

Development Management Sub Committee

Wednesday 8 December 2021

**Application for Conservation Area Consent 21/04327/CON
at 7 Henderson Place Lane, Edinburgh, EH3 5DG.
Complete demolition of existing building to facilitate
residential redevelopment.**

Item number

Report number

Wards B05 - Inverleith

Summary

The demolition of existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5 and will preserve the character and appearance of the conservation area, with reference to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Links

[**Policies and guidance for
this application**](#)

LDPP, LEN02, LEN05, NSG, NSLBCA, CRPNEW,
HES, HESSET, HESCAC,

Report

Application for Conservation Area Consent 21/04327/CON at 7 Henderson Place Lane, Edinburgh, EH3 5DG. Complete demolition of existing building to facilitate residential redevelopment.

Recommendations

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

Background

2.1 Site description

The application relates to a level site measuring approximately 0.20 hectares in area, located on the south side of Henderson Place Lane and bounded on the south and west sides by Henderson Place which leads off Henderson Row.

The existing building on site comprises an unoccupied office block constructed in 1989, with gross internal floor area of 1284sqm. The building comprises a two storey, L-plan, red brick finished structure with reconstituted blonde stone dressings, harled panels and a grey slate pitched roof.

There are 29 on-site parking bays in the south and east areas of the site accessed off Henderson Lane and the main entrance to the building is via the south elevation. The site is bounded by dwarf brick walls with steel railings. The courtyard and the car park to the east are paved in concrete paviours. There is some planting in the east car park, including silver birch trees on the south-east corner of Henderson Place.

The site was formerly part of a larger site occupied by the Edinburgh Tramway depot in the later 19th century. All depot buildings were demolished in the 1980s and the frontage of the 1888 offices on Henderson Row were incorporated into a new office development for Scottish Life (subsequently Royal London).

The nearest listed buildings lie to the north of the site at 2-28 Henderson Row, 162-168 Dundas Street & 2-4 Perth Street and 32-34a Henderson Row & 1, 1a Perth Street (all category B listed, date of listing: 14 December 1970, references LB29021 and LB29022).

The surrounding area comprises mainly late 20th century flatted blocks and terraces of between four and five stories and there is a two/three-storey mews-style terrace to the south of the site.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for the demolition of the existing building on the site.

An associated application for planning permission has been submitted for the demolition of the existing building on the site and erection of a residential development comprising 42 flats with amenity space, landscaping, cycle parking and other associated infrastructure (application reference 21/4326/FUL).

Supporting Documents

- Heritage Statement;
- Planning Statement and
- Design and Access Statement.

These documents are available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

This means that in considering whether to grant conservation area consent for any works, the planning authority 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.

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 demolition of the building and its replacement is acceptable;
- b) the demolition will have an adverse impact on the character and appearance of the conservation area and
- c) public comments have been addressed.

a) Demolition of Building and Replacement

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

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. If it does make a positive contribution, then reference is made to taking into account the considerations set out in Policy Env 2 (Listed Buildings - Demolition).

The existing building is not characteristic of the Second New Town in terms of its position on site and architectural style and detailing. However, the building is not without merit in terms of being a modern interpretation of the type of traditional industrial building that would have formed part of this inner block in the second half of the 19th century.

The former tram depot, including the office building on Henderson Row, was redeveloped in 1988 for Scottish Life Assurance as part of a larger scheme that included the large office building at 57 Henderson Row. The current building on the application site was erected as a light industrial unit to house the company's printing department, styled in a pastiche of late Victorian industrial buildings with Postmodern details and finished in red brick apparently referencing the historic light industrial buildings and workers' housing of the Silvermills area. In 2004, the building was converted from light industrial use to office use and several new window openings were added.

As detailed under planning application 21/04326/FUL, the proposals would enable the development of the site in a coherent, sustainable and positive way.

A condition is recommended to ensure that the buildings are not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

The demolition of the existing building is therefore acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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."

The New Town Conservation Area Character Appraisal identifies the key characteristics of the Second New Town as:

- *grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.*

This specific block at the northern edge of the conservation area which once formed the west side of Canonmills Meadow, has never been developed as part of a planned scheme. Historic plans from the early 19th century suggest that a formal, neo-classical residential development was intended for the area between the north-west side of Fettes Row, west side of Dundas Street and south side of Henderson Row. However, no part of this scheme was built and the area became occupied by irregularly sited, light industrial buildings during the second half of 19th century until the Edinburgh Northern Tramways Company acquired the northern part of the area in the late 1880s and constructed a depot and powerhouse on Henderson Row for the city's first tram system. These tram company buildings were not formally arranged, except for the office building on Henderson Row.

Only the perimeter blocks enclosing the site to the north and east are generally aligned with the formal layout of frontage buildings within the conservation area, including the four-storey tenements on the corner of Henderson Row and Dundas Street, dating from circa 1900.

The only listed buildings affected to any significant extent by this development in terms of setting form the east, south and west edges of the block on the opposite side of Henderson Row.

These comprise two adjoining, category B listed, classical style terraces by William Burn, dating from 1825-6 (listed as 2-28 Henderson Row, 162-168 Dundas Street & 2-4 Perth Street and 32-34a Henderson Row & 1, 1a Perth Street, date of listing: 14 December 1970, references LB29021 and LB29022). The combined terraces form an originally symmetrical three storey and basement block with four storey and basement flatted end blocks, although a later additional storey was added to the lower blocks on the west side of the Henderson Row elevation.

These listed buildings and their setting are significant elements of the New Town Conservation Area. A significant element of this setting comprises the four storey Edwardian tenement opposite forming the corner block of Henderson Row and Dundas Street and the six storey Royal London office on Henderson Row to the west of the Edwardian tenement. These buildings are the most conspicuous in views from the listed terraces on the opposite side of Henderson Row. The existing office structure on the site is not visually prominent in these views, so it is not a significant element of the historic buildings' setting and its demolition is acceptable on this basis.

With reference to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals will preserve the character and appearance of the conservation area.

c) Public Comments

General Comments

New Town and Broughton Community Council (NTBCC)

The Community Council regrets the demolition of the existing building on the site, which is pleasant, modest and domestic in scale, but accepts that it is out-scaled by almost all the surrounding buildings, including the density of build on the site footprint and agrees with Historic Environment Scotland's conclusion that the existing building makes a "neutral contribution" to the character and appearance of the conservation area.

The other NTBCC comments regarding the proposed new development are addressed in the report for the accompanying application for planning permission (reference 21/04326/FUL).

Individual

- the demolition of the existing building would destroy the reference to a historically significant site - addressed in sections 3.3 a) and b).
- The following grounds of objection are only relevant to the associated application for planning permission and have been addressed in the respective report (reference 21/04326/FUL):
- the demolition of the existing building is not sustainable in terms of CO2 generation;

- the proposed building will have a negative impact on the setting of the listed buildings and character of the conservation area;
- the development will result in noise and disturbance and loss of privacy and daylighting for neighbouring residents.

Conclusion

The demolition of existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5 and will preserve the character and appearance of the conservation area, with reference to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. 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 of Development for planning permission application reference 21/04326/FUL.

Reasons: -

1. In order to safeguard the character of the conservation area.

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. 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.

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 3 September 2021. A total of 5 representations were received comprising four objections and one general comment.

A full assessment of the representations can be found in the main report in the Assessment Section.

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 an Urban Area as defined in the Edinburgh Local Development Plan (LDP).
Date registered	16 August 2021
Drawing numbers/Scheme	01-24, Scheme 1

David Givan
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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

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

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

Appendix 1

Application for Conservation Area Consent 21/04327/CON at 7 Henderson Place Lane, Edinburgh, EH3 5DG. Complete demolition of existing building to facilitate residential redevelopment.

Consultations

Historic Environment Scotland

This application is for the demolition of an unlisted building in the New Town Conservation Area.

The building proposed to be demolished was built in the late 1980s as an ancillary printing workshop for the main Scottish Life Assurance office at 57 Henderson Row. The building makes, in our view, a neutral contribution to the character of the New Town conservation area. For this reason, we don't have any comments to make on its demolition.

However, in the spirit of sustainability and the circular economy we would encourage the reuse and salvage of materials if possible.

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 listed building/conservation area consent, together with related policy guidance.

Archaeology

The site is currently occupied by a range of office buildings constructed in 1988 as the printing works for the Scottish Life Assurance Co. These replaced a range of buildings which, based upon map evidence, dated back to the third quarter of the 19th century when the site of the Canon Mills Haugh was developed for light industry. Prior to this the site formed part of the Canon Mills Haugh which ran between the important medieval milling sites of Silvermills and Canonmills, the latter founded in the 12th century by Holy Rood Abbey. Historic maps show later mill lades in this area running eastwards to feed the mill dam for Canonmills to the east. As the 'haugh' name suggests and early 19th century plans show historically the site was possibly a water meadow with extensive works needed to drain this site. The latter may suggest that it may overly the site of an earlier post-glacial loch.

Accordingly, the site is regarded as being located within an area of archaeological potential and the application must be considered under terms Scottish Government's Our

Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies 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.

Buried Archaeology

Although redeveloped in the 1980's, the site occurs within an area of archaeological potential concerning its Victorian industrial heritage and also earlier relating to the areas medieval and post-medieval milling heritage associated with both Canon and Silver Mills and potentially also earlier paleoenvironmental evidence.

The proposals will require significant ground-breaking works associated both with the demolition of the 1988 former Scottish Life Assurance buildings occupying the site and the construction of the new development. Such works will have significant impacts upon any surviving archaeological remains, dating back potentially to the medieval period and possibly earlier. However, given the potential significant impacts of the 1980's development I concur with the general conclusions on Nick Haynes Heritage Statement accompanying this application that such impacts are likely to moderate and not significant enough to warrant refusal.

However, it is considered essential that a programme of archaeological work is carried out across the site as part of any demolition works and prior to development to fully excavate, record, analysis and publish the results from the excavation of any surviving archaeological remains affected by development. Given the potential this will be more than the Nick Haynes's suggested watching brief. The works will require a phased mitigation response with the demolition of the buildings to ground level to allow for the evaluation (max 10%) of the site. The results of this work, including the assessment of any GI boreholes will determine the scope of further phases of archaeological works.

Public Engagement

As stated, the site may contain significant archaeological remains dating back to the medieval period. It is therefore considered important that a programme of public/community engagement is undertaken during development as part of the overall programme of archaeological works. The full the scope of which will be agreed with CECAS but may include site open days, viewing points, temporary interpretation boards, social media.

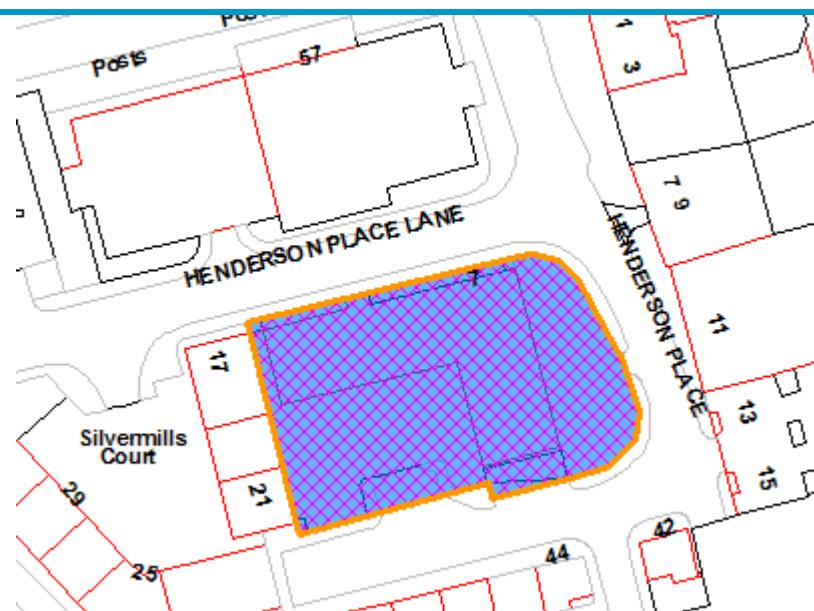
In granted permission it is recommended that the following condition, based upon the following CEC condition, is attached to secure this programme of archaeological work;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, 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 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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