

Development Management Sub Committee

Wednesday 20 March 2019

Application for Conservation Area Consent 17/04579/CON At 24 - 26 Calton Road, Edinburgh, EH8 8DP Demolition of existing nightclub premises

Item number	7.1(b)
Report number	
Wards	B11 - City Centre

Summary

The existing building fronting onto Calton Road makes a positive contribution to the character of the Old Town Conservation Area and the Edinburgh World Heritage Site. The proposed replacement building is not of sufficient quality to justify the demolition of the existing building. The proposal is contrary to Local Development Plan Env 5 and does not comply with the Historic Environment Scotland Policy Statement tests for demolition.

Links

[Policies and guidance for this application](#) LDPP, LEN05, NSLBCA,

Report

Application for Conservation Area Consent 17/04579/CON At 24 - 26 Calton Road, Edinburgh, EH8 8DP Demolition of existing nightclub premises

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site is approximately 735 square metres and includes a traditional stone building fronting onto Calton Road, with a later addition extending the full length of the site to the rear. It is a typical building from the Victorian industrial era when industrial expansion intensified after the construction of the New Town. Its most recent use was that of a nightclub. The site is bounded by offices and residential flats to the west, student accommodation to the east and Dunbar's Close Gardens and the A-listed Canongate Kirk (listing reference: LB26823; listing date: 14/12/1970) to the south.

The site is within the World Heritage Site.

This application site is located within the Old Town Conservation Area.

2.2 Site History

Current - Decision pending for planning permission: Demolition of existing non-listed buildings and erection of new residential building to form 24x flats, 1x commercial office space at ground floor and associated landscaping works (application reference: 17/04578/FUL).

July 2001 - Planning Permission granted for: (24-32 Calton Road) Change of use and demolition of garage/nightclub to form offices/residential (as amended) (application reference: 00/02774/FUL). Not implemented, lapsed.

July 2001 - Conservation Area Consent granted for: (24-32 Calton Road) Change of use and demolition of garage/nightclub to form offices/residential (as amended) (application reference: 00/02774/CON). Not implemented, lapsed.

September 1998 - Planning permission refused for: Erect 22 apartments including 1 special needs & 1 class 2 commercial unit, demolish existing building (application reference: 97/01849/FUL).

Main report

3.1 Description Of The Proposal

Conservation area consent is sought for the complete demolition of the building at 24-26 Calton Road.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning and Design Statement;
- Supplementary Planning Statement;
- Condition Survey; and
- Alternative Scheme.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In determining applications for conservation area 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.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the demolition will adversely affect the character and appearance of the conservation area;
- b) the proposed replacement development is of sufficient quality;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Demolition

Edinburgh Local Development Plan (LDP) Policy Env 5 only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement building enhances or preserves the character of the conservation area.

The Old Town Conservation Area Character Appraisal reinforces that there is a considerable wealth of important land marks, reflecting its long role as the location for the complete range of Edinburgh's institutions. These buildings, from different eras set against a backdrop of tenements, contribute to an appearance of density, a close knit character and cohesive groupings associated with a medieval town.

The Historic Environment Scotland Policy Statement (HESPS) lists the various conditions under which demolition of a listed building may be accepted by a planning authority. Historic Environment Scotland (HES) recommends that the four key tests are also used in the assessment of whether the demolition of an unlisted building within a conservation area is acceptable.

These are as follows:

- 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.

To obtain consent for demolition, the proposal is required to meet at least one of the above tests.

Test a) - Special Interest

The site is one of the last surviving markers of the industrial past of the area. Although HES has not objected to the demolition, it has stated that the stone building fronting onto Calton Road makes a positive contribution to the character of the Old Town Conservation Area and that efforts should be made to retain it as part of any future scheme. While the Council has no objection to the removal of the rear extension, the Victorian era building makes a positive contribution to the character of the conservation area and its industrial past. Its loss would have an adverse impact on the character of the conservation area.

The proposal fails to meet part a) of the HESPS test requirements.

Test b) - Repair

Consent may be granted where it can be shown that a building's condition is beyond repair. In these cases, a clear understanding of the building's condition will always be required. This should take the form of a structural survey prepared by appropriate professionals, such as engineers, surveyors or architects.

A condition survey has been submitted. The figures indicate that the cost to repair and reuse of the building would render their alternative scheme financially unviable. However, the assessment has been based on the purchase price as opposed to the valuation of the existing building and site and as per the HESPS test requirements, it has not been demonstrated that the building is incapable of repair. The proposal does not meet the requirements of test b).

Test c) - Benefits from economic growth or to the wider community

The HESPS test states that it is recognised that the retention of a building may prevent wider public benefits flowing from the redevelopment of a site. However, typically these cases would involve developments of national or regional significance and the applicant would need to demonstrate that there is no practical way of realising the benefits without demolishing the building. Clear evidence should also be submitted to show that every effort was made to incorporate the building into the proposal, or to place the development in an alternative location.

The development does not constitute one which would have any impact beyond the immediate vicinity of the site and fails to meet test c).

Test d) - Economic viability of reusing the building

Consent may be granted for the demolition of a building that is capable of repair but where the costs of doing so mean that its repair would not be viable. Where this is the principal justification for the demolition of a building, full supporting evidence is required comprising:

- a valuation of the existing building and site;
- a full survey identifying the repairs required;
- development costs including a costed schedule of repairs; and
- an estimate of the value of the repaired property, including potential yields.

Supporting evidence in relation to the above has been submitted. However, the viability assessment has been based on the purchase price of the site as opposed to the valuation of the existing building and site. The applicant has submitted details of an alternative scheme that would involve the retention of the front building and the erection of 10 units, as opposed to the scheme in question for 24 units. This demonstrates that it would be feasible to retain the front building as part of site redevelopment.

Furthermore, where a building is capable of repair, evidence shall be submitted to show that the property has been marketed for a reasonable period, to a restoring purchaser at a price reflecting its condition. No evidence to this effect has been received.

The proposal fails to meet the requirements for test d) as no evidence has been submitted regarding its marketing, the assessment is based on the purchase price and not the site valuation and it has been demonstrated that the stone building could be retained as part of an alternative scheme.

b) Replacement Development

LDP Policy Env 5 states that proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area. The replacement scheme is the subject of the concurrent planning application (17/04578/FUL).

The proposed development of 24 flats and a commercial unit is excessive in its density. It is inappropriate in terms of its design, form, scale and its impact on amenity. The proposal will not preserve or enhance the character and appearance of the Old Town Conservation Area and the Edinburgh World Heritage Site. It would result in the loss of a building that makes a positive contribution to the conservation area and would negatively impact on views from Canongate Kirk to Calton Hill. The proposed replacement development is not of sufficient quality to justify the demolition of the existing structure.

The scheme has failed to demonstrate an appropriate scale and form of replacement development. The loss of the existing buildings has not been justified, as the replacement building does not preserve or enhance the character and appearance of the conservation area and is contrary to LDP Policy Env 5 Conservation Areas - Demolition of Buildings.

c) Impact on Equalities and Human Rights

The application has been assessed and has no apparent impact in terms of equalities or human rights.

d) Public Comments

No public comments were received.

Conclusion

The existing building fronting onto Calton Road makes a positive contribution to the character of the Old Town Conservation Area and the Edinburgh World Heritage Site. The proposed replacement building is not of sufficient quality to justify the demolition of the existing building. The proposal is contrary to Local Development Plan Env 5 and does not comply with the Historic Environment Scotland Policy Statement tests for demolition.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Env 5 in respect of Conservation Areas - Demolition of Buildings as the building makes a positive contribution to the character of the Conservation Area and the proposed replacement structure is not of sufficient quality to justify the demolition of the existing building.
2. The proposal does not comply with the Historic Environment Scotland Policy Statement tests for demolition within a Conservation Area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not required to meet the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 20 October 2017 and no letters of representation have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is within the Old Town Conservation Area and World Heritage Site as defined by the Local Development Plan.

Date registered

5 October 2017

Drawing numbers/Scheme

01-07,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

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Consultations

Historic Environment Scotland

The traditional stone building fronting onto Calton Road (at number 24-26) and the 5-storey building to the rear of the site were built during the mid-19th century. It is a typical building from the Victorian industrial era when industrial expansion intensified after the construction of the New Town, with many aristocratic mansions being abandoned in the early 19th century e.g. Panmure House.

We maintain our view that this building, partly because it is one of the few historic buildings remaining on the North Bank of the Canongate, now Calton Road, makes a positive contribution to the character of the Old Town Conservation Area and efforts should be made to retain it as part of any new scheme.

We previously highlighted the Historic Environment Scotland Policy Statement (HESPS) (Section 3.56) which outlines scenarios where demolition in a conservation area may be considered appropriate. This includes where structural condition rules out retention of a building at reasonable cost, or its form or location makes its re-use extremely difficult.

We now note the new information within the Supplementary Design Statement.

It is stated that 'to repair the existing fabric to an appropriate level will be a significant cost to any future development' and 'the existing building fronting onto Calton Road is extremely narrow and is consequently very limiting in the uses it can accommodate' this means the retention and re-use of this building in its current form is not financially viable in this locality'. While no further detailed information is provided to substantiate these statements (i.e. no costing on the repair works is provided), and the link to HESPS is not made explicitly clear, they do appear relevant and we would encourage your Council to explore these issues further with the applicant.

Finally, we note that consent for demolition was granted in 2001 and we have seen a copy of your Council's report on that application. Historic Environment Scotland (HES) has a very different role compared to Historic Scotland (HS) in 2001. While HES is a statutory consultee in the listed building consent process at the point an application is submitted, and therefore free to give an opinion, in contrast, HS acted on behalf of Scottish Ministers for those applications which a planning authority were minded to approve and required notification to Ministers. This provided Ministers with the opportunity to call-in these applications for their own determination.

In 2001 Historic Scotland would have been notified of your Council's decision to grant consent and the decision was not to call-in the application for determination.

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in respect to these linked applications for the demolition of existing non-listed buildings and the erection of a new residential building to form 24 flats and 1 commercial office space at ground floor and associated landscaping works.

The site is occupied by the former Calton Studios night club which occupies a range of 19th century industrial and commercial building. Lying on the eastern side of the 17th century Canongate Kirkyard the site lies at the heart of Edinburgh's UNESCO World Heritage site. The site occupies the northern part of a medieval burgh plot stretching from the Royal Mile to Calton Road, which formed the northern limits of the medieval burgh of the Canongate.

The Canongate was established in David I's 1128 as part of the foundation Charter of Holyrood Abbey and remaining under its control for most of the medieval period. Recent excavations along the northern side of Calton Road (e.g. Gooder, John (2013) 'Excavations in the Canongate Backlands, Edinburgh'. SAIR 56; Engle, Robert et al (2013), Caltongate PA1 (C). AOC DSR 20236) suggest that this site will contain over 3m of archaeological deposits including potentially waterlogged deposits and the remains associated with the Burgh's early defences.

Accordingly, this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and CEC's Edinburgh Local Development Plan policies ENV5 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Building

The proposed scheme proposes the demolition of the existing garage which comprises the remains of a range of 19th century former industrial and commercial buildings latterly used as a nightclub (Calton Studios). These buildings although unlisted in archaeological terms are regarded as having local significance in terms of the Canongate's industrial archaeological past. Demolition of these locally significant buildings will clearly therefore have a significant adverse impact. However, the loss of these buildings, in archaeological terms, is not regarded significant enough to warrant recommending refusal in terms of Policy ENV9.

However, if consent is granted by the Planning Authority, it is essential that a detailed historic building survey (internal and external elevations and plans, photographic and written survey and analysis) of all the surviving buildings is undertaken prior to and during demolition in order to provide a permanent record of these historic buildings.

In addition, demolition shall be limited in the first instance to above ground works only, with no grubbing up of wall foundations nor ground floor surfaces. This is to avoid any impacts upon the site's potentially significant buried archaeological remains until the results of the phase 1 works have been undertaken (see following section Buried Archaeology).

Buried Archaeology

The proposals will require significant ground-breaking works, principally regarding demolition, new construction and new services. Such works have the potential to disturb archaeological remains dating back to the origins of the burgh in the 12th century. Given the potential for over 3m of significant archaeological resources to occur across the proposed area, it is essential that if consent is granted for this scheme that an archaeological mitigation strategy is undertaken both during demolition and prior to construction/development.

This will require the undertaking of phased programme of archaeological investigation to fully record, excavate and analyse any significant remains affected. The first phase of which will be the undertaking of archaeological evaluation (min 10). The results from this initial phase of work will allow for the production and agreement of a more detailed mitigation strategy to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains during each phase of development.

Public Engagement

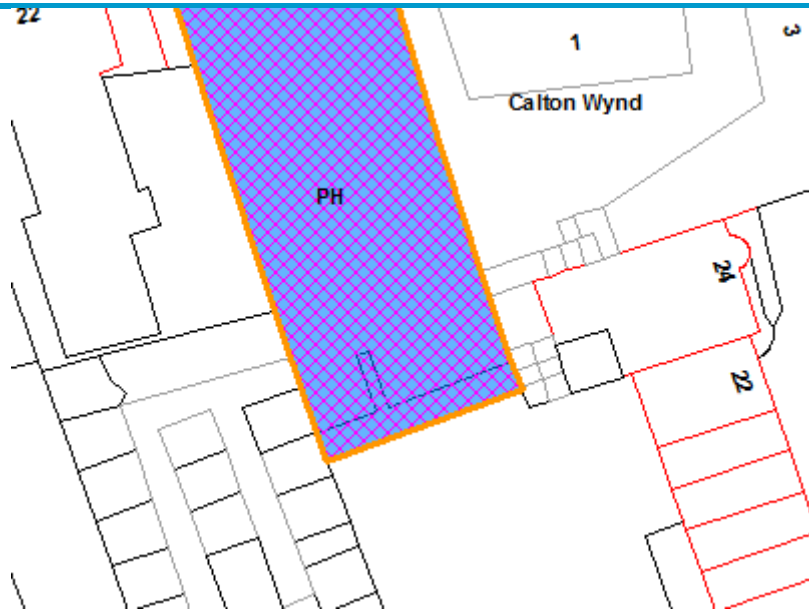
Given the potential significance of the archaeology it is essential that a programme of public/community engagement should be undertaken. The scope of which (e.g. site open days, viewing points, temporary interpretation boards) will be agreed with CECAS based upon the initial DBA and archaeological evaluation outlined above.

In consented it is essential therefore that a condition be applied to both consents (CON & FUL) if granted to secure this programme of archaeological works based upon the following CEC condition;

'No demolition development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, protection, analysis, reporting and publication & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility 0001.

Location Plan



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