

Development Management Sub Committee

Wednesday 12 January 2022

**Application for Conservation Area Consent 21/00248/CON
at 50 Pilrig Street, Edinburgh, EH6 5AL.
Complete demolition in a Conservation Area - demolition of
house and redevelopment to form apartment building with
associated garden ground and bin/cycle storage.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It complies with Local Development Plan policy Env 5 and is acceptable.

The demolition of the building and its garage will preserve the character of the conservation area as they do not make a positive contribution to the area's intrinsic character. The appearance of the conservation area will be enhanced by the demolition of an unattractive and incongruous building and replacement with a flatted block of good quality.

The proposal complies with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

HES, HEPS, HESCON, LDPP, LEN05, LEN06, NSG, NSLBCA, OTH, CRPPIL,

Report

Application for Conservation Area Consent 21/00248/CON at 50 Pilrig Street, Edinburgh, EH6 5AL. Complete demolition in a Conservation Area - demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage.

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 on the corner of Pilrig Street and Dryden Street. It is occupied by a two-storey detached house with large single storey rear extension. There is garden ground to the front, side and rear. A single garage is situated at the end of the back garden accessed from and slightly set back from Dryden Street. The site is bounded by a low painted render wall with railings on top on its Pilrig Street frontage which returns into Dryden Street and steps up along the gable frontage of the house and then steps up higher to bound the garden and is not painted. There is a mature tree at the bottom of the rear garden.

The street consists predominantly of two and a half storey stone Victorian and Georgian terraced townhouses. A modern four storey local authority constructed flatted block is opposite the application site on Pilrig Street. Opposite on Dryden Street is a three-storey red sandstone residential building. Further along Pilrig Street is Pilrig Park. Dryden Street contains mainly three and four storey blocks of modern flats and traditional tenements.

The neighbouring adjacent building, numbers 46 and 48 Pilrig Street, is a category B listed building (ref: LB29496 date of listing 25 November 1965).

The wider surrounding area is predominantly residential with shops and other facilities on nearby Leith Walk which is a busy thoroughfare with public transport routes and services. Pilrig Street has a frequent bus service with a route between Hyvots Bank and Ocean Terminal which travels through the city centre. This application site is located within the Pilrig Conservation Area.

2.2 Site History

1 October 2018 - application refused for erection of five storey building to form 8 residential apartments with associated parking and amenity space (application number 09/03284/FUL); and

19 January 2021 - application received for Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (application number 21/00246/FUL).

Main report

3.1 Description of the Proposal

The proposal is to demolish the existing house and build a six storey, including lower ground floor and penthouse levels, flatted development as detailed under application 21/00246/FUL.

Supporting Information

- Design Statement
- Supporting Planning Statement
- Car Parking Review

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

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 will adversely affect the character and appearance of the conservation area;
- b) the demolition is acceptable in relation to the building and its features of significance;
- c) the proposal replacement development is acceptable and
- d) the public comments have been addressed.

a) Character and Appearance of the Conservation Area

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.

The relevant policies within Local Development Plan (LDP) can also aid in the assessment of the proposals.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) states that proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations in Policy Env 2 (Listed Buildings - Demolition) relating to the condition of the building, the adequacy of efforts to retain or adapt the building and the merits of alternative proposals and whether the public benefits to be derived from allowing the demolition outweigh the loss.

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 does make a positive contribution. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement does make a positive contribution.

The Pilrig Conservation Area Character Appraisal states that the essential characteristics of the conservation area include:

predominance of residential use;

- most of the residential development is in the form of terraces;
- similarity of proportions and terraced forms provide a unity of character to the area;

- the variety of architectural styles that contribute to the overall character; and
- extensive use of a restricted palette of natural stone, slate and cast iron details.

The character appraisal acknowledges that whilst the area is mainly comprised of low rise residential development, there are a number of flatted properties of mainly three and four storeys.

The listed buildings affected by the proposed demolition are immediately adjacent to and opposite the application site. They mainly form terraces of two and a half storeys high and some have basements.

The building to be demolished is a detached two storey house with painted rendered walls. Its scale is not in keeping with the traditional stone terraces which form most of Pilrig Street. The building is unremarkable and is of no architectural merit. Whilst it is positioned on a corner plot, it does not contribute positively to the character and appearance of the conservation area individually or as part of the row of townhouses along Pilrig Street.

Historic Environment Scotland was consulted on the proposal and raised no comment.

The City's Archaeologist has advised that the current house occupying the site dates to immediately after the Second World War and that given this date and nature of the building it has been concluded that its loss would not have a significant archaeological impact.

A proposal for a five storey building to form 8 residential apartments was approved subject to the conclusion of a legal agreement by the Committee on 9 March 2011 (application number 09/03284/FUL). Application 09/03284/FUL application was refused in September 2018 because the legal agreement was not signed. There was no parallel Conservation Area Consent application, however, had the development been implemented, it would have required the demolition of the existing building.

The loss of the buildings will not have an impact on the character and appearance of the conservation area and therefore its demolition is acceptable.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

b) The building and its features of significance

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.

The whole building will be demolished as well as the garage to the rear. Although the building is an example of its time in terms of architecture and is recognised locally in the street as being on the corner of Pilrig Street and Dryden Street, it has no special features of special architectural interest and any historic interest.

c) 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.

The proposals for the redevelopment of the site are recommended for grant under application 21/00246/FUL. The flats proposed for the site represent a high quality development which will make a positive contribution to the conservation area.

d) Public Comments

Material comments - objections

- impact on conservation area and historic environment. Addressed in 3.3a).
- loss of landmark building. Addressed in 3.3b).
- design of development. This is assessed in the conterminous planning application.

Non material comments

- disruption of construction works. This is not relevant to conservation area consent which is purely for the demolition of the unlisted building.
- unnecessary development. As above.
- design and scale. As above.
- needs to fit and enhance terrace. As above.
- sense of place lessened and loss of landmark building. As above.
- loss of sense of space and openness. As above.
- inappropriate materials. As above.
- residential amenity - overlooking and privacy impacts. As above.
- loss of views. As above.
- loss of daylight and sunlight; overshadowing. As above.
- size of units. As above.
- amount of and useable green space. As above.
- encourage wildlife and biodiversity. As above.
- insufficient parking and traffic congestion. As above.
- impact on flooding. As above.
- impact on local public health facilities. As above.
- unsustainable, not sustainable building and not carbon neutral. As above.
- adapted or developed for future need. As above.
- refuse bins. As above.
- existing refuse and communal waste bins and usage. As above.
- -vermin at refuse bins. As above and this is a matter for Environmental Protection.
- -crossing points and residents parking permits. As Above and this is the responsibility of the Roads Authority.
- -boundary wall structurally dangerous and at risk of collapse. This is the responsibility of the owner.
- -ownership of flats. As above.
- will not provide affordable accommodation. As above.

- making a profit from the development. As above.
- -boundary wall structurally dangerous and at risk of collapse. This is the responsibility of the owner.
- Edinburgh City Council could propose something that would benefit the community. The development is not a proposal by the Council. The Council as planning authority is required to consider and determine the application in front of it as required by the planning legislation.
- consultation - this type of application does not require public consultation.
- accuracy of information in background papers. These provide supplementary information. Only the drawings will be approved, should permission be granted.
- neighbour notification not received. Neighbour notification is not required for Conservation Area Consent applications.

Community Council Comments

The community council objected to the application and the themes of the objection are included in the objections section above.

CONCLUSION

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It complies with Local Development Plan policy Env 5 and is acceptable.

The demolition of the building and its garage will preserve the character and appearance of the conservation area as they do not make a positive contribution to the area's intrinsic character. The appearance of the conservation area will be enhanced by the demolition of an unattractive and incongruous building and replacement with a flatted block flats which preserves the character or appearance of the conservation area.

The proposal complies with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

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 development 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:

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 5 February 2021 and 51 public comments were received. Of these 48 were objections and 2 were support comments. The Community Council submitted objection comments.

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 - conservation area.

Date registered

19 January 2021

Drawing numbers/Scheme

01,02,03,04,05A,06A,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer

E-mail:jackie.mcinnnes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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.

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.

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.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in 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.

Other Relevant policy guidance

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

Appendix 1

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Consultations

Historic Environment Scotland

Thank you for your consultation which we received on 27 January 2021. The proposals affect the following:

Ref 100018198

Name Pilrig

Designation Type Conservation Areas

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments 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.

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.enginshed.org.

As this application involves the demolition of an unlisted building 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/threatenedbuildings-survey-programme.

Please contact us if you have any questions about this response. The officer managing this case is Gordon Mackie who can be contacted by phone on 0131 668 8628 or by email on Gordon.Mackie@hes.scot.

Archaeologist

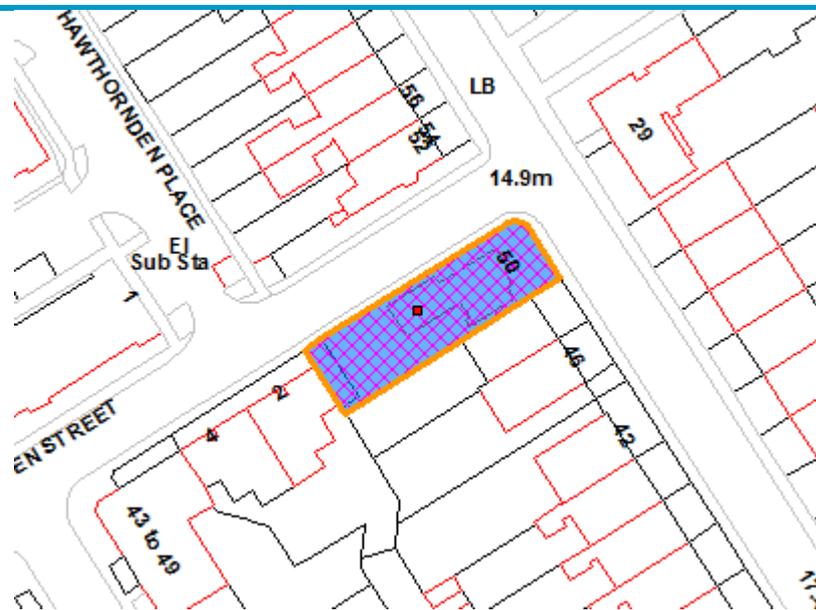
Further to your consultation request I would like to make the following comments and recommendations concerning these linked applications for the demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage

The current house occupying the site dates to immediately after the Second World War. Given this date and nature of the building it has been concluded that its loss would not have a significant archaeological impact.

Similarly, given the scale of development on this site and its location, it has been concluded that it is unlikely that significant insitu buried remains will be impacted upon by either application.

Please contact me if you require any further information.

Location Plan



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