

# Development Management Sub Committee

**Wednesday 20 November 2019**

**Application for Listed Building Consent 19/04054/LBC  
At Robert Burns Statue, Bernard Street, Edinburgh  
The works will comprise of the careful dismantling,  
relocation and rebuild of the Robert Burns monument.**

**Item number**

**Report number**

**Wards**

B13 - Leith

## **Summary**

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The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building.

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The dismantling and relocation of the Robert Burns statue will have no adverse impacts on the long term integrity of the listed building or its setting. Whilst the proposal seeks the statue to be fully dismantled, it will be restored and rebuilt in a nearby location, ensuring preservation. The new location will be within an enhanced area of public realm with the statue acting as a focal point. There will be no adverse impacts on the character or appearance of Leith Conservation Area.

The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

HEPS, LDPP, LEN02, LEN03, LEN04, LEN06, NSG, NSLBCA, CRPLEI, TDM,

# Report

**Application for Listed Building Consent 19/04054/LBC at Robert Burns Statue, Bernard Street, Edinburgh. The works will comprise of the careful dismantling, relocation and rebuild of the Robert Burns monument.**

## 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 Robert Burns Statue is located at the junction of Bernard Street and Constitution Street on a triangular area of paving slabs (Map ref: (E)327283, (N)676436). The statue is Category B listed (LB26769, listed on 12/12/1974) and was erected in 1898 by Leith Burns Club. The statue has a red sandstone base and granite plinth and all are currently in good condition.

The statue forms a landmark in the local area and is clearly visible from key axial views from north to south along Constitution Street, and from east to west (Baltic Street to Bernard Street). It forms an important and integral element of the character of Leith's Conservation Area.

The surrounding area comprises a variety of mixed uses; residential, retail and commercial. There is a variety of iconic architecture in the area and most of the buildings are Category A or B listed, ranging from two to five storeys.

This application site is located within the Leith Conservation Area.

### 2.2 Site History

04.07.2008 Application approved for the erection of 2 tramlines, including Tram stop, shelter, Overhead Line Equipment (OLE) poles and building fixings, street lighting and relocation of bus shelters for the Edinburgh Tram Network (Ref: 08/01847/PA).

31.10.2008 Application approved for the relocation of the Robert Burns statue (Ref: 08/01876/LBC).

## Main report

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### 3.1 Description of the Proposal

The proposal seeks to dismantle and relocate the Robert Burns statue to allow for the construction of the Edinburgh Tram York Place to Newhaven extension. The statue would be relocated approximately two metres to the west of the existing location. The statue is identified as a Schedule 10 building under the Edinburgh Tram (Line One) Act 2006 which states that no tram equipment shall be attached to the structure without listed building consent being obtained. The statue requires to be relocated as part of the tram construction works to facilitate new traffic management arrangements and incorporate it within the Bernard Street public realm.

As part of the tram works public realm enhancements are planned for Bernard Street which will allow the area to become a useable public space with the statue acting as the main focal point. The statue will be lit with in-ground uplighters in the evenings.

A full step by step guide as to how the statue will be dismantled, relocated and rebuilt is contained within a Method Statement submitted as part of the application.

#### Supporting information

The following documents were submitted in support of the application:

- Method Statement;
- Design Statement and
- Risk Assessment.

These documents can be viewed on the Planning and Building Standards Online Service.

### 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 listed building 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 impact on the special architectural character or historic interest of the listed building including its setting is acceptable;
- b) The proposal will preserve the character and appearance of Leith Conservation Area;
- c) Public comments have been addressed and
- d) Impacts on equalities and human rights area acceptable.

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, 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'.*

Page 6 of the Historic Environment Policy for Scotland 2019 (HEPS) identifies:-

*HEPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment, and in relation to listed building consent.*

The assessment on the character and setting of the listed building and character and appearance of the conservation area have been informed by the Method Statement and Design Statement submitted in support of the listed building consent application.

#### a) Listed building

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

*'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.*

*The document states that where development is proposed it is important to:*

- *Identify the historic assets that might be affected;*
- *Define the setting of each historic asset; and*
- *Assess the impact of any new development on this.*

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible. Whilst this proposal does require the demolition of a listed building, the statue will be fully retained and safeguarded with the new location only 2 metres away from the existing location. The integrity of the statue will be fully preserved and the new central location will enhance the setting of the listed building, acting as a focal point in an area of improved public realm.

The works proposed are fully justified and required to enable the completion of the York Place to Newhaven tram line. The supporting Method Statement and Design Statement provide detail on the dismantling and reconstruction of the statue which confirms that there will be no damage to the statue during the relocation. There will be no diminution of the statue's historical interest through the relocation.

The Council's Archaeologist and Historic Environment Scotland have been consulted and are satisfied that the measures are in place to ensure that the statue is carefully dismantled, securely stored and reconstructed.

The Tram Design Manual sets out the criteria for assessing tram proposals and seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European Cities and is of a standard appropriate to the city's world renowned status. The manual ensures that particular consideration is given to the impacts associated with listed structures in conservation areas and that the design contributes to a comprehensive approach to the public realm.

It has been considered that the change in location of the statue will not have a detrimental impact on the wider historic environment and will enhance the overall setting of the listed building. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building.

#### b) 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.*

Leith Conservation Area was designated in 1998. The Robert Burns Statue is located within the Old Leith and The Shore sub area within the conservation area, noting Bernard Street as Leith's most formal space. Leith Conservation Area Character Appraisal notes the bronze statue of Burns being amongst distinguished buildings at the junction of Bernard Street and Constitution Street with the location boasting a strong civic character.

The statue will be re-erected following the tram construction works and will have no detrimental impact on the character or appearance of the conservation area. The relocation of the statue and wider public realm enhancement will enrich the overall character and appearance in this location and remains consistent with Leith Conservation Area Character Appraisal.

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

#### c) Representations

No representations were received.

#### d) Equalities and human rights

The proposal has been assessed and has no impact in terms of equalities or human rights.

#### Conclusion

In conclusion, the proposal complies with HESPS and non-statutory guidance. There are no adverse effects on the historic interest of the listed building, or on the character and appearance of Leith Conservation Area.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A schedule of stone repairs shall be submitted to and approved in writing by the Planning Authority before work commences on site.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.

#### **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. Through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) the applicant is required to allow Historic Environment Scotland the opportunity to carry out recording of the building. Applicants should complete and return the Consent Application Referral Form at <https://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme>

## **Financial impact**

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

This application forms part of the Council's project for the York Place to Newhaven tram extension.

## **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**

No representations were 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](#)

<b>Statutory Development Plan Provision</b>	Edinburgh Local Development Plan.
<b>Date registered</b>	26 August 2019
<b>Drawing numbers/Scheme</b>	01B, 02-04,  Scheme 1

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## **Links - Policies**

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### **Relevant Policies:**

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

### **Relevant policies of the Local Development Plan.**

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in 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 Leith Conservation Area Character Appraisal** emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

The Tram Design Manual sets out the criteria for assessing tram proposals it seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European cities, and is of a standard appropriate to the city's world-renowned status.

# Appendix 1

## **Application for Listed Building Consent 19/04054/LBC at Robert Burns Statue, Bernard Street, Edinburgh. The works will comprise of the careful dismantling, relocation and rebuild of the Robert Burns monument.**

### **Consultations**

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#### **HES comment**

##### *Our Advice*

*The Robert Burns Statue was erected in 1898 and was B listed in 1974.*

*The statue appears to be in the same - or a very similar location - to what is shown on early maps, but the streetscape has changed markedly from a wide expanse of setted roadway to its location now, close to edge of a modern traffic island approximately midway between the buildings on Bernard Street on Constitution Street.*

*From earlier discussions on the tram project there was a realisation that the statue would have to be moved to accommodate the tram route. The principle of moving the statue (by around 7m) has been previously agreed and its new location within an expanded public realm is welcomed.*

*However, the documentation attached to this application, both the justification and system of works (method statement), is now a decade old. Setting aside the major legislative changes in this period the supporting documents rely on specialist conservation professionals including Graciela Ainsworth, from whom a separate method statement is expected. The document also notes that the stonework of the statue's base should be taken down by 'experienced personnel'. Even the mooted storage location for the statue is now a decade old.*

*These documents should be updated to reflect 2019 and to make sure the specialist conservators and experienced masons envisaged are still on board. If this is not the case then appropriate professionals should be appointed or, alternatively, this could be subject to appropriate conditions on the listed building consent.*

*On paper, moving the statue is demolition of a listed building. However, smaller 'buildings' such as the statue can often be moved with a minimum of intervention to their historic fabric, and the short distance means it will remain within the same statutory address. Thus, we consider it likely the building will remain on the statutory list following works, a similar recent example being the Haymarket War Memorial.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object 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.*

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

### **HES updated comment**

#### *Our Advice*

*The Robert Burns Statue was erected in 1898 and was B listed in 1974.*

*We note the revised drawings show the intention is now to move the statue by only 2m, rather than 7m. As before, we have no concerns about the new location, and refer you to our previous letter on its listed status. We assume the new public realm has been previously agreed, e.g. the layout and use of granite slabs rather than sandstone.*

*We also note the revised Method Statement and Design Statement. The Method Statement mentions the specialist conservators for the bronze statue but not the masonry works and taking down and rebuilding of the statue's base. The subsequent arrangement with sub-contractors, and their experience in such works, could usefully be conditioned.*

*The design statement is still long out of date referring to Historic Scotland's role, and the Memorandum of Guidance (1998) as national guidance.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object 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.*

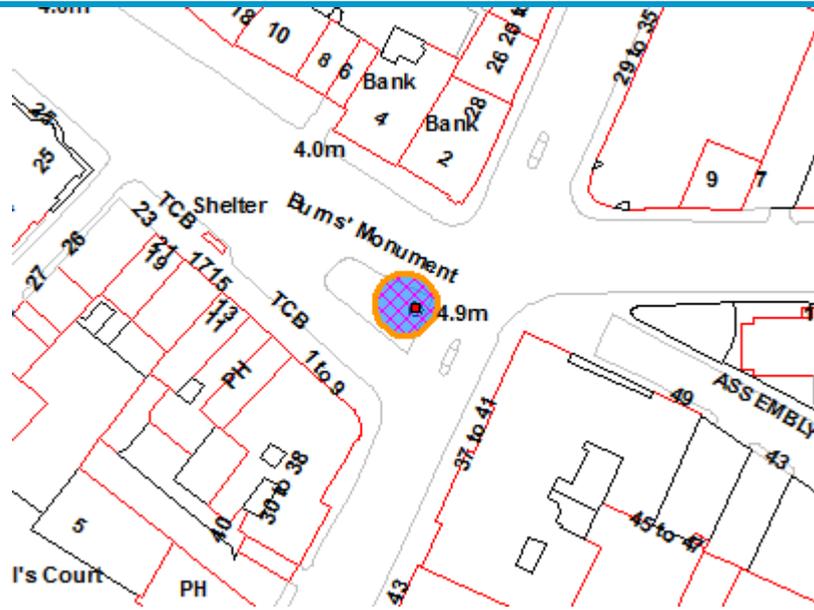
### **Archaeology comment**

*This B-listed statue was erected in 1898 by the Leith Burns Club. Not only does the statue of historic significance but it also forms an important and integral element of the character of Leith's Conservation Area. Accordingly, this application must be considered under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) ENV4 & ENV8.*

*Having discussed the project as part of Tram Project Team and having reviewed the updated 'Systems of Work' method statement submitted by Farrans Joint Venture, I'm satisfied that measures are in place to ensure that this statue is carefully dismantle, securely stored and reconstructed.*

## Location Plan

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