

# Development Management Sub Committee

Wednesday 26 January 2022

**Application for Conservation Area Consent 20/04133/CON  
at 17 Spey Street Lane, Edinburgh, EH7 4PZ.  
Demolish the existing garage structure.**

Item number

Report number

Wards

B12 - Leith Walk

## Summary

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The demolition of the existing building is acceptable as it is not of special architectural or historical interest. It is of a functional appearance and its removal will have a neutral impact on the character and appearance of the conservation area.

The proposal complies with Section 64(1) and Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN05, NSG, NSLBCA, CRPPIL, HES, HESSET, HESCON,

# Report

## **Application for Conservation Area Consent 20/04133/CON at 17 Spey Street Lane, Edinburgh, EH7 4PZ. Demolish the existing garage structure.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The proposal site is a single storey garage located on the south-west side of Spey Street Lane. The building is currently vacant, last in use as a car mechanics workshop.

The building is of a functional appearance. External materials include a corrugated iron flat roof with brick walls externally finished in a light render facing onto the lane. It occupies the whole footprint of the site.

The lane comprises primarily of single and two-storey garages and workshops of varying scale and form. Industrial uses are present here including units occupied by a joiners, mechanics and polishing workshops. Domestic garages are also evident on the other side of the lane.

The wider area is of mixed character. Primarily residential, with tenement flatted properties on Spey Terrace to the south-west. Communal gardens of the nearest tenements border the site.

A classical terrace of listed town houses is located on Pilrig Street to the north-east containing a mix of residential dwellings and converted guesthouses. These properties contain long gardens which mainly border buildings at the rear facing onto the lane.

This application site is located within the Pilrig Conservation Area.

#### **2.2 Site History**

29 September 2020 - Planning application submitted to demolish existing garage and erect two-storey residential dwelling house (application reference: 20/04132/FUL). Pending decision.

## Main report

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### 3.1 Description of the Proposal

Demolish single storey garage.

#### Supporting Documents

Design statement

This document is available to view on the Planning Portal.

### 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 affects the setting of the building or any features of special architectural or historic interest which it possesses;
- c) the replacement building is acceptable;
- d) comments raised have been addressed

#### a) 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."*

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 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.

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

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 does make a positive contribution.

The existing building is a single storey garage last in use as a car mechanics workshop. It is of a functional design, with a corrugated iron flat roof and brick walls with a light render facing onto the lane.

It is recognised the building is located adjacent to similar industrial garages on the lane. However in regard to the above, the appearance of the building is utilitarian and the structure is not of historical significance in regard to the historic environment. It does not make a positive contribution to the character and appearance of the conservation area and its removal will therefore have a neutral impact.

The loss of the existing industrial use and potential impact on adjacent uses is not a material consideration in terms of conservation area consent which only centres on the impact on the character and appearance of the conservation area. The proposed use is addressed under the application for planning permission.

Historic Environment Scotland have not objected to the proposal.

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.

#### 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 building to be demolished has no features of special architectural interest or historical interest. Its removal is therefore acceptable under this section of the Act.

The proposal is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### 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 20/04132/FUL. The proposed residential dwelling is a high-quality development which will make a positive contribution to the conservation area.

#### d) Representations

##### **Material Comments- Objections**

•Adverse impact on Character and Appearance of Conservation Area - Addressed in the above report.;

##### **Non-Material Comments- Objections**

- Impact on local businesses, contrary to LDP policy Emp 9 - Impact of the proposal on business use cannot be assessed under this CON application. Policy Emp 9 has been assessed under the concurrent planning application.;
- Impact on bats, contrary to LDP policy Env 16 - Assessed under concurrent planning application. ;
- Impact on important or vulnerable uses, contrary to LDP policy Hou 5 - Assessed under concurrent planning application. ;
- Contrary to LDP policy Des 1 - Assessed under concurrent planning application.
- Contrary to LDP policy Env 6 - Assessed under concurrent planning application.
- Noise implications - Assessed under concurrent planning application. ;
- Gentrification process - This matter cannot materially be assessed this application. ;

## **Conclusion**

The demolition of the existing building is acceptable as it is not of special architectural interest or historical interest. It is of a functional appearance and its loss will preserve the character or appearance of the conservation area.

The proposal complies with Section 64(1) and Section 66 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**

### **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**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Six representations (objections) have been received.

### **Background reading/external references**

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- 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**

Edinburgh Local Development Plan - Urban Area

**Date registered**

29 September 2020

**Drawing numbers/Scheme**

01-04,

Scheme 1

**David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**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.

**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 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.



## **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.

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 20/04133/CON at 17 Spey Street Lane, Edinburgh, EH7 4PZ. Demolish the existing garage structure.

### Consultations

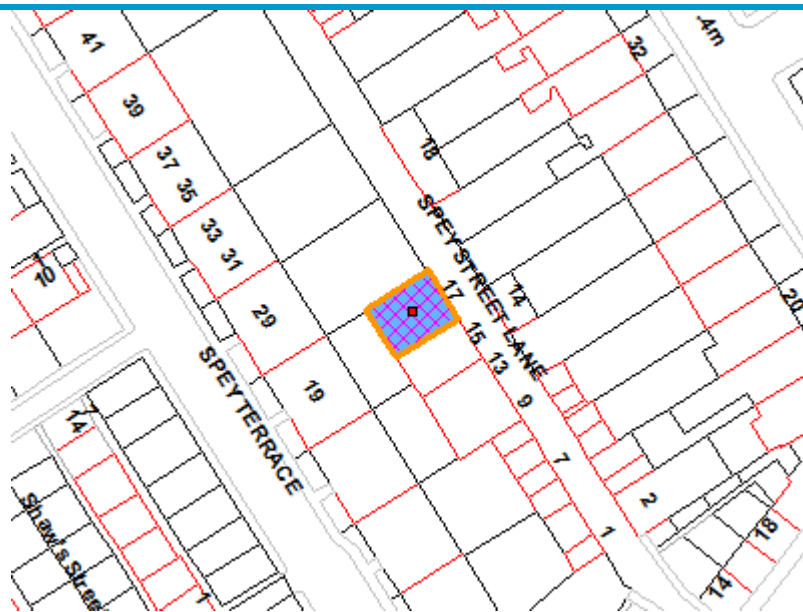
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#### Historic Environment Scotland:

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.

### Location Plan

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