

Development Management Sub Committee

Wednesday 3 June 2020

Application for Conservation Area Consent 20/00498/CON at 11 - 23 Montrose Terrace, Edinburgh. Complete demolition of a wall in a Conservation Area.

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal relates to a functional feature of no architectural or historic interest and demolition will preserve the character and appearance of the conservation area. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN05, NSG, CRPNEW, OTH, HEPS,

Report

Application for Conservation Area Consent 20/00498/CON at 11 - 23 Montrose Terrace, Edinburgh. Complete demolition of a wall in a Conservation Area.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a former petrol filling station (PFS) which had its access to Montrose Terrace. It extends to 0.16ha and is bounded by West Norton Place to the west, a private way and tenement curtilages to the north and 25-27 Montrose Terrace to the east. Land is largely vacant except for the forecourt and below ground infrastructure from the PFS. Trees occupy sloping ground to West Norton Place.

Development to the north, east and south is comprised of three or four-storey tenements. They are residential in character but typically occupied by ground floor commercial premises. The two-storey Abbeymount Techbase and the three-storey Century General Store and Café sit to the west. Easter Road marks the extent of the Edinburgh World Heritage Site.

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

2.2 Site History

26 July 2012 - planning permission granted for the erection of boundary fence and demolition of existing building (application reference 12/01925/FUL)

27 July 2012 - conservation area consent granted for the demolition of canopy and retail shop, and removal of underground tanks and impacted soils. Before backfilling with clean and inert fill material (application reference 12/02149/CON)

22 May 2013 - planning permission granted for the regrading of part of site ground levels due to wall instability (retrospective) and surfacing of said area with tarmac (see accompanying cover letter for details) (application reference 13/01018/FUL)

Pending Consideration - Proposed removal of rubble wall, steps, railing and gate and rebuilding of stone steps as part of redevelopment of site and re-provision of pedestrian route (application reference 20/00497/LBC)

Pending Consideration - Proposed purpose-built student accommodation development with community space, associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps (application reference 20/00496/FUL)

Main report

3.1 Description of the Proposal

The application proposes the demolition of a precast concrete retaining wall supporting the forecourt and below ground infrastructure of the PFS.

A Planning Statement accompanied the application. This is available to view on the City of Edinburgh Council (CEC) Planning and Building Standards Online Portal.

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 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 proposal will result in the loss of a feature which makes a positive contribution to the character and appearance of the conservation area; and
- b) the report has addressed all material considerations raised by letters of representation.

a) Principle of Demolition

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*".

The Historic Environment Policy for Scotland outlines how the Council should undertake its collective duty of care whenever a planning decision will affect the historic environment. The Historic Environment Scotland Circular (HESC) is a self-contained direction which outlines when Conservation Area Consent is not required.

The HESC exempts the demolition of *"any gate, wall, fence or railing which is less than 1 metre high where abutting on a road used by vehicular traffic or on an open space or 2 metres high in any other case"*. The wall is greater than 1 metre high where it abuts a private road and more than 2 metres high for much of its length.

Local Development Plan (LDP) Policy Env 5 states that the demolition of an unlisted building which makes a positive contribution to the character and appearance of a conservation area will only be permitted in exceptional circumstances and after the considerations of LDP Policy Env 2 have been taken into account. Demolition will not normally be permitted unless a planning application is approved for a replacement building which enhances or preserves the character and appearance of the conservation area or, if acceptable, for the landscaping of the site.

The precast concrete retaining wall is of no architectural or historic interest. It is a functional and now redundant feature which does not make a positive contribution to the character of the conservation area. Retention is not necessary in order to preserve the character of the conservation area and its demolition is acceptable.

The site is the subject of a proposal to erect purpose-built student accommodation with ancillary community space (application reference 20/00496/FUL and 20/00497/LBC). Whilst these applications are pending consideration, the risk of detrimental impacts to the character of the conservation area by allowing the proposal to proceed without an approved redevelopment is low. The wall is not of any architectural or historic significance interest and any landscaping required due to its retaining function will have a neutral effect on the character and appearance of the conservation area given the currently vacant nature of the application site.

For reference, the CEC Archaeological Service were consulted in connection with 20/00496/FUL. They raised no objection as the proposal to erect PSA is unlikely to have any significant archaeological implications given the application sites most recent PFS use.

The proposal is considered to comply with LDP Policy Env 5. The requirements of LDP Policy Env 2 are not deemed to be apply as the wall does not make a positive contribution to the character and appearance of the conservation area.

b) Letters of Representation

No letters of representation were received.

3.3.1 Conclusion

The proposal relates to a functional feature of no architectural or historic interest and demolition will preserve the character and appearance of the conservation area. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

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.

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 subject to 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 appeared on the weekly list of the 24 February 2020 and was advertised on the 28 February 2020. The statutory notification and consultation period expired on the 20 March 2020 prior to the implementation of COVID-19 public event restrictions.

No letters of representation were 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

Date registered 11 February 2020

Drawing numbers/Scheme 01, 02,

Scheme 1

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PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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

Relevant Non-Statutory Guidelines

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Other Relevant policy guidance

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Appendix 1

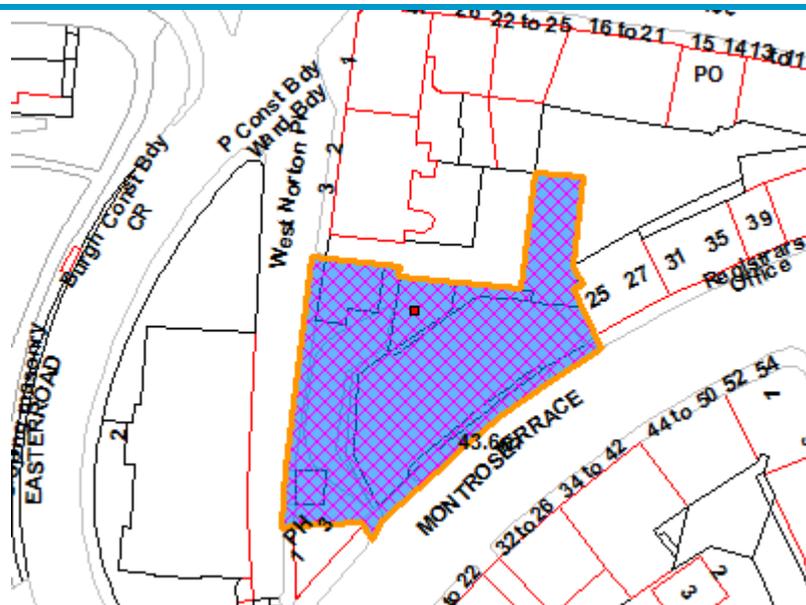
Application for Conservation Area Consent 20/00498/CON At 11 - 23 Montrose Terrace, Edinburgh, Complete Demolition of a wall in a Conservation Area.

Consultations

Historic Environment Scotland (3 March 2020) - No Comment

Historic Environment Scotland considered the information received and did not have any comments to make on the proposal. Their decision not to provide comments should not be taken as support for the proposal. The application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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