Bass Rock Partnership
Per Somner Macdonald Architects
Ward 5
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The site that is the subject of this conservation area consent application is that of the Bass Rock Garage on Station Hill, North Berwick. It has a broadly L-shaped footprint and has an area of some 0.13 hectares. The site consists of a showroom, workshops and offices, and a sales forecourt. The site is within the North Berwick Conservation Area.

In September 2011 planning permission (Ref: 09/00006/FUL) was granted for the erection on the site of two flatted buildings containing a total of 16 flats and the carrying out of associated works. No start has been made to that approved scheme of development and planning permission 09/00006/FUL remains extant until the 27 September 2014.

Also in September 2011 conservation area consent (Ref: 09/00006/CAC) was granted for the demolition of the garage building. As there has been no start to the scheme of development approved by the grant of planning permission 09/00006/P, no start has been made to the demolition approved by conservation area consent 09/00006/CAC, which consent remains extant until 27 September 2016.

Conservation area consent is now again sought for the demolition of the building of the Bass Rock Garage. Conservation area consent is also sought for the demolition of a wall and railings that enclose the eastern end of the northern, roadside boundary of the Bass Rock Garage site.

The demolition is proposed to facilitate the redevelopment of the site by the proposed erection on it of 16 flats and associated works for which planning permission is sought through application 12/00728/P. A separate report on application 12/00728/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 applications 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 the 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: July 2009 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: July 2009 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.

One letter of objection to this application has been received. It is from The Architectural Heritage Society of Scotland. The objection is to the demolition of the garage building on the grounds that the use of UPVC framed windows in the flatted building proposed for the site through application 12/00728/P would be harmful to the character and amenity of the Conservation Area.

This objection relates to a proposed development that is the subject of another application and which is not pertinent to the particular matter of the demolition of the existing garage building. It cannot therefore be a material consideration in the determination of this application.

The garage building is designed for the functionality of its use and is not of any particular architectural merit. Consequently it does not make a positive contribution to this part of the North Berwick Conservation Area.

The wall and railings that enclose the eastern end of the northern, roadside boundary of the application site are not in themselves of such special architectural or historic interest that their retention is warranted.

The planning assessment given in the report on planning application 12/00728/P concludes that what is proposed to replace the garage building, wall and railings would, by virtue of its form, design and finish be an acceptable addition to the Conservation Area that would not harm its character or appearance. Consequently it would be an acceptable replacement for the garage building, wall and railings. In such circumstance the demolition of the garage building, wall and railings can be justified.

The proposed demolition of the garage building, wall and railings is consistent with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: July 2009 and with Scottish Planning Policy: February 2010 with respect to the affect of it on the Conservation Area.

RECOMMENDATION

That conservation area consent be granted, subject to the following conditions:

- 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

- 2 No works for the demolition of the building, wall and railings shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 12/00728/P, or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to safeguard the character and appearance of the Conservation Area.