

Case reference	NAL-MRY-001
Application details	Demolition of Category B and C listed buildings and reconstruction to form 1 retail unit and 15 serviced apartments – 16/00854/LBC
Site address	184-188 High Street, Elgin
Applicant	Action Elgin Limited
Determining Authority	Moray Council
Local Authority Area	Moray Council
Reason(s) for notification	<i>Planning (Listed Buildings and Conservation Areas)(Notification of Applications) Direction 2015</i> – where Historic Environment Scotland (HES) has advised against the granting of listed building consent or conservation area consent or recommended conditions which the planning authority does not propose to attach to a consent and the local authority are minded to grant, the application must be notified to Ministers.
Heritage Designations	Category B and C listed buildings. Elgin High Street Conservation Area
Representations	Letter of support from Elgin Community Council
Date notified to Ministers	12 January 2017 (but not fully documented until 19 January)
Date of recommendation	9 March 2017
Decision / recommendation	Call in

Description of Proposal and Site:

- Listed Building Consent (LBC) is sought for the full demolition of listed buildings at 184-188 High Street, Elgin. 188 High Street is B listed and is an early C19th two storey, three bay Georgian building which retains much of its original historic fabric. It was built as a shop with flats above and an open pend to the left.
- There is a related application for Planning Permission (16/00853/APP) which Moray Council is minded to approve, subject to a Section 75 agreement, however the decision notice has not yet been issued. LBC and Planning Permission are two separate statutory requirements which serve different purposes. In this instance, Planning Permission cannot be implemented without the approval of the LBC application.
- 184 High Street is C listed and accessed through the pend. It comprises a two storey range of early C19th rubble stone and slate buildings with later single story rendered extension. Both properties have been on the Buildings at Risk Register since 2008 and were sold to the current developer in December 2015.
- The proposal seeks to reconstruct the facade of 188 High Street and create 1 retail unit with 15 serviced apartments in a new build 3 storey replacement behind.
- See **Annex 1** for location plan, photographs and drawings of proposals.

Consultations and Representations:

- Elgin Community Council supports the development and associated demolition as they believe unoccupied and derelict properties in the centre of town give a discouraging impression and in the current economic climate they see occupancy as a higher priority than heritage.
- No other representations were received.
- Following notification, PAD consulted Scottish Government's Culture and Historic Environment Division (CHED) who consider that this case raises issues of national significance and merits further scrutiny and that call-in by Scottish Ministers is therefore appropriate. This is on the basis that Historic Environment Scotland will only object when it feels that it is in the national interest to do so, and that HES has assessed this application against its own policy statement.
- Following notification, a representation was received highlighting the importance of and support for the proposed development and that the Elgin CARS committee is considering whether works to the front elevation can be grant aided.

Assessment:

1. The application has been notified because HES have advised against the granting of Listed Building Consent as the proposal would result in both the substantial loss of a B listed building and an entire C listed traditional row which adjoins it, within Elgin High Street Conservation Area.
2. HES believes the application represents the most significant demolition in Elgin's historic core for many years. HES consider that the B listed building is a good example of burgh classicism and is the best surviving frontage in this section of the High Street in terms of age and architectural quality. The survival of the stone shopfront is particularly unusual. The rear building range appears to date from the same time as the frontage.
3. HES have objected on the basis that every effort has not been made to retain and adapt the listed buildings and clear evidence has not been provided to justify the proposal as set out in section 3.48 of the HES Policy Statement and their Managing Change Guidance Note on demolition. They are of the view that there should be a presumption in favour of the retention of the listed buildings and that a clearer case should be made in support of the application to confirm the exceptional circumstances of the proposals. They consider the alternatives to demolition have not been fully explored and a compelling case has not been made due to the lack of evidence on structural condition/costs and the viability of alternative options which could involve elements of retention and adaptation of the historic fabric.
4. HES are aware of structural problems associated with the frontage building but would expect the applicant's and Council's appraisal to be based on more detailed information, quantifying the structural issues and allowing for comparative costings for redevelopment and adaptation in situ alongside the development as proposed - e.g. the proposal has not separated out the B and C listed buildings which are different in terms of their condition and repair needs and therefore likely to be different in terms of viability for conversion. They

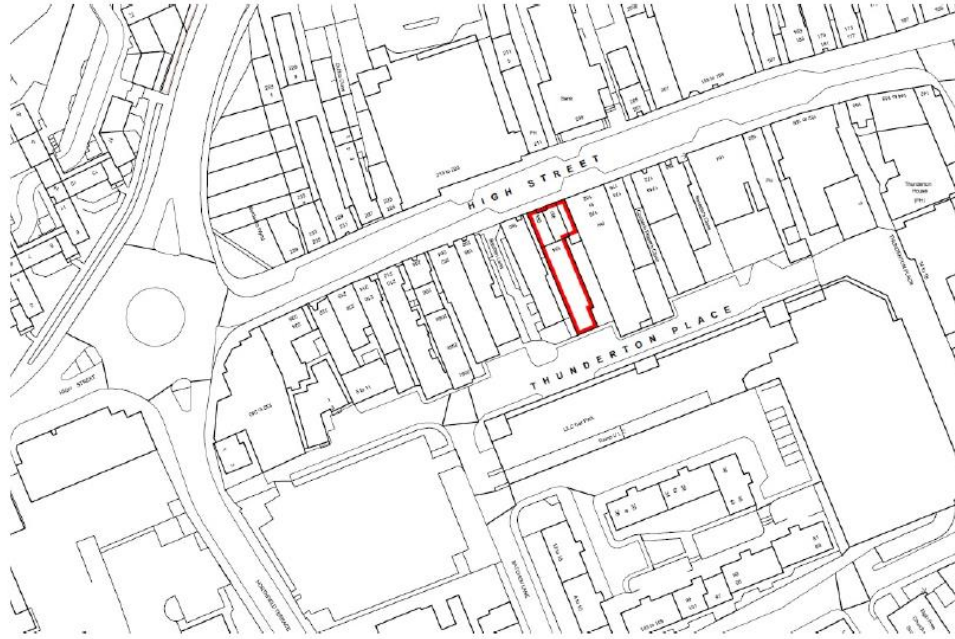
believe this proposal is not the only viable way of saving the High Street frontage.

5. HES also indicate that they would have withdrawn their objection if the further information highlighted above was forthcoming and the Council's assessment adequately demonstrated that the scheme as submitted was the only practical way of protecting the High Street frontages. HES has accepted the need for doughtaking and rebuilding of the High Street elevation as necessary however the existing façade is to be reconstructed without the entire cornice level parapet above the existing windows which represents a significant architectural change to the elegant frontage which has not been considered by Moray Council.
6. Moray Council's view is that the proposals accord with relevant planning policy, meets one of the key demolition tests set out in the HES Policy Statement 2016 (following submission of amended plans and the imposition of conditions) and that there are no other material considerations that indicate otherwise. The application was recommended for approval subject to conditions by the Council and approved by their Planning and Regulatory Services committee on 6 December 2016.
7. In coming to a decision, the Council's view is that proposal will bring significant economic benefits to Elgin town centre, act as a catalyst for bringing in further investment in the town centre, re-introduce a prime retail frontage and provide much needed service apartments offering an alternative type of accommodation which will support local businesses. Therefore the test the Council considers have been met is *test c - delivering significant benefits to economic growth or the wider community* - they also consider some of the other three tests have been partially met.
8. The Council believe they have carefully balanced and attributed the appropriate weight to each material consideration in coming to their conclusion and regret historic fabric is to be lost but consider a unique opportunity is presented to preserve a significant façade in the High Street as well as enhancing the conservation area.
9. On balance and based on the information before us, I consider that the key evidence on structural stability and economic viability is unsubstantiated and that none of the demolition tests have been adequately met. This is due to the lack of clear evidence that the anticipated economic and wider public benefits can only be delivered by full demolition and that similar benefits cannot be achieved through its retention, conversion, adaptation and possible extension. While there will clearly be regeneration benefits to Elgin town centre stemming from the proposals and these should be broadly supported, HES advises in section 3.48 of their Policy Statement that "no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it." Therefore national policy appears to not have been satisfactorily met as a clear case has not been made by the applicants and the decision by Moray Council requires further scrutiny.

Recommendation:

- This is a finely balanced case in which the planning authority have considered that the potential benefits, including the regeneration of the town centre, outweigh the loss of the historic buildings. However, giving weight to the view of HES and that they only object in exceptional circumstances, it is recommended that in this particular instance this LBC application would warrant further scrutiny of the unresolved issues through call-in, for determination by Scottish Ministers.

ANNEX 1 – Location Plan, Photographs and Drawings



Location Plan



184-188 High Street Elgin frontage above and rear below



As existing elevations



As proposed elevations - showing the architectural changes to the front (North) elevation

