



Case reference	NAL-ABS-001
Application details	Listed Building Consent for demolition of dwellinghouse (APP/2018/1990)
Site address	11 Old Market Place, Banff
Applicant	Eastside Discount Centre/ Mantell Ritchie (Agent)
Determining Authority	Aberdeenshire Council
Local Authority Area	Aberdeenshire Council
Reason(s) for notification	Planning (Listed Buildings and Conservation Areas)(Notification of Applications) Direction 2015 – where Historic Environment Scotland has advised against the granting of listed building consent and the local authority are minded to grant consent, the application must be notified to Ministers.
Heritage Designations	C listed. Banff Conservation Area.
Representations	2
Date notified to Ministers	6 December 2018 but not fully documented until 10 December 2018
Date of recommendation	21 January 2019
Decision / recommendation	Call in

Description of Proposal and Site:

- This application seeks Listed Building Consent (LBC) for the complete demolition of a dwellinghouse at 11 Old Market Place, Banff to be replaced with the erection of 3m high blockwork boundary walls and area of hardstanding. This is to provide more operational and storage space for the immediately adjacent retail premises, known as the Eastside Shopping Centre, within the same ownership. (See **Annex A** for site information). There is a related planning application for the replacement works still under consideration by the Council.
- The two storey, three bay, traditionally built structure, dating from the early 19th century, is category C-listed. It is currently vacant and hasn't been used as a dwelling for some time. The building is a typical Scottish dwelling, characteristic of its time, which can be found in the core of Scottish historic towns and burghs such as Banff. It is located within the oldest part of Banff Conservation Area close to the old parish kirkyards and shoreline - Banff was one of the most important sea-ports in medieval Scotland. It appears on John Wood's 1823 Banff map and is adjacent to a B listed building which was originally built as the town's Grammar School.

Consultations and Representations:

- The Council received two objections from national amenity bodies - the Scottish Civic Trust and the AHSS (Architectural Heritage Society of Scotland). Both consider the demolition would be a significant loss to the historic environment and

cannot be justified under current policy and guidance due to a lack of supporting information and justification.

- Aberdeenshire Council's Environment Team also objected citing a lack of satisfactory supporting evidence without which the proposal to demolish a listed building conflicts with both national and local policy.
- Following notification, PAD consulted Scottish Government's Culture and Historic Environment Division (CHED) who consider that the 'minded to grant' decision appears to contradict both Historic Environment Scotland (HES) policy on the demolition of listed buildings and the recommendation of the Council's own Planning service. They support HES' comments and the principle that historic environment policy to safeguard listed buildings should be complied with.

Assessment:

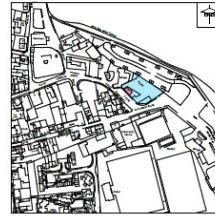
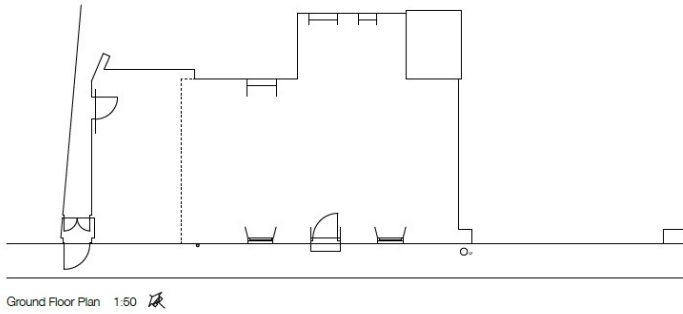
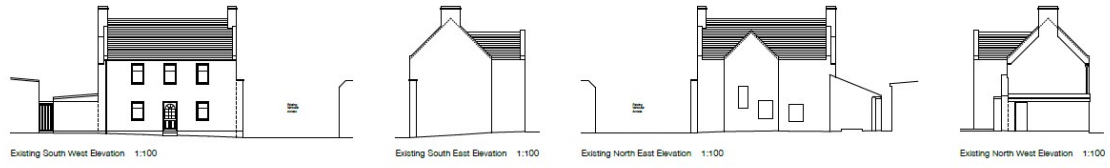
1. The LBC application has been notified because HES has objected on the basis that the proposed demolition would be a significant loss to the historic environment and the demolition is not justified in terms of compliance with national policies.
2. With regard to Scottish Planning Policy (SPP) and valuing the historic environment, paragraph 141 states "Listed buildings should be protected from demolition or other works that would adversely affect it or its setting."
3. Section 3.48 of HES' Policy Statement 2016 indicates that no listed building should be demolished unless it has been clearly demonstrated that every effort has been made to retain it. Planning authorities should only approve applications for demolition of a listed building where they are satisfied that:
 - a). the building is not of special interest; or
 - b). the building is incapable of repair; or
 - c). the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d). 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.
4. HES are of the view that insufficient effort has been made to retain, re-use and adapt the building, therefore demolition is not justified. HES consider that the applicants' case for demolition is based on the non-viability of repair and re-use and the perceived wider operational benefits associated with demolition, however both aspects have not been adequately demonstrated as set out above. In particular, HES would expect to see the following evidence included with a feasibility report and options appraisal:
 - valuation of the existing building and site from an appropriately qualified property valuer;
 - full building condition survey identifying the repairs required, from an appropriately qualified building professional;
 - costed schedule of repairs necessary, from a suitably qualified quantity surveyor;

- costs of demolition work and making good the site for additional delivery/storage space, and
 - an estimate of the value of the repaired building.
5. Aberdeenshire Council's Planning service recommended refusal of the application (in their associated report of handling) due to non-compliance with the Aberdeenshire Local Development Plan 2017 Policy HE1: Protecting Historic Buildings, Sites and Monuments and Policy HE2: Protecting Historic and Cultural Areas. The Council's Built Heritage/Environment Team consider the information submitted is not of sufficient detail and needs to be expanded. A brief supporting statement has been supplied by the agent which includes a valuation of the property and a local builder's quote for refurbishment of the building as well as a brief statement of public benefit to be derived from the development. However, this Team consider the applicant has not quantified how the retention of the listed building significantly hinders their existing operations, given it is incorporated into their site already, nor quantified how the proposal would bring wider community benefits.
 6. The applicant was afforded the opportunity by the Council to submit the required information or withdraw the current submission and resubmit when such information had been produced. The applicant requested the applications be determined as submitted and it was the original applications which were considered at committee on 6 November 2018.
 7. At the committee meeting, the Council were minded to approve the application on the basis that i) the C-listed building had no significant features or value to the historic setting of the conservation area; ii) the building was derelict and the cost of bringing it back into habitation would be prohibitive; iii) the property was in a flood plain so may not be able to be brought back into habitable use; and iv) the economic benefit of the application will far outweigh any potential detriment.
 8. PAD consider that the lack of satisfactory evidence, to support the above reasons for approving the LBC against national and local policy, merits further scrutiny by Ministers. While we recognise that the listing at category C means the building is of local importance, the potential unjustified loss of any listed building which appears to be in a reasonable condition is an issue of potential national significance. There remain unexplored options which may safeguard the listed building in situ and provide a variety of uses complimentary to the historic town centre of Banff.
 9. In summary, there is a lack of satisfactory evidence which justifies the demolition of this listed building. This is against SPP, HES and local policy requirements as none of the required policy tests for demolition have been adequately met and a clear case for the loss of the listed building has not been made.

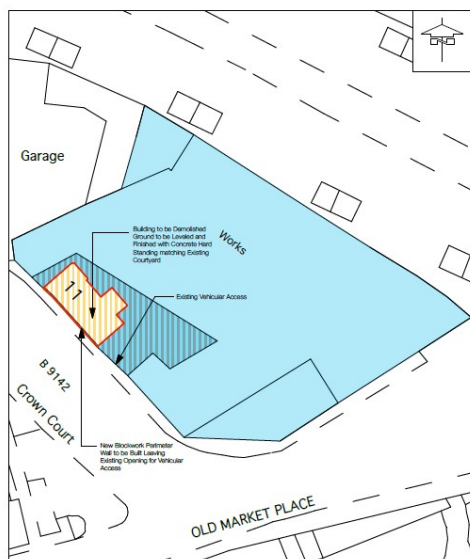
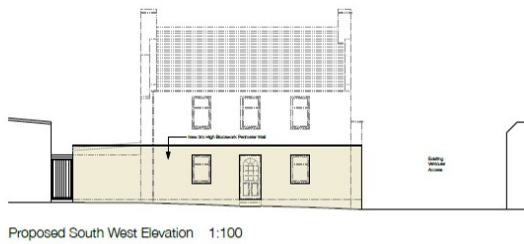
Decision/Recommendation:

- Given the lack of evidence set out above and the fact that HES have objected, it is recommended that the application be called in for further scrutiny and determination by Scottish Ministers.

Annex A – Location Map, Drawings and Photographs - 11 Old Market Place, Banff - LBC Notification



NO	Revised	DATE	BY
MANTELL RITCHIE			
Chartered Architects			
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Project			
11 Old Market Place, Banff Demolition of House			
For			
Mr D Cheyne			
Specialist			
Plans & Specifications			
Scale	1:50, 1:100, 1:250, 1:500	Date	
Proj	201	Drawn	02/08/18
Sheet	18048	Ex	



- Existing Goods Delivery Area
- Additional Goods Delivery Area

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9 Old Market Place (B listed)

11 Old Market Place (C listed)



11 Old Market Place

Eastside Shopping Centre entrance

