

# Development Management Sub Committee

Wednesday 6 November 2019

## Application for Conservation Area Consent 19/00437/CON At Deanbank, 35 & 35B Canaan Lane, Edinburgh Demolish the existing Oaklands Care Home.

Item number

Report number

Wards

B10 - Morningside

### Summary

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The removal of the unlisted care home building on the site to allow for the redevelopment proposal is acceptable. The demolition will not have an adverse impact on the character or appearance of the Grange Conservation Area as the building does not make a valuable contribution. The demolition is in accordance with Government guidance and policy Env 5 of the LDP.

### Links

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[Policies and guidance for this application](#)

HESCAC, LDPP, LEN05, NSG, CRPGRA,

# Report

## **Application for Conservation Area Consent 19/00437/CON At Deanbank, 35 & 35B Canaan Lane, Edinburgh Demolish the existing Oaklands Care Home.**

### **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 site is located within the Morningside area of the city and is approximately 0.95 hectares in area. The site is presently occupied by the existing South Morningside Primary School Deanbank House annexe and Oaklands care home. To the immediate west and south of the site are residential properties and to the north and east are other buildings used for education. The site is enclosed on the south along Canaan Lane by a stone boundary wall. The site benefits from an extensive number of trees, particularly along Canaan Lane to the south and along the western boundary of the site.

The application site is situated within the south western part of the Grange Conservation Area, close to the boundary with Morningside Conservation Area. This area of Canaan Lane has less of a uniform appearance; it contains a mix of buildings and periods, as well as various materials. However, it is defined by stone boundary walls.

The care home building - which is proposed for demolition - is a purpose built care home from approximately the 1970s. It comprises two buildings which run horizontal and connected by a central building which runs vertically. These are a mix of single and double storey buildings which are finished in brick with a pitched slate roof.

The site is currently accessed from Canaan Lane with an access road that serves Deanbank House and the care home.

This application site is located within the Grange Conservation Area.

## **2.2 Site History**

10 July 2015 - Enforcement investigation regarding the alleged unauthorised alterations to the boundary wall. Investigation closed with no breach identified (case reference 15/00346/EOPDEV).

7 July 2017 - Works constitute permitted development with respect to re-alignment of the existing road entrance to Deanbank Annexe (planning reference 17/02119/FUL).

Pending consideration - Planning application to demolish the existing care home and erect a new primary school and nursery including refurbishment of Deanbank House and associated works (planning reference 19/00435/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposals are for the demolition of the unlisted Oaklands care home building situated on the south eastern section of the site.

The demolition is proposed in order to facilitate the proposed development works detailed in planning application reference 19/00435/FUL.

### **3.2 Determining Issues**

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 loss of the building will adversely affect the character or appearance of the conservation area;
- b) the proposed replacement building is acceptable; and
- c) comments raised have been addressed.

## **a) Impact of the Loss of the Buildings on the Conservation Area**

Historic Environment Scotland (HES) has produced 'Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent' (April 2019) which outlines criteria to assess the acceptability of the demolition of an unlisted building within a conservation area. The guidance states the following points:

- *In deciding whether conservation area consent should be granted, planning authorities should therefore take account of 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.*
- *In some cases, 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. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.*
- *Decision makers are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications (Scottish Planning Policy, paragraph 143).*

Edinburgh Local Development Plan (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 building enhances or preserves the character of the conservation area.

The Grange Conservation Area Character Appraisal emphasises *"the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape."*

### **Importance of the building**

The building proposed for demolition is a purpose-built care home. The complex is made up of single and double storey buildings finished in brick with a pitched slate roof. It is set back from the boundary wall and largely screened from the street by trees. The building's modest scale and form allows it to sit comfortably within the site and discreetly within the conservation area.

With regards to the use of the site, the care home provided 24 hour care for elderly residents. This area of the Grange Conservation area is characterised by a mix of uses, particularly educational and health institutions as well as mainstream residential properties. The use of the site as a care home contributes to the character on the conservation area.

The building itself is not of significant importance to require retention as it does not make a valuable contribution to the character or appearance of the Grange Conservation Area. The removal of the building will preserve the character and appearance of the conservation area. The proposals comply with Government guidance and LDP Policy Env 5.

### **b) Replacement Building**

LDP Policy Env 5 states that 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. The replacement scheme is the subject of the concurrent planning application (19/00435/FUL).

The scheme demonstrates an appropriate use, scale and form of replacement development. The loss of the existing building has been justified as the replacement building enhances the character and appearance of the conservation area and complies with Government guidance LDP Policy Env 5 Conservation Areas - Demolition of Buildings.

### **c) Public Comments**

#### **Material Considerations - Support**

- the provision of a primary school and nursery within the area is needed and this is an appropriate site.

#### **Non-Material Considerations**

- concerns over lack of construction traffic management plan and demolition management plan - this is considered in the parallel FUL application (planning reference 19/00435/FUL); and
- disruption to Deanbank House (used by children attending South Morningside Primary School) from construction - not a planning consideration.

### **Conclusion**

In conclusion, the removal of the unlisted care home building on the site to allow for the redevelopment proposal is acceptable. The demolition will not have an adverse impact on the character or appearance of the Grange Conservation Area as the building does not make a valuable contribution. The demolition is in accordance with Government guidance and policy Env 5 of the LDP. 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**

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.

#### **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.

### **Financial impact**

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

The application is a Council development.

### **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 is not subject to 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

The application received 11 letters of representation, 10 objections and 1 letter of support. The comments raised will be addressed in the main assessment section of the report.

### 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  
The site also lies within the Grange Conservation Area

**Date registered**

1 February 2019

**Drawing numbers/Scheme**

01-03,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:**

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

**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**

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity

resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

# Appendix 1

## **Application for Conservation Area Consent 19/00437/CON At Deanbank, 35 & 35B Canaan Lane, Edinburgh Demolish the existing Oaklands Care Home.**

### **Consultations**

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#### **Historic Environment Scotland Response**

##### 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 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/](http://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.englished.org](http://www.englished.org).

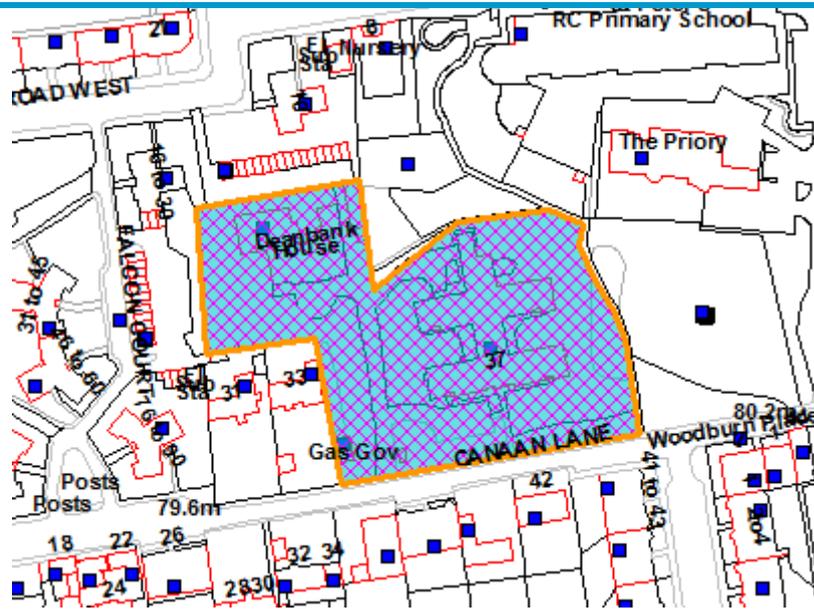
#### **Archaeology Response**

The site probably formed part of the southern medieval burghmuir, an area associated with the mustering of the Scottish Army before the Battle of Flodden in 1513. The care home site remained open ground until the late 20th century and its construction, whereas the site of Deanbank House has been occupied by a number of villas since the mid-19th century.

Given the significant impact of the care home it has been concluded that that site has minimal potential for containing insitu significant remains. Therefore, it has been concluded that there are no known archaeological implications regarding these applications.

## Location Plan

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