



Infrastructure Services Committee – 20 June 2013

Reference Number: BB/APP/2013/1255

Conservation Area Consent to Vary Condition 1 (Extension of Time) of Conservation Area Consent Reference APP/2005/0188 for Demolition of Buildings at Canal Park & Adjoining Properties, Bridge Road, Banff

Applicant: Tesco Stores Limited, Tesco Property, Carnegie Road, Livingston

Agent: Pritchett Planning Consultancy, PO Box 8052, Wilton Road, Edinburgh

Grid Ref:	NO/NJ 369279.1 863859.3
Ward No. and Name:	EWV01 Banff and District
Application Type:	Conservation Area Consent
Representations:	3
Consultations:	2
Relevant Proposals Map	Local Plan
Designations:	Town Centre, Conservation Area
Complies with Development Plan:	Yes
Main Recommendation:	Grant

1. Reason for Report

- 1.1 The above proposal is referred to the Infrastructure Services Committee on the basis that the application relates to Canal Park, Banff, whereby all previous applications associated with this site have been considered by the Infrastructure Services Committee. This application is linked to the proposal for the erection of a Tesco supermarket and ancillary facilities which are the subject of separate permissions.
- 1.2 By way of background, the original Conservation Area Consent (APP/2005/0188) for the demolition of four buildings located within this part of the Banff Outstanding Conservation Area was granted on 21 April 2008, following determination by the Infrastructure Services Committee in March 2008. A copy of the report submitted to the Infrastructure Services Committee is attached as Appendix 2 for reference.
- 1.3 This application has been submitted under Section 17 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and is solely to vary condition 1 of the original Conservation Area Consent to allow an additional three year period for the works to be implemented. The original consent was the subject of a five year time limit and has since expired.

2. Principal Planning Issues (Summary)

- 2.1 The application seeks, under the provisions of Section 17 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Conservation Area Consent for the variation of a condition subject to which the previous Conservation Area Consent was granted - in this instance, condition 1, related to the duration of the grant of Conservation Area Consent for a period of no more than five years from the date of that consent.
- 2.2 Accordingly the assessment of this application is limited to consideration of this specific condition only.
- 2.3 The determining issue is whether the condition should be removed and permission granted by virtue of Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 'Limit of duration of Conservation Area Consent for a period of three years'; or whether the planning circumstances have sufficiently changed such that conservation area consent should be refused an extension of the time period in which to commence the works.
- 2.4 The original Conservation Area Consent, granted on 21 April 2008 (ref: APP/2005/0188) was considered and determined under the provisions of the Aberdeen and Aberdeenshire Structure Plan 2001-2016, and the Aberdeenshire Local Plan 2006. The proposals were also considered under the provision of Historic Scotland's Memorandum of Guidance.
- 2.5 Since the consideration of the original application, the Aberdeen City and Shire Structure Plan has been approved and the Aberdeenshire Local Development Plan has been adopted (June 2012). The Memorandum of Guidance has also been superseded by Scottish Historic Environment Policy shire Local (July 2009). There has been no fundamental policy change since the determination of the original proposals, and it is therefore reasonable to allow for an extension of time to commence the works.
- 2.6 Historic Scotland, who have a statutory remit to consider potential implications associated with the demolition of unlisted buildings within Conservation Areas confirm that they have no objections. It has also been confirmed that the Council can proceed to determine the application without further reference to Historic Scotland.
- 2.7 The original Conservation Area Consent application was fully assessed following due consideration of all material considerations. The Planning Service remain of the view that it has been demonstrated that the demolition works as proposed would not result in any adverse impact upon the character of the Conservation Area, subject to redevelopment of the site.
- 2.8 In conclusion, the principle of allowing additional time in which to commence works is acceptable. It should be noted that the remaining three conditions attached to the original Conservation Area Consent will remain in force in the event that the time period is agreed.

3. Representations (Summary)

- 3.1 Three letters of representation have been received.
- 3.2 The representations cite concerns in relation to the current condition of the site and the delays associated with the commencement of the redevelopment.
- 3.3 Copies of the letters are available for inspection in the Members Support Unit.

4. Area Committee Decision (Summary)

- 4.1 The following documents are attached as appendices to this report:
 - **Appendix 1:** Location Plan
 - **Appendix 2:** Copy of the Infrastructure Services Committee report of 06 March 2008
 - **Appendix 3:** Copy of Site Layout Plan

5. Officers' Recommendation

- 5.1 **GRANT Variation of Condition 1 of Conservation Area Consent (APP/2005/0188)**

Stephen Archer
Director of Infrastructure Services
Author of Report: Chris Ormiston CO/APP/2013/1255
15/05/2013

APPENDIX 1





APPENDIX 2

Infrastructure Services Committee – 6 March 2008

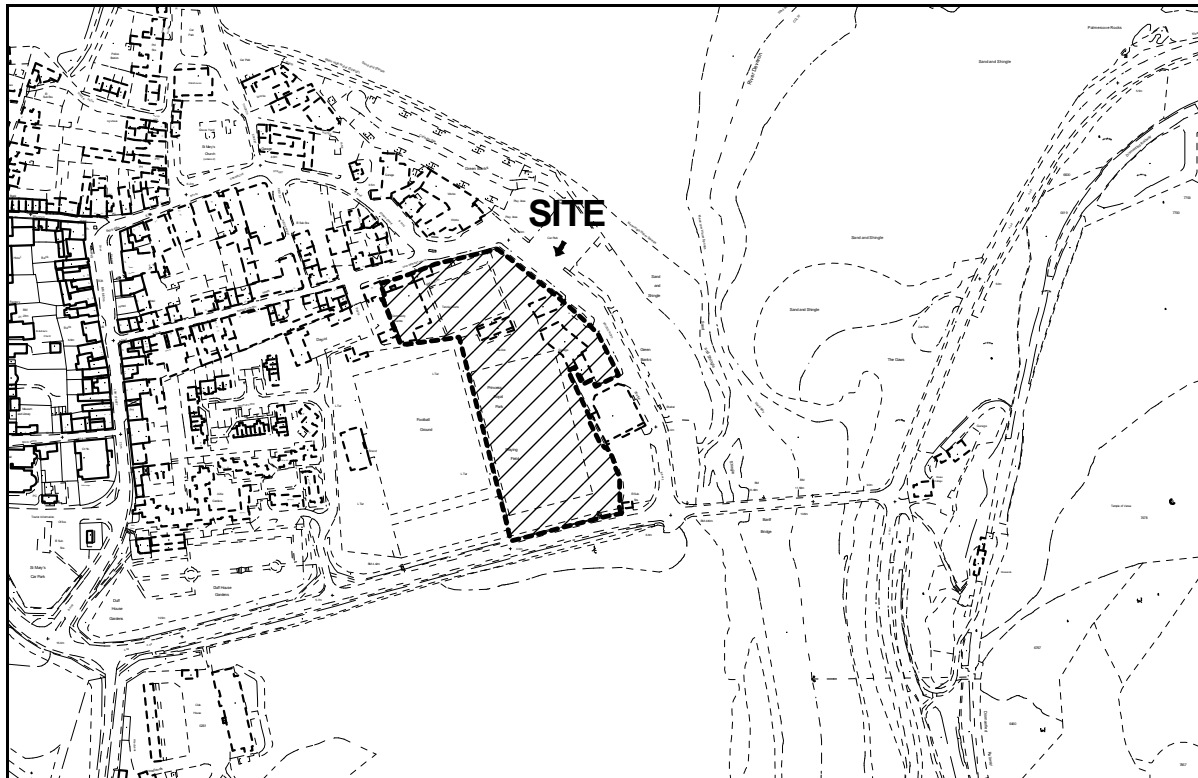
Reference No: BB/APP/2005/0188

Conservation Area Consent for Demolition of Buildings at Canal Park & Adjoining Premises, Bridge Road, Banff

Applicant: Tesco Stores Limited, Cirrus Building, Shire Park, Welwyn Garden City, Hertfordshire

Agent: Pritchett Planning Consultancy, PO Box 8052, Edinburgh

Grid Ref:	369280.9 863858.6	
Ward No. and Name:	EWV01 Banff & District	
Application Type:	Conservation Area Consent	
Representations:	0	
Consultations:	2	
Relevant Proposals Map	Local Plan	
Designations:	Within Outstanding Conservation Area	
Complies with Development Plan:	Structure Plan	Yes
	Local Plan	Yes
Main Recommendation:	Delegated Grant	



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1. Reason for Report

- 1.1 This report relates to a planning application which is considered to raise issues of major local significance and therefore requires to be considered by the Infrastructure Services Committee.

2. Background and Proposal

- 2.1 This application is for Conservation Area Consent for the demolition of 4 buildings within the Banff Outstanding Conservation Area. The application is linked to proposals for the erection of a supermarket and ancillary facilities. Those proposals are the subject of a separate report to this Committee.
- 2.2 The relevant legislation under which this proposal is to be considered is the Listed Buildings and Conservation Areas (Scotland) Act 1997. The key test to be met is whether the removal of the buildings in question would preserve or enhance the Conservation Area in the whole. The key planning issue to be considered is whether the removal of the identified buildings would have a materially detrimental affect on the character or appearance of the Conservation Area.

3. Representations

- 3.1 No letters of representation have been received.

4. Consultations

- 4.1 The Scottish Civic Trust and Historic Scotland were consulted on this application in 2005. No response has been received from either party.

5. Relevant Planning Policies

- 5.1 Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)

Policy 20:Built Heritage and Archaeology

The aim of this policy is to ensure that the built and cultural heritage of the area is protected from inappropriate forms of development.

- 5.2 Aberdeenshire Local Plan

Policy Env\17:Conservation Areas

The aim of this policy is to ensure that works which would have a detrimental impact on a Conservation Area are resisted and that new development in a Conservation Area is of the highest quality.

6. Discussion

- 6.1 This proposal seeks the demolition of a total of 4 buildings within the Banff Outstanding Conservation Area. These buildings are shown on the plans displayed for viewing by Members.
- 6.2 The four buildings comprise the former Crown Motors premises, a workshop formally occupied by a glazier, a Sports Pavilion and a Community Centre.
- 6.3 Taking each building in turn the former Crown Motors garage premises fronts on to Bridge Street. It is of relatively modern construction with no architectural merit. The removal of this building is not considered to have any adverse impact on the Conservation Area and in fact the building has been derelict since it was acquired. The former glaziers workshop is also of no architectural merit and is currently boarded up. Again the removal of this building is not considered to have an impact on the Conservation Area.
- 6.4 The Sports Pavilion is situated to the rear of the former Crown Motors Garage and the former glaziers workshop. It is a single storey modern building with no architectural merit within the context of the Conservation Area. Whilst the loss of this building, without replacement, would not conserve the character and amenity of the Conservation Area, there would be no detrimental impact.
- 6.5 The last of the buildings to be removed is the Community Centre accessed via Bridge Street. Whilst the façade of the building has some merit, it conceals a mundane building, which does little to enhance the character of the Conservation Area. However, taking this building as a whole it is considered that the loss of this building without appropriate redevelopment plans in place could have an adverse impact on the Conservation Area. Therefore it is recommended that a condition is imposed requiring that no demolition of the Community Centre takes place until evidence of a contract for redevelopment has been submitted to, and agreed, by the Planning Service. It is also recommended that a condition is imposed regarding architectural salvage.
- 6.6 In conclusion, this proposal, in accordance with the recommendation, is considered to comply with planning policy and, with the exception of the front part of the Community Centre, would not have an adverse impact on the Conservation Area with, at least, the character being preserved.

7. Area Implications

- 7.1 There are no Area Implications arising as a direct result of this report. The proposals are not directly connected with any specified objectives with the Banff and Buchan Area Plan.

8. Financial Implications

- 8.1 There are no Financial Implications arising as a direct result of this report. However, the Sports Pavilion and the Community Centre are owned by Aberdeenshire Council.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Structure Plan Departures

None

10.2 Local Plan Departures

None

- 10.3 The application is not a departure from the Local Plan or Structure Plan and no departure procedures apply.

- 10.4 The application cannot be granted without first being referred to Historic Scotland for clearance.

11. Recommendation

11.1 **That authority to GRANT Conservation Area Consent be delegated to the Head of Development Management and Building Standards subject to:-**

- (i) **Historic Scotland referral**
(ii) **The following conditions:-**

- 01 That works to implement this consent shall begin before the expiration of five years from the date of this consent.

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

- 02 No demolition of the building coloured green on plan 757 (P) 008 A shall take place until evidence of a contract for restoration of the site has been submitted to and approved, in writing by the Planning Authority.

Reason: In the interests of the character of the Conservation Area.

- 03 No development shall commence until a scheme for architectural salvage of all features of interest, and materials which can be reclaimed for conservation or restoration purposes, has been submitted to and approved, in writing, by the Local Planning Authority. This scheme shall: -

- (a) Agree details of all features of interest.
- (b) Agree timescales for demolition.
- (c) Agree location for storage.

Reason: In the interests of the character of the Conservation Area.

- 04 No demolition on site shall commence until a scheme of archaeological recording of the site has been submitted to and agreed, in writing, by the Planning Authority. The results of the recording scheme shall be submitted to the Council prior to any development commencing.

Christine Gore
Director of Planning and Environmental Services
Author of Report: Darren Ross DR1/BB/APP/2005/0188
12/10/2007