

Development Management Sub-Committee Report

Wednesday 29 June 2022

**Application for Conservation Area Consent
The Forts, 3 Hawes Brae, South Queensferry**

Proposal: Complete Demolition in a Conservation Area.

**Item – Other Item at Committee
Application Number – 22/00359/CON
Ward – B01 - Almond**

Reasons for Referral to Committee

The proposed demolition affects buildings on a site that contains an iconic category A listed building and there is an associated application for planning permission that has received more than six objections. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

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 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

SECTION A – Application Background

Site Description

The site measures 3.48 hectares and comprises the southern section of the Forth Bridge, as far as the top of the first cantilever, and former Network Rail depot site at the south end of the Bridge to the east and west of the approaching viaduct. The land is located on the eastern side of South Queensferry, to the east of the Forth Bridge and to the south of Hawes Brae.

The Forth Bridge is a category A listed building, completed in 1890 (reference LB40370, listed on 18 June 1997.)

UNESCO inscribed the Forth Bridge as a World Heritage Site on 5 July 2015. The bridge has a statement of Outstanding Universal Value and a Management Plan.

Dalmeny Battery, a reinforced concrete coastal defence building, dating from circa 1903, is situated within the eastern section of the former Network Rail depot site and within the garden ground of a modern bungalow known as "The Forts", currently in use as a rented residence. The Battery is category A listed (reference LB52469, listed on 9 May 2018), excluding the engine house, oil store and caretaker's quarters to the east, and boundary railings. There are outbuildings associated with The Forts, including a swimming pool and car port and the extensive garden contains a group of substantial trees in the western section.

The Dalmeny Estate, a Designed Landscape, lies further east beyond the site boundary, (reference GDL00130, added to the inventory 1 July 1987).

The application site is within Queensferry Conservation Area.

Description of the Proposal

The application proposes the demolition of two of the four existing outbuildings of The Forts dwelling.

A parallel application has been submitted for planning permission for the development of a Forth Bridge Walk, including a reception hub building, new sections of bridge access system, new viewing platforms, alterations to the Dalmeny Battery, demolition of two outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian accesses (application reference 22/00358/FUL).

Supporting Information

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

Relevant Site History

19/04116/FUL
Forth Rail Bridge
Hawes Brae
South Queensferry

Development of a Forth Bridge Walk Reception Centre; new sections of bridge access system; new viewing platforms; associated car parking; landscaping; servicing and alterations to existing vehicular and pedestrian accesses. (as amended)

Granted
6 April 2020

19/04117/CON
Forth Rail Bridge
Hawes Brae
South Queensferry

To demolish 2x ancillary buildings of residential property to make way for proposed development of Forth Bridge Experience
Granted
6 April 2020

Other Relevant Site History

Not applicable.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

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): 11 February 2022;

Site Notices Date(s): 8 February 2022;

Number of Contributors: 0

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) Demolition of buildings 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.*

The two outbuildings to be demolished are modern, comprising a single storey, red brick constructed, flat-roofed building housing a swimming pool and a single storey, steel framed, car port with a polycarbonate roof. Neither of these structures is of any historic or architectural significance and make a neutral contribution to the character of the conservation area. Their removal is acceptable in principle to form an access road to The Forts dwelling, which is to be converted into a staff office, and proposed car park associated with the new Forth Bridge experience.

The proposed soft landscaping of part of the swimming pool site to the east of the Dalmeny Battery and upgrading of the house and remaining outbuildings will make a positive contribution to the site.

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 demolition and replacement

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

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

The Queensferry Conservation Area Character Appraisal identifies the importance of the medieval core, the settlement pattern of stone-built houses with their lang riggs, and the strong Scots vernacular character of the architecture as key characteristics of the conservation area, along with its outstanding landmarks of The Forth Bridge and Forth which dominate the town and wider area with their sheer scale and presence.

The buildings to be demolished are located within the south-east section of the application site which is at the south-west edge of the conservation area within an open space below the Forth Bridge piers and extending westwards.

As detailed in the assessment for the parallel planning application (reference 22/00358/FUL), the demolition of these two outbuildings would enable the development of the site in a coherent and positive way. The replacement hard and soft landscaping is appropriately designed and specified in terms of the overall characteristics of the site.

Conclusion in relation to the conservation area

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) there are any other matters to consider?

The following matters have been identified for consideration:

Archaeological remains

The site lies within an area of considerable archaeological significance in terms of its 20th century military history and railway heritage.

A condition has been applied to the parallel application for planning permission to ensure that a programme of archaeological work is undertaken to ensure that any significant archaeological remains are conserved appropriately.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. The demolition of the buildings will enable the formation of improved access routes into the site and its facilities for people with mobility issues.

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

No comments have been received.

Conclusion in relation to other matters considered

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

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 22/00358/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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 27 January 2022

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

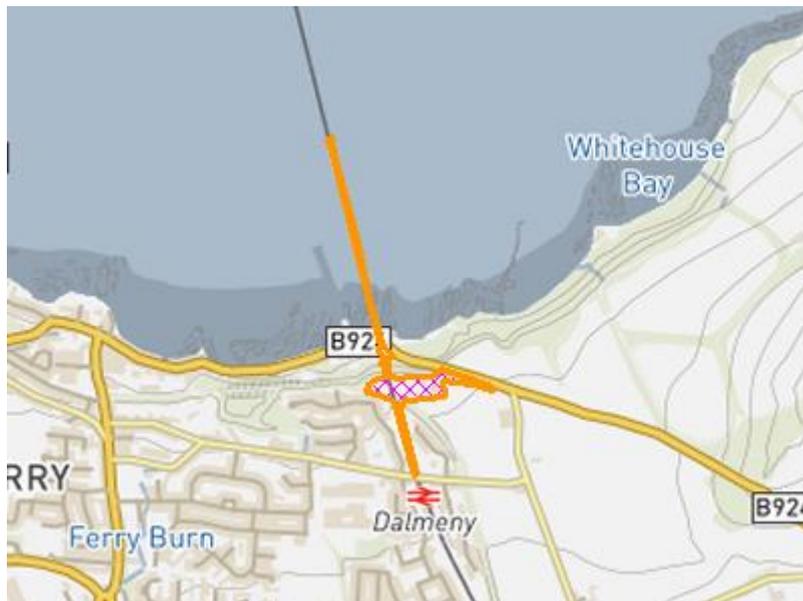
NAME: Historic Environment Scotland

COMMENT: Historic Environment Scotland has considered the information received and does not have any comments to make on the proposals.

DATE:

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

Location Plan



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