

Perth and Kinross Council
Development Control Committee – 20 January 2010
Report of Handling by Development Quality Manager

**Demolition of existing listed villa buildings (Elcho and Birnam Wards) at
Murray Royal Hospital, Perth**

Ref No: 09/01695/LBC
Ward No: 12 Perth City Centre

Summary

This report refers to an application for Listed Building Consent for the demolition of two listed villa buildings within the grounds of Murray Royal Hospital. It is recommended that the application be refused on the grounds that insufficient information has been submitted by the applicant to demonstrate that demolition is the only viable option.

BACKGROUND AND DESCRIPTION

- 1 The proposal is for the demolition of the Elcho and Birnam Wards at Murray Royal Hospital (MRH). The buildings are two detached villas which flank the hospital's chapel building. The two villas and the chapel between them form part of the MRH grounds and have done so since before 1 July 1948. Under section 1(4)(b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the villas are therefore listed and as a consequence Listed Building Consent is required for their demolition.
- 2 Although lodged as part of the proposals for the new mental health facilities at MRH, as the villas are not proposed for retention and do not overlap any of the proposed new buildings, their removal is therefore based largely on design and layout grounds. The removal of the villas is aimed at creating space around the chapel as part of the overall design and layout concept.

NATIONAL PLANNING POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.
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- 5 Of specific relevance to this proposal is SPP23 - Planning and the Historic Environment

Scottish Historic Environment Policy

- 6 This document, produced by Historic Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect both Listed Buildings and Conservation Areas, and the settings of both. As there are a number of Listed Buildings within the grounds of the hospital, their settings are potentially affected by the proposal. The application has been advertised as potentially affecting the setting of a listed building(s).

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

Perth & Kinross Structure Plan 2003

- 8 **Environment and Resources Policy 8** seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site. The same protection will be afforded to sites proposed for designation. Other important archaeological sites or landscapes will also be protected from inappropriate development. Local Plans will bring forward policies for their protection and enhancement.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

- 9 **Policy 59 (Listed Buildings)** states that there will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of Listed Buildings, or other buildings or architectural value. The setting of Listed Buildings will also be safeguarded.

Draft Perth Area Local Plan 2004

- 10 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER COUNCIL POLICIES

- 11 None

SITE HISTORY

- 12 This proposal is part of a larger development for new mental health facilities at Murray Royal Hospital. The principal planning application (09/01691/AMM) is also reported to this Committee.

CONSULTATIONS

- 13 **Historic Scotland** have commented on the application and raised significant concerns regarding the proposed demolition of the two villas on the grounds that there is insufficient information submitted to clearly demonstrate that their demolition can be justified, and is the only viable option available.
- 14 **Perth & Kinross Area Archaeologist** has commented on the application and recommended that the two villas be retained. However, if the villas are to be demolished, a standing building survey must be carried out prior to demolition.

REPRESENTATIONS

- 15 No letters of representations have been received.

APPRAISAL

Policy

- 16 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 17 In terms of the Development Plan, the two policies of relevance are Environment and Resource policy 8 of the Perth and Kinross Structure Plan 2003 and Policy 59 of the Perth Area Local Plan 1995 (Incorporating Alterations No1, Housing Land 2000), both of which relate to Listed Buildings. For reasons stated elsewhere in the report, it is considered that the proposal is contrary to both these policies

Demolition of Elcho & Birnam Wards

- 18 This application relates solely to the demolition of the two villas (Elcho and Birnam) that flank the chapel building. As stated previously, the two villa buildings are Listed by virtue of being within the curtilage of the main Listed Building since 1948. The Scottish Historic Environmental Policy 2009 (para 3.50) clearly outlines the circumstances when the demolition of a Listed Buildings can be supported. These include,
- the building is not of special interest; or
 - the building is incapable of repair; or
 - the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or

- 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.
- 19 It is the opinion of officers of the Council and Historic Scotland that both the villas are of special interest, and it could be argued that they have more architectural merit than the detached chapel which they flank and that their removal would be harmful to the special character of the MRH site. The supporting information which has been submitted by the applicant does not contain sufficient detail, or sufficient factual and / or analytical evidence to clearly demonstrate that one or more of the above tests have been satisfied or that every effort has been made to find a way of retaining these listing buildings by finding a suitable use.
- 20 Accordingly, the proposal is contrary to National Guidance contained in the Scottish Historic Environmental Policy 2009 , Environment and Resource Policy 8 of the Perth and Kinross Structure Plan 2003 and Policy 59 of the Perth Area Local Plan 1995 (Incorporating Alterations No1, Housing Land 2000),
- 21 Members should note that as the removal of the two villas does not intrinsically affect the physical delivery of the new mental health facilities (as proposed under 09/01691/AMM) the overall scheme does not rely on this application receiving a favourable recommendation. The villas lie close to the boundary of the application site, which includes them but not the intervening chapel and if they were to be retained then they could be considered for retention as part of the remainder of the MRH site, including the chapel and the main Listed Building.

LEGAL AGREEMENTS

- 22 There are no legal agreements required prior to the issuing of the consent.

DIRECTION BY SCOTTISH MINISTERS

- 23 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 24 As there is no reasoned justification for their demolition, the proposal to demolish the two villas is contrary to both the Development Plan and National Guidance and should be refused.

RECOMMENDATION

A Refuse the application on the following grounds:

- 1 As there is not a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which aims to protect Listed Buildings.
- 2 As there is not a clear and reasoned justification for the demolition of the Listed Buildings, the proposal is contrary to Policy 59 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which states that there will be a presumption against demolition of Listed Buildings and a presumption in favour of sympathetic restoration of Listed Buildings.
3. As there is not a clear and reasoned justification for the demolition of the Listed Buildings, the proposal is contrary to the Scottish Historic Environment Policy 2009 (which states that the Scottish Ministers policy on Listed Building Consents is that there will be a presumption against demolition of Listed Buildings.
- 4 A recommendation of approval by Perth and Kinross Council for the demolition of a Listed Building without clear and reasoned justification, is contrary to the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority (in making a decision on a Listed Building application) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If Perth and Kinross Council supported this application, the Planning Authority would not have had due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

B Justification

The proposal is contrary to the Development Plan and there are no material reasons which merit departing there from and approving the application.

Background Papers: None

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Date: 25 December 2009

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GIS by ESRI (UK)



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