

**24/00301/LBC**  
**22nd February 2024**

**Demolition of building to rear of listed market entrance and incorporate market entrance into proposed mixed use development at 57 - 61 South Street Elgin Moray IV30 1JZ for Robertson Property Ltd.**

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**Comments:**

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- Category C listed building.
- 1 representation received.

**Procedure:**

- None

**Recommendation**

Grant Listed Building Consent for the following reason:

The proposed works are considered to preserve the special interest of the category C listed building in line with the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policy 7 (Historic Environment) and the Moray Local Development Plan 2020 Policy EP10 (Listed Buildings).

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

<b>Reference No. Version No.</b>	<b>Title/Description</b>
310SSE-OBE-ZZ--3-DR-A-97-107 P06	Proposed third floor
310SSE-OBE-ZZ-01-DR-A-97-0105 P05	Proposed first floor
310SSE-OBE-ZZ-03-DR-A-97-107 P06	Proposed second floor
310SSE-OBE-ZZ-RF-DR-A-97-0108 P06	Roof plan
310SSE-OBE-02-DR-A-97--106 P06	Proposed ground floor
310SSE-OBE-ZZ-XX-DR-A-97-0103 P06	Site plan
310SSE-OBE-ZZ-XX-DR-A-97-0201 P06	Proposed site elevations and sections 6
310SSE-OBE-ZZ-XX-DR-A-97-0206 P06	Proposed site elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0207 P06	Proposed site elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0208 P05	Proposed site elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0209 P06	Proposed site elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0209 P06	Proposed site elevations and sections 5
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - proposed 3D
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0115 P01	Location plan

24/00302/CON  
22nd February 2024

**Complete demolition (excluding listed market entrance) of 59 - 61 South Street, The Jail House And Newmarket Bar High Street Elgin Moray for Robertson Property Ltd**

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**Comments:**

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 1 representation received.

**Procedure:**

- None

**Recommendation**

Grant Conservation Area Consent subject to the following:

**Conditions/Reasons**

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

**Reasons:** In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a post excavation research design (PERD) for the analysis, publication

and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason:** To safeguard and record the archaeological potential of the area.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

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<b>Reference No. Version No.</b>	<b>Title/Description</b>
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-0114 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2

24/00303/CON  
22nd February 2024

**Complete Demolition of 53 - 55 South Street Elgin Moray  
IV30 1JZ  
for Robertson Property Ltd**

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**Comments:**

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 1 representation received.

**Procedure:**

- None

**Recommendation**

Grant Conservation Area Consent subject to the following:

**Conditions/Reasons**

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

**Reasons:** In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into

use unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason:** To safeguard and record the archaeological potential of the area.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

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<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0113 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4

24/00304/CON

22nd February 2024

Complete demolition of 51 South Street Elgin Moray IV30  
1JZ for Robertson Property Ltd

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**Comments:**

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 2 representations received.

**Procedure:**

- None

**Recommendation**

Grant Conservation Area Consent subject to the following:

**Conditions/Reasons**

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

**Reasons:** In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a post excavation research design (PERD) for the analysis, publication

and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason:** To safeguard and record the archaeological potential of the area.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

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<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-0112 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3

**PLANNING APPLICATIONS: 24/00301/LBC,  
24/00302/CON, 24/00303/CON and 24/00304/CON**

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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**1. THE PROPOSAL**

- This report covers the historic environment consents required as part of the Elgin Town Centre South Street redevelopment being considered under planning application 24/00300/APP, and comprises the following applications:
  - **24/00301/LBC** – Listed building consent application for works to a Category C listed building (former market entrance) at 57 – 61 South Street, Elgin. This building will be retained with two retail units formed behind the façade at ground floor level and flats on two storeys above these.
  - **24/00302/CON** – Conservation Area Consent for complete demolition of 59 – 61 South Street, Elgin (former market), The Jailhouse and Newmarket Bar buildings.
  - **24/00303/CON** – Conservation Area Consent for complete demolition of 53-55 South Street, Elgin.
  - **24/00304/CON** – Conservation Area Consent for complete demolition of 51 South Street, Elgin.

**2. THE SITE**

- A block of buildings, three of which front to South Street in Elgin Town Centre as follows:
  - 51 South Street (formerly Junner's Toy Shop)
  - 53 – 55 South Street (Elgin Furniture and Carpet Centre and residential flats)
  - 57 – 61 South Street (latterly Junner's Toy Shop)
  - Jailhouse (130 High Street)
  - Newmarket Bar (130 High Street)
- The site is located in the Elgin High Street Conservation Area, and 57 South Street (former market entrance) is a category C listed building.
- All buildings apart from 53-55 South Street have lain vacant for some time, with significant fire damage to the Jailhouse and Newmarket Bar.
- The surrounding area comprises a mix of uses typical of a dense, historic town centre.

### 3. **HISTORY**

**24/00300/APP** – Planning permission for a mixed use development of 38 flats, 3 retail units and a business enterprise hub, as well as public realm works at 51 – 61 South Street and 130 High Street (Jailhouse and Newmarket Bar) pending consideration alongside this application.

**17/00963/APP** – Change of use of nightclub to 14 apartments at 130 High Street, Elgin (Jailhouse) granted planning permission under delegated powers on 1 March 2018, subject to legal agreement for developer obligations.

### 4. **POLICIES**

National Planning Framework 4 (NPF)

7 - Historic assets and places

Moray Local Development Plan 2020 (MLDP)

EP8 Historic Environment  
EP9 Conservation Areas  
EP10 Listed Buildings

### 5. **ADVERTISEMENTS**

5.1 All applications were advertised in the Northern Scot and Edinburgh Gazette under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### 6. **CONSULTATIONS**

Historic Environment Scotland:

**24/00301/LBC** – No objections, welcome proposal to incorporate arch into development.

**24/00302/CON** – As a historic building that makes a positive contribution to the conservation area our preference would be for a solution that secures the retention of these characterful buildings as a positive part of a proposed development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept the conclusions of the Existing Building Survey Report (2024) that the buildings are in very poor condition and beyond repair. We therefore conclude that the application has demonstrated that the structural condition of the buildings rules out their retention at reasonable cost.

**24/00303/CON** – As a historic building that makes a positive contribution to the conservation area, our preference would be for a solution that secures the retention of this characterful building as a positive part of a proposed

development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept that the form of the building means that it would not be suitable for reuse as part of the wider proposed redevelopment. We also accept that it has been demonstrated that the façade could not be retained at a reasonable cost. Therefore, we are content that this application is consistent with relevant national policy. If your Council is minded to approve the proposals, we suggest that, where possible, materials such as stone are salvaged and reused elsewhere in the new buildings, and/or as boundary treatments elsewhere in the wider redevelopment scheme.

**24/00304/CON** – As a historic building that makes a positive contribution to the conservation area our preference would be for a solution that secures the façade retention of this characterful building as a positive part of a proposed development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept the conclusions of the Existing Building Survey Report (2024) that it could not be retained and reused, or rebuilt, at a reasonable cost. Therefore, on balance, the application does not raise issues of national significance and we do not object to it.

Aberdeenshire Council Archaeology Service:

**24/00302/CON, 24/00303/CON, 24/00304/CON** – Request condition be applied requiring a written scheme of investigation to be undertaken, as well as recording of existing buildings on site.

## 7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

The Architectural Heritage Society of Scotland (North East Group) – 15 Rutland Square, Edinburgh, EH1 2BE (comments made for 24/00301/LBC, 24/00302/CON, 24/00303/CON, 24/00304/CON).

Mr Edward Theaker – 10 McLachlan Gardens, Prestonpans, East Lothian (comments made for 24/00304/CON).

A summary of the comments received for each application as follows:

### **24/00301/LBC**

**Issue:** Pleased to see retention and refurbishment of listed market entrance.

**Comment (PO):** Comment of support noted.

### **24/00302/CON**

**Issue:** Heartened to see this proposal to replace a redundant and shabby part of central Elgin with a housing development which wish to respect the historic streetscapes including vennels and closes.

**Comment (PO):** Comment of support noted.

### **24/00303/CON and 24/00304/CON**

**Issue:** Object to loss of buildings – these should be retained and refurbished as they constitute a significant part of the whole and are more than half of the streetscape of the site (to South Street). They hold cultural value in themselves as homely and familiar parts of Elgin.

**Comment (PO):** The applicant in support of the application has demonstrated that structural condition of these buildings prevents their retention at a reasonable cost, as noted in the observations below. The demolition would enable regeneration of a site that has in large lain vacant for a significant period.

## **8. OBSERVATIONS**

- 8.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve or enhance the character or appearance of conservation areas. Under Sections 59(1) and 66 of 1997 Act, the determination of an application for demolition of a building in a conservation area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.
- 8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.3 The main planning issues are considered below:
- 8.4 **Listed Building Consent 24/00301/LBC – 57 South Street (Market Entrance)**  
Listed Building Consent is required where works to a listed building are proposed. This is in addition to planning permission and is also necessary where internal works to listed buildings are proposed.
- 8.5 When considering applications for Listed Building Consent, the primary aim is to ensure the special interest of the listed building is preserved or enhanced. This is reflected in planning policy NPF Policy 7 (c) and MLDP Policy EP10.
- 8.6 Application 24/00301/LBC covers the market entrance at South Street (no 57), which is a category C listed building dating from 1851. This feature will be incorporated into the wider redevelopment of the South Street site. The proposal would see new development to the immediate rear of this, however it is considered to be of a suitable scale and finish that ensure the listed feature remains the prominent element of this part of the development. The position of its relative to other frontages proposed on South Street as part of this proposal means it occupies the most forward and prominent position in the scheme. Historic Environment Scotland (HES) have not objected to this application for Listed Building Consent, welcoming its retention as part of the wider redevelopment of the site.

8.7 On this basis, the proposal is considered to preserve the listed building's special interest, complying with NPF Policy 7 and MLDP Policy EP10. Approval of the Listed Building Consent 24/00301/LBC is therefore recommended.

8.8 **Conservation Area Consents – Background**

Conservation Area Consent is required for the complete or substantial demolition of non-listed buildings in conservation areas.

8.9 NPF Policy 7 (f) states that demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;
- iii. the structural condition of the building prevents its retention at a reasonable cost; or
- iv. the form or location of the building makes its reuse extremely difficult.

8.10 Interim guidance on the Designation of Conservation Areas and Conservation Area Consent from HES notes that demolition can result in harm to the character or appearance of a conservation area, and planning authorities should consider the importance of the building to the character or appearance of any part of the conservation area and attempt to achieve retention where a building is of any value. It then states that consideration is given to criteria that is reflected in NPF Policy 7 (f) listed above.

8.11 MLDP Policy EP9 states that development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes its reuse extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals, and it can be demonstrated that a new building will preserve and enhance the character of the conservation area.

8.12 Planning Advice Note 71 (Conservation Area Management) states that conservation area consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement development. This is to avoid the formation of gap sites and to ascertain that the development will enhance or preserve the character of the area.

8.13 Taking the above policies and legislative into account it, it is necessary to determine what the existing buildings contribute to the conservation area and consider any justification for demolition of the buildings subject to the conservation area consent applications submitted. A Heritage Appraisal, Existing Building Survey and Façade Study have been submitted by the applicant which considers these matters, and each application is considered as follows:

- 8.14 **24/00302/CON: 59 – 61 South Street, Elgin (former market), The Jailhouse and Newmarket Bar buildings**  
As noted above, the market entrance/archway to South Street is to be retained. The building to the rear attached to this is considered to be a modern structure (and not listed) and thus has limited heritage value. Therefore, its loss is not considered to be significant and will not be of detriment to the conservation area.
- 8.15 The walls of the Market Arcade (Jailhouse) stand within the centre of the development site and are part of the original fabric of the market. It has been subject to substantial alterations when it was separated from the market entrance at South Street. Following a significant fire in the late 1990s, the building has been left exposed for over 25 years and has been subject to collapse over this period. Whilst the structure is evidential and still exists, the cost of retaining and incorporating this structure into the redevelopment would be disproportionate to its heritage value and would incur a punitive cost. One small part of the structure is to be retained as part of this proposal – a doorway that once led from Batchen Street.
- 8.16 The Newmarket Bar is constructed of traditional masonry with crow stepped gables, and attached to neighbouring properties to the north, east and south. Its orientation and form is typical of buildings on lanes that run perpendicular to the High Street to South Street. The building is in a severely dilapidated condition that is unsafe to enter, but from the exterior survey of the building it appears to have been significantly altered over the years to accommodate neighbouring development. The cost of retaining and incorporating this structure into the redevelopment would also be disproportionate to its heritage value and would incur a punitive cost.
- 8.17 The information submitted demonstrates that the structural condition of the buildings subject to this application rules out their retention at reasonable cost, satisfying NPF Policy 7 (f) part iii. HES have not objected in light of this. A suitable scheme for redevelopment of the site is being considered alongside this application (see 24/00300/APP).
- 8.18 **24/00303/CON – 53-55 South Street, Elgin**  
The Heritage Appraisal identifies this building as contributing to the streetscape in a general sense, but its design lacks any character, having been altered in an unsatisfactory way with changes to window openings, use of UPVC windows and installation of a flat roofed dormer. This evaluation is for the front of the building, with the warehouse structure to the rear identified separately from the building mass to South Street. It concludes that its loss would have minimal impact on the heritage of South Street.
- 8.19 The Façade Study and Existing Building Survey considers this structure further in respect of the requirements of NPF Policy 7 (f). They note that the warehouse section to the rear of the building is not suitable for conversion to housing and would limit development to the rear of the site. With regard to the original building to South Street, the building has been considered for retention but presents issues by resulting in compromised layouts that would not be suitable for affordable housing providers. Stonework to the frontage has

suffered considerable erosion and though this can be replaced, it would entail significant cost.

- 8.20 Any renovation of the existing building to South Street would require significant structural interventions to ensure reuse and facilitation of adjacent development as part of the wider redevelopment scheme.
- 8.21 Overall, the supporting information concludes that the structural condition of the building would prevent retention of it at a reasonable cost as part of the wider redevelopment of the site. HES have not objected to this proposal in light of these considerations, but they do note that the existing building does make a positive contribution to the conservation area and has townscape value. Nonetheless, HES accept the form of the building means that it would not be suitable reuse as part of the proposed wider redevelopment of the site.
- 8.22 **24/00304/CON – 51 South Street, Elgin**  
This building comprises a two-storey retail unit with an art deco style frontage finished in stone with large glazed expanses at ground and first floor levels and a pitched roof. The supporting information notes that the steel work within the building holds the stone frontage in place, with the frontage being a more recent addition dating from the early 1930s. This steel work is in a poor condition due to water ingress and would require the whole building to be dismantled as part of any façade retention. In addition, the stonework on the frontage is in a poor condition. As a result, the costs of reusing what stone could be salvaged as well as new stonework would be punitive.
- 8.23 Whilst the information submitted by the applicant suggests that the frontage is not of a particularly high quality compared with other art deco frontages, HES have advised that the building does make a positive contribution to the character of the conservation area. Nonetheless, HES accept the conclusion that the existing building/frontage could not be retained and reused, or rebuilt, at a reasonable cost as part of the proposed wider redevelopment of the site.

### **Conclusion - Conservation Area Consents**

Given the considerations above, the information submitted with the applications suitably demonstrates that the structural condition of the relevant buildings proposed for demolition prevent their retention at a suitable cost. HES's position on all applications is also acknowledged.

Aberdeenshire Council Archaeology Service have requested a condition be placed on each consent requiring survey work to be undertaken. Each consent will be condition accordingly.

Given there is a suitable scheme proposed for the replacement of the demolished buildings (considered under application 24/00300/APP), the demolition proposed complies with NPF Policy 7 parts (f) and (g), as well as MLDP Policy EP9. Approval of Conservation Area Consent applications 24/00302/CON, 24/00303/CON and 24/00304/CON is recommended.

**Recommendation – Approve:**

- Listed Building Consent application 24/00301/LBC;
- Conservation Area Consent application 24/00302/CON;
- Conservation Area Consent application 24/00303/CON; and
- Conservation Area Consent application 24/00304/CON.

**REASON(S) FOR DECISIONS**

The Council's reason(s) for making these decisions are: -

**24/00301/LBC** – The proposed works are considered to preserve the special interest of the category C listed building in line with the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policy 7 (Historic Environment) and the Moray Local Development Plan 2020 Policy EP10 (Listed Buildings).

**24/00302/CON** – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**24/00303/CON** – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**24/00304/CON** – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

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