

Development Management Sub-Committee Report

Wednesday 17 August 2022

**Application for Conservation Area Consent
6 Cowan's Close, Street Cleansing Depot, Edinburgh.**

Proposal: Complete Demolition in a Conservation Area.

**Item – Delegated Decision
Application Number – 22/00841/CON
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. 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 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5.

SECTION A – Application Background

Site Description

The application site is a Council depot on the west side of Cowan's Close, a cul-de-sac, which backs onto the rear of Clerk Street.

A single storey building sits at the back of the plot at the southern end with the bulk of the site being tarmac and used for parking and storage. There are also portacabins on the site.

The site is bounded on the front by a high timber fence and two sets of high metal gates, to the south side and rear (west side) by a stone wall and to the north side by a building. On the south and southern end of the west of the site there are trees just over the boundaries.

The street and surrounding area are predominantly residential although there is a mix of uses including shops and other commercial uses at ground floor level in Clerk Street, a nursery opposite the site and hotels nearby.

The buildings to the rear and south are listed buildings. There are Georgian tenements at 20-44 Clerk Street & 2-6 Rankeillor Street to the west and 8-52 Rankeillor Street to the south are category B listed buildings (date of listing: 14/12/1970, listing references: LB28548 & LB29605).

The application site is in South Side Conservation Area.

Description Of The Proposal

The proposal is to demolish the existing building on the site.

Supporting Information

- Heritage Statement

Relevant Site History

21/06745/FUL
6 Cowan's Close
Edinburgh
EH8 9HF

Replace the single storey street cleansing office and car park with a 4 storey residential block including amenity space and planting space for both tenants and the nursery opposite.

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

HES

Archaeology

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): 4 March 2022;

Site Notices Date(s): 1 March 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) 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 building enhances or preserves the character of the area. If it does make a positive contribution, consideration of Policy Env 2 (Listed Buildings - Demolition) is required to be taken into account.

Historical information shows that a new access into Cowan's Close was formed by 1932, the buildings on the west side had been cleared and the existing service building had been constructed on the development site. The existing building does not contribute positively to the character and appearance of the conservation area. It has no features of special architectural or historic interest.

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 21/06745/FUL. The flats proposed for the site represent a high quality development which will make a positive contribution to the conservation area.

A condition is recommended to ensure that the building is 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 South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area. It states that 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.

The demolition of the existing building will not have an adverse impact on the character or appearance of the conservation area. Currently the site does not contribute to the qualities described in the character appraisal and the architectural character of the building does not contribute to the amenity of the conservation area.

c) Public Comments

No comments were received.

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.

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 21/06745/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: 22 February 2022

Drawing Numbers/Scheme

01,02.

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

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Summary of Consultation Responses

NAME: HES

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: 10 March 2022

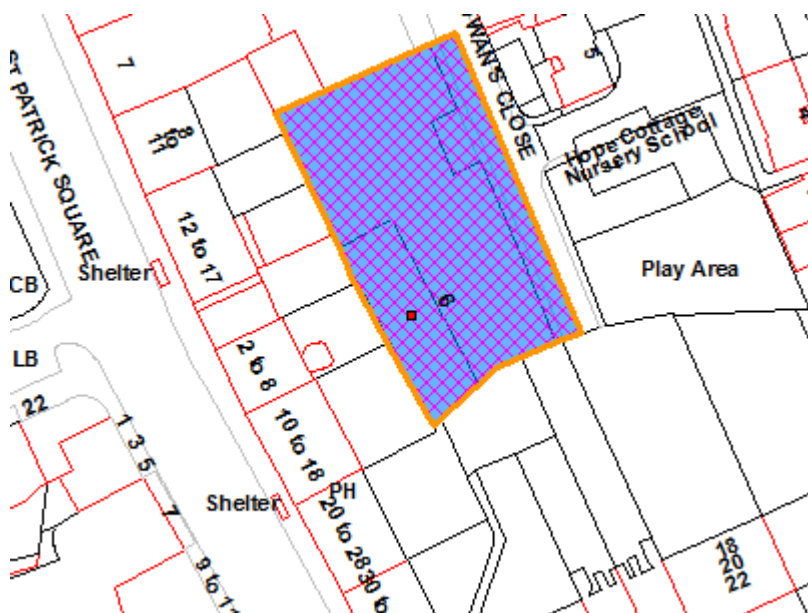
NAME: Archaeology

COMMENT: It is recommended that a programme of archaeological work is carried out to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken. This will require a phased archaeological programme of works. The initial phase will be the demolition of any structures to ground level followed by the undertaking of an archaeological evaluation of the site (10%) the results of which will inform the scope of secondary mitigation.

DATE: 3 March 2022

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

Location Plan



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