

Development Management Sub-Committee Report

Wednesday 30 March 2022

**Application for Conservation Area Consent
4B East Newington Place, Edinburgh, EH9 1QP.**

Proposal: Demolish the existing building.

**Item – Committee Decision
Application Number – 21/06471/CON
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee because thirty-five letters of objection were received. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub Committee.

Recommendation

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

Summary

The demolition of the existing building is acceptable in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance as it does not make a positive contribution to the area and the proposed replacement building will preserve the character and appearance of the conservation area. The proposal therefore is acceptable with regard to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

SECTION A – Application Background

Site Description

The application site is located on the land at 4B East Newington Place, Newington; a mixed-use neighbourhood located to the south of Edinburgh city centre to the east of the main thoroughfare of Newington Road. It lies within the Southside Conservation area. The application site is 768m².

The site is currently occupied by a series of single storey garages and workshops. The single storey garages sit on the entirety of the site and are of a steel frame construction with a brick and roughcast render finish.

The site itself is bounded by residential uses to the north, south and west; and student houses and a cemetery to the east.

There is an array of building heights around the site ranging from one storey to five storeys. Generally the buildings adjacent to the site are two to four storeys high with proportions commensurate with typical Georgian properties. The townhouses on Newington Place that open on to East Newington Place are between four and five storeys in height.

The Site is situated adjacent/in close proximity to several category B listed buildings, the locations of which are shown on the Heritage Asset Plan included in the heritage statement which has been submitted with the application. The listed buildings in question are as follows:

- Category 'B' listed LB27934 31 East Preston Street and Dalkeith Road, Newington Old Burial Ground, including Boundary Walls and Watchtower. The burial ground and its walls are directly to the east of the site.
- Category 'B' listed LB29403 1-3 (Inclusive Nos) East Newington Place, including Boundary Walls. These three buildings are directly across the street from the site, to the north.
- Category 'B' listed LB29406 Newington Road, 39-47 (odd nos) , 53-73 (odd nos) and 4 East Newington Place. These are the buildings to the west and south west of the site.
- Category 'B' listed LB43160 29-33 Newington Road, former Royal Bank of Scotland. These are the buildings to the north west of the site, on the corner of East Newington Place and Newington Road.
- Category 'B' listed LB29405 1-27 (odd nos) , 35, 37 Newington Road and 1, 3 East Preston Street including boundary walls. These are buildings that line Newington Road and East Preston Street to the north-west of the site.

Description Of The Proposal

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

An associated application for planning permission (21/06470/FUL) has been submitted to demolish the existing building on the site and erection of purpose built student accommodation, with 65 units, ancillary uses and associated infrastructure.

Supporting Information

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

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

Relevant Site History

21/06470/FUL

4B East Newington Place

Edinburgh

EH9 1QP

Demolish existing building and erection of purpose built student accommodation, ancillary uses and associated infrastructure.

Other Relevant Site History

No other relevant site history

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 January 2022;

Site Notices Date(s): 23 December 2021;

Number of Contributors: 35

Section B - Assessment

Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") 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. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The application site lies within the defined Southside Conservation Area.

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.*

The Southside Conservation Area Character Appraisal statement of significance states *The South Side is one of the most historically and architecturally important parts of Edinburgh with a rich mixture of stages of development and an abundance of heritage interest.*

In 1766, Edinburgh made its first ambitious expansion beyond the city walls with the development of the architecturally unified George Square. The construction of North Bridge in 1772, followed by South Bridge in 1788 was a major factor in the continuing development of the area. In the fifties and sixties, the South Side was changed by slum clearance programmes and the expansion plans of the University. Large parts of the area were also blighted by uncertainty over road proposals. The designation of the South Side Conservation Area in 1975 reversed the wave of demolition, resulted in the regeneration of the area and the retention of much of its historic identity. Despite the many changes to the South Side; the history, architectural heritage and mix of communities in the area make it one of the most significant parts of the city.

It further states Building heights vary across the area from two-and-a-half to five storeys, with an average height of four storeys. As with the rest of the South Side, all buildings erected up to the Second World War are of stone construction with pitched slated roofs. More recent buildings, from the 1980s onwards, tend to use a blockwork or a harled finish. Brick buildings are not so common in this area, as in the rest of the Conservation Area. However, the triangular block formed by Sciennes and Causewayside has been fully redeveloped with brick finished flats.

The existing garage buildings on the site do not contribute to the character or appearance of the conservation area. They have a white rendered wall finish with large metal doors with a mixture of flat and pitched roofs. Some are slated, whilst another roof appears to be covered in corrugated concrete asbestos.

Planning application (21/06470/FUL) has been submitted for a replacement building on the site. The proposed building will be four storeys in height, which as the Conservation Area Character Appraisal notes is a characteristic height for the area. It will also be lower in height than the buildings that line Newington Road nearby. The proposal will have a mansard roof which is also a feature on some nearby tenements, including those on nearby South Oxford Street. The proposals walls to the principle and visible side elevations will largely be finished in blond ashlar stone, whilst its roof shall be finished in slates. The windows proposed will be dark metal framed. Dummy windows are proposed on the west elevation to provide some articulation without causing privacy issues. The replacement building will enhance the character of the area.

Historic Environment Scotland were consulted as part of the assessment of the application. It had no objections or comments to make.

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.

Conclusion in relation to the conservation area

Overall the proposal will preserve and enhance the character and appearance of the defined conservation area and it therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The demolition of the existing building is also acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 3, Env 5 and Env 6.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering the above policies.

Impact on setting of listed buildings

LDP policy Env 3 (Listed Buildings-Setting) states that development within the curtilage or affecting the setting of listed buildings will be permitted only if not detrimental to the architectural character, appearance or historical interest of the listed building, or its setting.

As explained in section (a) the proposal will have no detrimental effect on the setting of nearby and adjacent B listed buildings. The development complies with LDP policy Env 3.

Impact on character and appearance of the conservation area

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. Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

LDP policy Env 6 (Conservation Areas- Development) states that development within a conservation area will be permitted which:

- (a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.
- (b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute to the character of the area; and
- (c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

Paragraph 175 of the LDP states that applications for demolition will be permitted only where this does not erode the character and appearance of the conservation area.

As explained in section (a) the existing building does not make a positive contribution to the character of the conservation area. As detailed in the committee report for planning application 21/06470/FUL, the proposals would enable the development of the site in a coherent, sustainable and positive way. The proposed development will preserve the character and appearance of the conservation area, it will preserve trees, demonstrates high standards of design and utilises materials appropriate to the historic environment.

The development complies with LDP policy Env 5 and Env 6.

Conclusion in relation to the Development Plan

The application complies with the relevant policies contained within the adopted LDP. There are no material planning considerations that would justify the refusal of the application.

c) There are any other material considerations which must be addressed.

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The application site is positioned in a highly sustainable location, with good access to active travel and public transport. It is also the re-use of a brownfield site. The existing buildings within the site are garages with weak roofs and would not be suitable for conversion. The use of the site, in an area which shall enable students to walk to classes shall help minimise any carbon produced through the construction of the development.

The proposal complies with the relevant sustainability principles set out in SPP.

The proposal complies with Paragraph 29 of the SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

Southside Community Council

- The proposed building will not preserve or enhance the character of the street. This is addressed in section a, b and c.
- The proposal will dominate the listed townhouses opposite. This is addressed in section a.
- Permission should be granted for new development before the existing buildings are demolished. This is addressed in section b.
- The other Community Council comments regarding the proposed new development are addressed in the report for the accompanying application for planning permission (reference 21/06470/FUL).
- *material considerations*
- Contrary to LDP policies Env 3, Env 5 and Env 6. This is addressed in section c
- Permission should be granted for new development before the existing buildings are demolished. This is addressed in section b.
- Does not comply with the policies contained within the proposed Edinburgh City Plan 2030. This is addressed in section d.

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):

non-material considerations

- the demolition of the existing building is not sustainable in terms of CO2 generation;
- the development will result in noise and disturbance and loss of privacy and sunlight and daylighting for neighbouring residents.
- Traffic and road and pedestrian safety concerns
- Impact on views
- Student overpopulation of area
- Would set a precedence
- Impact on services and healthcare
- Health and safety related to demolition and construction
- Overdevelopment of site

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The demolition of the existing building is acceptable in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance as it does not make a positive contribution to the area and the proposed replacement building will preserve the character and appearance of the conservation area. The proposal is therefore acceptable with regards to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, excavation, reporting & analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. 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 21/06470/FUL

Reasons:-

1. To protect the features of archaeological interest within and surrounding the site.
2. 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. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. Please note 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 9 December 2021

Drawing Numbers/Scheme

01-13

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
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Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: It is recommended that this is secured by a separate condition as follows;

'No demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological conservation plan relating to the adjacent section of the listed St Cuthbert's Newington Graveyard wall and associated memorials which has been submitted by the applicant and approved by the Planning Authority

DATE: 7 March 2022

NAME: Historic Environment Scotland

COMMENT: 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.

DATE: 7 March 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan

