

SFN.

Decision date: 22 November 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT
1997**

The works will comprise of the careful dismantling, relocation and rebuild of the Robert Burns monument.
At Robert Burns Statue Bernard Street Edinburgh

Application No: 19/04054/LBC

DECISION NOTICE

With reference to your application for Listed Building Consent registered on 26 August 2019, this has been decided by **Committee Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Granted** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Condition:-

1. A schedule of stone repairs shall be submitted to and approved in writing by the Planning Authority before work commences on site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

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Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. Through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) the applicant is required to allow Historic Environment Scotland the opportunity to carry out recording of the building. Applicants should complete and return the Consent Application Referral Form at <https://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme>

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01B, 02-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building.

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The dismantling and relocation of the Robert Burns statue will have no adverse impacts on the long term integrity of the listed building or its setting. Whilst the proposal seeks the statue to be fully dismantled, it will be restored and rebuilt in a nearby location, ensuring preservation. The new location will be within an enhanced area of public realm with the statue acting as a focal point. There will be no adverse impacts on the character or appearance of Leith Conservation Area.

The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Nicola Orr directly on 0131 469 3712.

D R Leech

Chief Planning Officer

NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant such consent subject to conditions, he may, by notice served within 3 months of the receipt of this notice, appeal to the Scottish Ministers (on a form obtainable at <https://www.eplanning.scot/ePlanningClient/default.aspx> or addressed to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.) in accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.

2. If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the planning authority or Scottish Ministers and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the planning authority in whose district the land is situated, a listed building purchase notice requiring that authority to purchase his interest in the land in accordance with the provisions of section 28 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.

Main report

3.1 Description of the Proposal

The proposal seeks to dismantle and relocate the Robert Burns statue to allow for the construction of the Edinburgh Tram York Place to Newhaven extension. The statue would be relocated approximately two metres to the west of the existing location. The statue is identified as a Schedule 10 building under the Edinburgh Tram (Line One) Act 2006 which states that no tram equipment shall be attached to the structure without listed building consent being obtained. The statue requires to be relocated as part of the tram construction works to facilitate new traffic management arrangements and incorporate it within the Bernard Street public realm.

As part of the tram works public realm enhancements are planned for Bernard Street which will allow the area to become a useable public space with the statue acting as the main focal point. The statue will be lit with in-ground uplighters in the evenings.

A full step by step guide as to how the statue will be dismantled, relocated and rebuilt is contained within a Method Statement submitted as part of the application.

Supporting information

The following documents were submitted in support of the application:

- Method Statement;
- Design Statement and
- Risk Assessment.

These documents can be viewed on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

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SAFETY HEALTH AND ENVIRONMENTAL INFORMATION
IN ADDITION TO THE HAZARD/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILLED ON THIS DRAWING, HERE THE FOLLOWING RISKS IDENTIFIED HERE ARE NOT EXHAUSTIVE, REFER TO DESIGN ASSESSMENT FORM NO.

CONSTRUCTION

DEMOLITION

FOR INFORMATION RELATING TO USE, CLEANING AND MAINTENANCE, SEE THE HEALTH AND SAFETY FILE.
IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING UNDER APPROPRIATE TO ALL APPLICABLE HEALTH AND SAFETY LEGISLATION.

NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE IN METERS ABOVE ORIGINARY DATUM (M AD0).

- Existing kerb type E1 - Flag Top
- Existing kerb type E3 - Round Top
- Kerb Type K1 - Precast Bullnose
- Kerb Type K2 - Whitestone Bullnose
- Kerb Type K3 - Whitestone 45 Degree Spigot
- Kerb Type K4 - Whitestone Combined Drainage
- Kerb Type K5 - Precast Combined Drainage
- Kerb Type K6 - Precast Draped Kerb
- Kerb Type K7 - Whitestone Draped Kerb
- New Paving - Asphalt
- New Paving - Openwork + Separator Strip
- New Paving - Natural Stone Cobblestone Granite
- New Paving - Natural Stone Scabbled Sandstone
- New Paving - Pedestrian Diagonal
- New Paving - Precast Concrete Slabs
- New Paving - Natural Stone Ribbed Tyle
- New Paving - Precast

SENER FAIRHURST

**EDINBURGH TRAM
YORK PLACE TO NEWHAVEN**

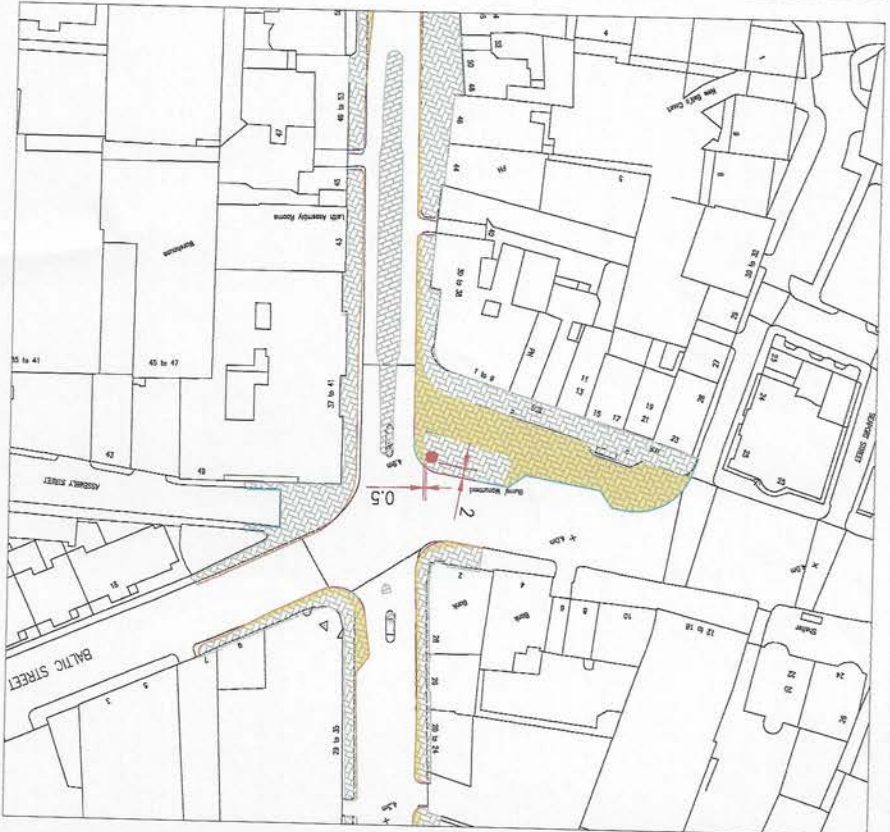
**ROBERT BURNS STATUE LOCATION
& LANDSCAPING PROPOSALS**

FOR INFORMATION

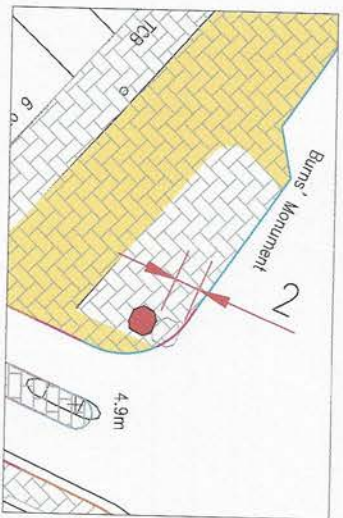
Drawn by: 1550	Checked by: IF	Approved by: 83
Date: 09/09/19	Date: 09/09/19	Date: 09/09/19
Drawn by: ETM-SF-XXX-03-DR-0-0001	Checked by: 1	Approved by: 1



Existing Statue Location



Proposed Statue Location



Existing & Proposed Statue Location Compared

