

Development Management Sub Committee

Wednesday 28 October 2020

Application for Conservation Area Consent 20/00463/CON at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Item number

Report number

Wards

B13 - Leith

Summary

The proposed demolition will result in the loss of buildings and structures which are not of significance; their loss will not have any adverse impact on the character and appearance of the Leith Conservation Area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with Local Development Plan Policy Env 5 (Conservation Areas - Demolition).

Links

[Policies and guidance for this application](#)

LDPP, LEN05, NSLBCA, OTH, CRPLEI, HES, HEPS, HESCAC, HESCON,

Report

Application for Conservation Area Consent 20/00463/CON at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Recommendations

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

Background

2.1 Site description

The site lies to the north of Baltic Street, south of Tower Street and east of Constitution Street. It has an area of approximately 1.05 hectares. The eastern part of the site comprises an old gas works site which has a number of existing buildings and structures. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The western part of the site comprises the existing Daltons scrapyards. The total area of buildings on the site is approximately 8846 square metres. Main access is from Baltic Street and Constitution Street.

The buildings within the old gasometer site are category B listed. They fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies just out with the application site boundary to the south west (LB27140) listed 14 December 1970. To the south of the site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The Purifying Building is on the Buildings at Risk Register.

The group listing for the site was amended in August 2019. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant. The amended listing excludes the interior of all structures (except the office building), flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

In the wider area, there are listed buildings at 37-43 Constitution Street and 49 Assembly Street which are category A listed (LB27147) listed 14 December 1970, and 2 Bernard Street/ 28 Constitution Street which are category B listed (LB26886) listed 14 December 1970.

The site is characterised by coursed and random sandstone rubble walls and pitched roofs finished in industrial materials. The block is enclosed and there is no pedestrian or public links through the site.

To the north of the site is Tower Street which has commercial/ industrial type buildings and car parking, with Forth Ports beyond. To the south are mainly tenemental residential properties. To the east of the site is an industrial/ commercial area which is to be developed for housing. To the west are a mix of commercial and residential properties which have a maximum height of seven storeys. The predominant materials in the area are polished ashlar or public elevations and a variety of coursed rubble, brick render and industrial materials. Roofing material ranges from dark grey slate, red artificial slates, corrugated metal or asbestos panels, seamed metal or flat asphalt roofs.

This application site is located within the Leith Conservation Area.

2.2 Site History

1-5 Baltic Street was originally the premises of the Leith Gas Light Company (formed in 1823) and successor businesses, processing coal into gas which was stored on site within the on-site gasometers before being piped into the surrounding locality. Since the early 20th Century 1-5 Baltic Street has been occupied by a timber merchant and more recently a builders' merchant with associated trade counters.

7-27 Constitution Street was originally occupied by a naval yard, but later was the site of a granary and coal yard. It has operated as a scrapyard since the Victorian buildings were demolished in the early 1970s.

19 August 1999 - Installation of traffic calming measures approved (application number 99/01033/FUL).

31 January 2020 - Planning application was submitted to demolish some existing buildings, convert existing buildings and develop new build accommodation for student housing, affordable housing, offices, digital co working space and cafe (application number 20/00465/FUL)

31 January 2020 - Listed Building application submitted to demolish, convert and construct new development for student housing, affordable housing, offices, digital co working space and a cafe (application 20/00466/LBC)

11 February 2020 - partial demolition of wall on Tower Street granted consent (application number 19/05902/CON).

14 February 2020 - Planning permission was granted for installation of gates to Tower Street opening (application number 19/05903/FUL).

History of nearby sites

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the adjacent site to the immediate east at 1 Bath Road (application number 18/08206/FUL).

19 March 2020 - Planning application pending determination for a residential development and associated works on the nearby site to the north east of the site at 57 Tower Street and 1 Bath Road. (application number 20/01313/FUL).

04 September 2020 - PAN submitted for the demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works at Bath Road/ Salamander Street. (application number 20/03799/PAN).

Main report

3.1 Description of The Proposal

The application for conservation area consent relates to the proposed demolition of buildings and structures within the Leith Conservation Area and excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyard site, 7-27 Constitution Street.

These specifically relate to the existing building within the scrapyard site, and part of the perimeter wall along Constitution Street and Tower Street. Within the old gasworks site, the proposed demolition includes the flat roofed and harled extensions to the west of the office block, modern metal extension and roller doors to west of the northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance on Baltic Street. However, as conservation area consent only applies to the demolition of a whole building or structure (including a wall) within a conservation area, the removal of extensions and partial removal of walls does not require this consent.

Supporting documents:

A Structural Condition Overview and Heritage Statement have been submitted in support of the application.

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) Loss of the Building

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Historic Environment Scotland's, "Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent" (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;
- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) 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 Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The character of the Leith Conservation Area comprises a broad range of buildings and a variety of architectural styles. The site lies just within the Old Leith and Shore sub area of the Leith Conservation Area. Historically this area was the centre of port activities. Constitution Street forms the eastern boundary of this area.

In terms of its importance within the conservation area, the unlisted buildings to be demolished are not highly visible from the street, they are of little historic significance and therefore do not contribute in a positive way to the character of the Leith Conservation Area. The walls to be demolished along part of Constitution Street and part Tower Street are of some significance. The most important and significant part of the remaining structures are the commercial frontages along Constitution Street; the proposal will involve their retention. The loss of the walling is not considered to be detrimental to the character or appearance of the conservation area. Their removal will allow the development of the site in positive way.

Historic Environment Scotland (HES) do not object to the proposal for demolition and are satisfied that this forms part of a worthy heritage-based regeneration scheme for the former Gasworks site and scrapyards site. They state that the proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith Conservation Area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit.

The City Archaeologist does not object to the demolitions but has requested a condition in relation to recording the building prior to/during demolition.

Consequently, the location and lesser significance of the buildings and structures means that their loss would not have a detrimental impact on the conservation area.

In summary, the loss of the buildings and structures will not have an impact on the character and appearance of the conservation area and therefore their demolition is acceptable.

b) Replacement Development

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

As detailed under planning application 20/00465/FUL, the proposals for the site involve the re-use of significant listed buildings and a scheme which will bring new uses as part of a high quality development. The proposed demolitions would enable the development of the site in a coherent and positive way.

c) Public Comments

One letter raises issues which do not relate specifically to this application but to the full planning application. Leith Harbour and Newhaven Community Council write in support of positive proposals in the Leith Conservation Area.

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with Local Development Plan Policy Env 5 (Conservation Areas - Demolition).

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit a public archaeological and historic interpretation scheme for the site for the further approval of the Planning Authority.
3. The keystone (with triple anchor motif) in the wall to be demolished along Constitution Street shall be retained and re-used within the proposed café or other sheltered location within the site. Full details of this shall be submitted to and approved by the Planning Authority prior to development commencing.
4. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the interests of archaeological heritage.
3. In order to retain and/or protect important elements of the existing character and amenity of the site.
4. In order to retain and/or protect important elements of the existing character and amenity of the site.

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. The applicant should note that as this application involves the demolition of unlisted buildings in a conservation area, there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) to allow Historic Environment Scotland the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

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 was advertised on 14 February 2020 and 11 September 2020.

A comment was received to scheme 1 raising objections in relation to the full planning application.

Leith Harbour and Newhaven Community Council support the proposals.

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

Local Development Plan

The site is within the Leith Waterfront Development Area in area EW 1b Central Leith Waterfront.

Proposals will be expected to:

- locate any major office development within the strategic business centre identified on the Proposals Map;
- create a publicly-accessible waterside path connecting east and west;
- help meet the Council's open space standards through financial contributions to major improvements to or creation of off-site spaces;
- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development; and
- review the flood risk assessment that has already been provided for this site.

A route is safeguarded for the tram and a stop along Constitution Street.

Leith Docks Development Framework 2005

The Framework sets out an overall vision for the wider area to provide an extension of Leith and the city which integrates the old and new areas in a mixed, balanced and inclusive waterfront community while responding to contemporary aspirations, concerns and ideas regarding urban planning.

The LDDF anticipated that residential development would be the dominant use throughout the majority of the development parcels.

Date registered

31 January 2020

Drawing numbers/Scheme

1,3,49a,50,51a,52,53a,54,55a,58-62,63a,66a,67a,68-69,

Scheme 2

David R. Leslie
Chief Planning Officer
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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.

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Relevant Government Guidance on Historic Environment.

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

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Appendix 1

Application for Conservation Area Consent 20/00463/CON At 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Consultations

Historic Environment Scotland 28 February 2020

The application for conservation area consent relates to the proposed demolition of buildings and structures excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyards site, 7-27 Constitution Street. This application forms part of the mixed use development scheme for both sites, subject of associated application for planning permission 20/00465/FUL and application for listed building consent 20/00466/LBC. Please see our separate consultation reply letters for these associated applications.

We have no adverse comments regarding the CAC application, being satisfied that this forms part of a worthy heritage based regeneration scheme for the former Gasworks site and scrapyards site. The proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith conservation area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit. While we note that an interesting historic masonry arch with keystone, within the Constitution Street boundary wall of the scrapyards site, is to be salvaged and rebuilt as a feature within the proposed café, we suggest that its reuse as an external feature within the development would be more appropriate.

It would also be desirable to obtain an updated site plan which specifically identifies the buildings and structures that are subject to the CAC application. This should make it clear that the CAC application does not include the southern section of the Constitution Street boundary wall of the scrapyards site (the remnant ground floor facade of the former commercial building), which is to be retained and incorporated as new shop fronts.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Further response from Historic Environment Scotland 10 September 2020

Our Advice

As mentioned in our consultation reply letter of 28th February 2020, the application for conservation area consent relates to the proposed demolition of buildings and structures excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyards site, 7-27 Constitution Street.

This application forms part of the mixed use development scheme for both sites, subject of associated application for planning permission 20/00465/FUL and application for listed building consent 20/00466/LBC. Please see our separate consultation reply letters for these associated applications.

We have no adverse comments regarding the amended CAC application. We remain satisfied that this forms part of a worthy heritage-based regeneration scheme for the former Gasworks site and scrapyards site. The proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith Conservation Area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit.

Regarding the historic masonry arch with keystone, within the Constitution Street boundary wall of the scrapyards site, we previously suggested its re-use as an external feature within the development, instead of its re-use within the proposed café. We now understand from the applicants that the keystone with triple anchor motif may relate to a former use of the site as a naval yard. Given this significance and its eroded condition, we therefore agree that its salvage and re-use within the proposed café or other sheltered location within the site would be more appropriate. This could perhaps include an interpretation board or plaque highlighting the significance of the keystone. We also acknowledge the updated site plan (Demolition - Context Plan Ground Floor), now showing retention of the remnant ground floor facade of the former commercial building on Constitution St, which is to be incorporated as new shop fronts.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on conservation area consent, together with related policy guidance.

City Archaeology

The site comprises the former 19th and 20th century Edinburgh and Leith Gasworks site and comprises a B listed group of surviving gasworks industrial and commercial buildings and boundary walls. The site historically occurred on the medieval beach and foreshore immediately out with the medieval port and to the east of the 16th century and later Timberbush fortification and harbour Archaeological evidence indicate that this foreshore area was being reclaimed from the 15th century onwards. Historic mapping between the 16th

(Petworth 1559-60 Siege of Leith) and Naish's 1709 Naval Survey indicate that site was starting to be reclaimed with Gen. Roy's map suggesting that this process had been completed with the foreshore now formed by the northern limits of this site. This appear to be born out by archaeological result form the current Tram construction work on Constitution Street which has unearthed 17th century midden dumps and levelling deposits outside Daltons Scrapyard at a depth in excess of 1.2m below current road surface.

The first major development on the site is the construction in the 1790's of a Naval Yard across the area. This was followed by the construction of the Leith Gasworks in the 1820's firstly across the eastern third of the site. The gas works expanded across the site during the 19th century, a detailed account of which is contained with in the accompanying Heritage Statement undertaken by Sundial Properties in support of this application.

Edinburgh 2020: Leith 1-5 Baltic Street & 7-27 Constitution Street.00463

As such the site has been identified as not only containing historic industrial buildings of Regional significance but also occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV2, ENV4, ENV5, ENV8 & 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.

As discussed in detail in my responses to the linked FUL (20/00465/FUL) and LBC (20/0466/LBC) applications the proposals will see significant impacts to the historic fabric of these important industrial buildings and structures which include the 20th century extensions to these listed buildings and internal and external boundary walls. In addition, demolition in the form of removal of floor, ground slabs, foundations etc could significantly impact upon the sites buried archaeological remains.

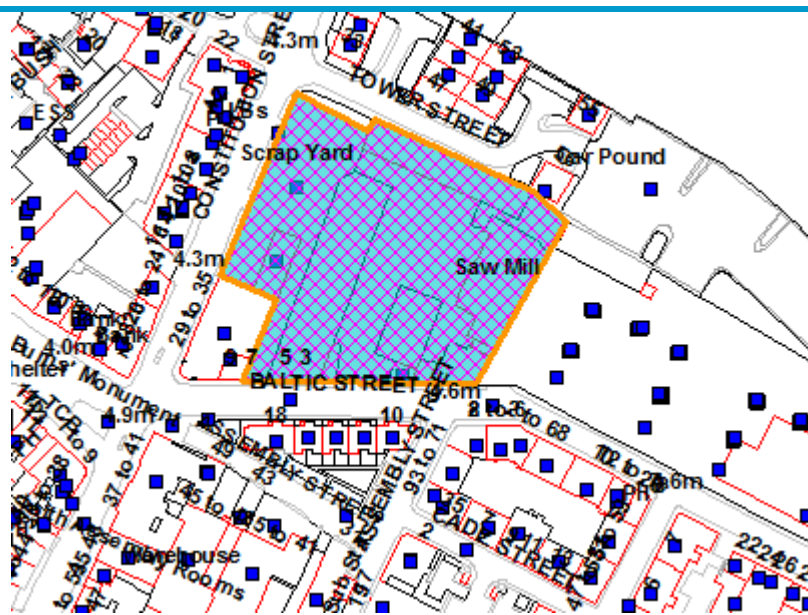
It is essential that no demolition nor alterations are undertaken until the permanent record of these historic buildings and boundary walls is undertaken as part of the overall archaeological mitigation strategy for the site. Similarly, no demolition nor associated ground-breaking works (e.g. removal of ground slabs/internal floors, services, foundations) shall occur until a programme of archaeological works has been agreed to fully excavate, record and analysis any buried archaeological remains.

It is recommended that following condition be applied to any granted consent to secure this programme of archaeological works;

'No demolition/alterations shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication) 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 for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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