

Development Management Sub Committee

Wednesday 17 February 2021

Application for Conservation Area Consent 20/03661/CON at 34 Fettes Row, Edinburgh, EH3 6RH. Complete Demolition in a Conservation Area.

Item number

Report number

Wards

B05 - Inverleith

Summary

The demolition of existing buildings will not detrimentally affect any listed buildings or their setting subject to retention of boundary railings and an appropriate redevelopment proposal being delivered in accordance with Local Development Plan (LDP) Policy Env 3 (Listed Buildings - Setting). The existing buildings do not make a positive contribution and their loss will not have any adverse impact on the character and appearance of the conservation area. The demolition of the existing buildings and redevelopment of the site as proposed in application 20/03034/FUL will preserve the character and appearance of the conservation area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with LDP Policy Env 5 (Conservation Areas - Demolition).

Links

[Policies and guidance for this application](#)

HESSET, LDPP, LEN02, LEN05, NSG, NSLBCA, CRPNEW, HES, HESCAC,

Report

Application for Conservation Area Consent 20/03661/CON at 34 Fettes Row, Edinburgh, EH3 6RH. Complete Demolition in a Conservation Area.

Recommendations

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

Background

2.1 Site description

The site is approximately 2.44 hectares in area. It lies to the north of Edinburgh New Town.

To the north of the site are residential and commercial properties on Eyre Place. To the south, the site is bound by Fettes Row and Royal Crescent which comprise predominantly residential properties. To the east and northeast is King George V Park. To the west of the site is Dundas Street, which comprises a mix of residential and commercial properties.

The site has two existing large office buildings which front Dundas Street and Fettes Row. These are linked by another smaller building and are all formerly occupied by The Royal Bank of Scotland. The Scotsman Building to the north east of the site is accessed off Eyre Terrace and is used for related storage purposes.

Within the eastern part of the site, bound to the north by King George V Park, is a building used for parking. Directly to the south of this is a large hardstanding area, formerly used for car parking. This area provided parking for up to 100 cars; the building directly to the north of this provides spaces for 30 cars and spaces for cycle parking. These are accessed off Eyre Terrace.

There is an existing water main which runs directly through the site in a north-south direction directly to the north of Dundonald Street.

Broadleaved trees are located within the southern, part of the eastern and most of the northern boundaries of the site. These are a mixture of semi-mature and mature species and are up to 15 metres in height.

The site is mainly level, although there is an area of the site to the south which is approximately 6 metres above the rest of the site. This lies behind a stone retaining wall. Royal Crescent/ Fettes Row to the south of the site lie at a much higher level than the site itself. In the north of the site, Eyre Terrace rises slightly to adjoin Eyre Place.

The site is accessed via three separate routes. One pedestrian access is taken from Dundas Street to the RBS building; one is from Eyre Terrace for vehicles, bikes and pedestrians; and one is from Royal Crescent, which is a steep footpath leading down into the car parking area.

The site is located within the New Town Gardens Inventory Designed Landscape and is also immediately adjacent to the Old and New Towns of Edinburgh World Heritage Site boundary.

There are no listed buildings within the site itself. There are a number of Category A listed buildings within the vicinity of the site boundary. These include the following:

- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (reference LB29680, listed 22/09/1965).
- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (reference LB29679, listed 22/09/1965).

There are also a number of other listed buildings around the site, including:

B listed buildings:

- 1-12 (Inclusive Nos) Fettes Row, and 99-103 (Odd Nos) Dundas Street, including railings and lamps with 13 North East Cumberland Street Lane Including Wall (reference LB28754, listed 15/07/1965)
- Brandon Street 1-16 And 1-7a Eyre Place (reference LB28341, listed 25/11/1965).

C listed buildings:

- 1-29 Eyre Crescent and 21-23 Eyre Place (reference LB28739, listed 19/12/1979).
- Eyre Place 25-31 (reference LB28741, listed 19/12/1979).

This application site is located within the New Town Conservation Area.

2.2 Site History

Relevant recent history:

1 March 2015 - application for conservation areas consent granted for the demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building (application number 14/01126/CON).

3 August 2018 - application for planning permission in principle for demolition and residential-led mixed-use redevelopment comprising residential; retail (Class 1); financial, professional and other services (Class 2); food & drink (Class 3); business (Class 4); hotel/Class 7; care home (Class 8); car parking, access and other associated works; detailed approval of the siting and maximum height of building blocks; landscaping strategy; location of principal pedestrian/cycle routes and points of pedestrian and vehicular access/egress withdrawn (application number 16/05454/PPP)

3 August 2018 - application for conservation area consent for complete demolition in a conservation area withdrawn (application number 16/05455/CON)

2 April 2020 - Conservation area consent granted for complete demolition of derelict cottage in a conservation area (application number 20/00705/CON)

7 September 2020 - associated planning application submitted for the demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements. (application number 20/03034/FUL). Not yet determined.

14 September 2020 - associated planning application submitted for the formation of path linking through to King George V Park and associated landscaping (application number 20/03655/FUL). Not yet determined.

7 January 2021 - planning permission in principle granted for a mixed use development including retail (class 1), financial, professional and other services (class 2), food and drink (class 3), business (class 4), hotels (class 7), residential (class 8, 9 and sui generis), car parking and other works on land at the northwest of the site. The approval was for the siting and maximum height of principal building block, points of vehicular/ pedestrian access and egress at 7, 11, 13 Eyre Terrace (application number 14/01177/PPP).

Main report

3.1 Description of the Proposal

The proposal is to demolish the existing buildings on the site. These are the Dundas Street office building, the Fettes Row data centre, the link building and the garages and warehouse buildings at the rear of the site.

Supporting documents

- Heritage and Townscape Statement
- Historic Building Recording
- Planning Statement

These documents are available to view 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 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 demolition will seriously detract from the character and setting of adjacent listed buildings;
- b) the demolition will adversely affect the character and appearance of the conservation area;
- c) the proposal replacement development is acceptable and
- d) comments raised have been addressed.

a) Listed Buildings

In terms of Section 14 of the Listed Buildings and Conservation Areas Act, there are no listed buildings within the application site and the proposals do not contain any alterations or works to any statutory buildings. The requirement to assess the impact on the setting of the listed buildings in the vicinity of the site are considered in relation to Section 59 of the Act below.

Section 59 (1) of the Listed Buildings and Conservation Areas Act provides:

"(1) In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority... 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."

LDP Policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.

Fettes Row and Royal Crescent:

The townhouses along Royal Crescent are listed as Category A in recognition of their national importance. The crescent was designed as a prominent landmark to the first extension of the New Town. The original scheme for three segments with a detached building in the middle was abandoned following the construction of the Scotland Street Tunnel in 1847. However, the western segments were completed more or less as intended, albeit with tenements rather than terraced houses, by James Lessels in 1888. The crescent is a key townscape component on the perimeter of the new town.

As a planned, raised crescent, Royal Crescent takes advantage of views over the ground at the northern edge of the New Town and is visually prominent in views into the World Heritage Site (WHS) from the north. Another key feature of this section of the New Town is its topography, with terraces and open spaces stepping down from one another in harmony with the landscape.

The properties along Fettes Row are a Category A listed Group within the New Town. The listing description rates this group as a significant surviving part of one of the most important and best preserved examples of urban planning in Britain.

At the eastern side, the listed buildings currently look onto the trees and the application site sits at a lower level. The demolition of the buildings on the site will not detract from the setting of the A listed buildings on the raised crescent and linking buildings on Fettes Row.

The existing data centre building adjacent to the listed buildings on Fettes Row sits behind trees and is sunken into the ground. It is modernist in design and with its stepped horizontal banding is set back into the site and different to the traditional buildings Georgian and Victorian properties within the area. It lacks the general uniformity of the buildings on Dundas Street. The loss of this building and adjoining offices will not have a detrimental impact on the setting of these listed buildings by itself.

Furthermore, the majority of the trees along Fettes Row and the Royal Crescent, along with the railings are being retained, which add to the setting of these buildings.

Brandon Street and Eyre Place:

The groups of listed buildings (B listed buildings on Brandon Street and Eyre Place and the C listed buildings on Eyre Crescent and Eyre Place) are considered together, due to their proximity.

These buildings comprise a mix of three and four storey tenements and townhouses of sandstone and slate construction. The proposed demolitions have a limited impact on the setting of these listed buildings, by virtue of the distance to the site, and the number of other intervening buildings.

In summary, the demolition of the buildings within the application site will not detract from the character and setting of the adjacent listed buildings. The majority of the existing railings along Fettes Row and the Royal Crescent are being retained and the associated planning application. The associated planning application sets out that in relation to the listed buildings that there will be impacts associated with the character and setting of adjacent listed buildings, particularly with regards to the relationship of the development with the existing listed buildings on Fettes Row and Royal Crescent. However, when viewed in the urban context of the site, coupled with the benefits of redeveloping the site with a more sympathetic design taking cognisance of the listed buildings, and the retention of the trees, the character and setting of the listed buildings is preserved. The proposals accord with LDP Policy Env 3 (Listed Buildings - Setting)

b) Character and Appearance of the Conservation Area

Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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.

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 relevant policies within Local Development Plan (LDP) can also aid in the assessment of the proposals.

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. If it does make a positive contribution, then reference is made to taking into account the considerations set out in Policy Env 2 (Listed Buildings - Demolition).

The essential characteristics of the New Town Conservation Area Character Appraisal (CACA) include:

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone-built terraces, broad streets and an overall classical elegance;
- views and vistas, including- terminated vistas that have been planned within the grid layouts, using churches, monuments and civic buildings, resulting in an abundance of landmark buildings. These terminated vistas and the long-distance views across and out of the Conservation Area are important features;
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments;
- grand formal streets lined by fine terraced buildings, expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;

- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline;
- the New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions;
- the setting and edges of the New Town and Old Town;
- Royal Crescent is characterised by a general consistency of overall building form, an almost exclusive use of sandstone, natural slate roofs and cast and wrought iron for railings, balconies and street lamps;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material;
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area;
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

The site lies within the Canonmills and Claremont part of the conservation area. The CACA states that the various development schemes in this area which began in the 1820s were never completed and only fragments were produced.

The area is described as consisting of a series of modest-sized Georgian developments, none of which were completed and which lack the formal layout of other parts of the New Town.

The site lies to the immediate north of the Northern New Town, the CACA notes that the basic architectural form of the area continued the precedent of the First New Town, with fine quality ashlar residential blocks of three storeys over a sunken basement arranged in straight formal terraces.

The site represents a change in the character of the conservation area between the two parts mentioned above, with the site siting considerably lower than the nearby surrounding streets, marking the end of the Northern New Town.

Across the site itself there is a change in the character running east to west, with the western part of the site demonstrating denser, more typically New Town characteristics. This part of the site is surrounded on three edges by characteristic New Town streets - Fettes Row, Dundas Street and Eyre Place, all of which demonstrate the New Town features of a perimeter block form, regular building heights and restrained, repetitive design features.

The eastern part of the site is influenced by the proximity to King George V Park. It sits closer to the area of Canonmills, which lacks the formal layout of other parts of the New Town

The site itself, retains surviving historic features (such as the retaining walls and boundary railings), which contribute to the character of the conservation area. There are also a number of trees within the site boundary, which form part of the character of this part of the conservation area, although different to many streets the conservation areas, but characteristic in its own right.

In terms of its importance within the conservation area, the unlisted buildings to be demolished were built in the 1970s and 1980s include the former data centre, office and link building associated garages and workshops.

The principle buildings on the site are relatively large and modern in design, especially when compared with the traditional buildings found within the conservation area.

The Dundas Street office building, link building and corner of the Fettes Row data centre building are all set back from the Dundas Street and are not in keeping with the wider townscape character in relation to the streets to the north and south of the site. Some features of the buildings are unsympathetic to their location, particularly in terms of building lines, design and landscaping

The datacentre itself, is modernist in design and with its stepped horizontal banding is set back into the site and different to the traditional buildings Georgian and Victorian properties within the area. It lacks the general uniformity of the buildings on Dundas Street.

The Archaeology officer does not object to the application, but does note that although undesignated, this building in his opinion is of some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. In addition, its striking modern design has contributed significantly to the character of this part of the New Town. Accordingly, the loss of this locally significant building would be regarded as having a significant impact.

However, having assessed these impacts it has been concluded that its loss however would not be significant to warrant refusal on archaeological grounds. It is recommended that the building is recorded prior to its demolition.

There are objections to the loss of the buildings noting the architecture of the buildings which are of their time. But overall the buildings have a limited positive contribution to the appearance of the conservation area.

The demolition of any walls, such as that separating the development site from the existing development to the north, that are not visible from the conservation area will not be detrimental to its character and appearance.

The rear of the buildings from Eyre Terrace have little merit and limited townscape value.

Likewise, the garages and warehouse situated within the site adjacent to the park are industrial in appearance and generally of insignificant townscape value to the conservation area with no historic or architectural merit.

Historic Environment Scotland was consulted on the proposal and raised no comment.

The railings along Fettes Row and the Royal Crescent are to be retained, with a small section on Fettes Row removed to enable an entrance point to be created. The railings along Dundas Street are to be removed.

As the buildings are of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required to be demonstrated.

In summary, the loss of the buildings will not have an impact on the character and appearance of the conservation area and therefore their demolition is acceptable.

b) Replacement Development

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.

As detailed under planning application 20/03034/FUL, the proposals would enable the development of the site in a coherent and positive way.

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.

c) Public Comments

Many of the views submitted to the conservation area consent are expressed as objections to the development proposals submitted under planning reference 20/03034/FUL.

Material Objections

- proposed demolition does not accord with LDP Policy Env 2 Listed Buildings - Demolition - considered in assessment 3.3a).
- demolition is contrary to LDP Policy Env 5 Conservation - Demolition of Buildings - considered in assessment 3.3a).
- demolition should not be allowed until agreement is reached on a suitable scheme for redevelopment is approved on the site - considered in assessment 3.3a) and condition.
- the merits of the alternative proposals - considered in assessment 3.3b).
- policy presumption in favour of retaining buildings that make a positive contribution to a conservation area - considered in assessment 3.3a).
- the RBS data centre adds to the character of the conservation area, being indicative of a bygone architectural era that has since fallen into disrepute. Unique example of architecture from this era in the city. If it is retained and renovated for office use, it will without doubt be celebrated in the future by a more enlightened generation for its boldness and character - considered in assessment 3.3b).

- archaeology officer notes the data centre is a striking modern design has contributed significantly to the character of this part of the New Town and accordingly the loss of this locally significant building would be regarded as having a significant impact - considered in assessment 3.3b).
- existing buildings add to the character of the conservation area - considered in assessment 3.3b).
- buildings in good condition and capable of re-use - considered in assessment 3.3b).
- retaining it will also have the advantage of reducing the environmental impact of the development by retaining the embodied carbon - considered in assessment 3.3b).
- demolition of courtyard wall to Applecross development - considered in assessment 3.3b).
- trees on Dundas Street should be kept as they contribute much to the character of the neighbourhood - trees considered in association planning application.
- retained trees should be protected - trees considered in association planning application.
- railings should not be demolished - considered in assessment 3.3a).

Non-material comments

- construction stage concerns - this is not a planning consideration.
- demolition would affect ground stability and neighbouring properties - this is not a planning consideration.
- loss of employment space - not a consideration for the conservation area consent.
- timing of application - this is not a planning consideration.
- ownership issues - this is not a planning consideration.
- alternative proposals not clear - assessment made of current proposals in associated application reference 20/03034/FUL. Any future applications will need to be assessed against the development plan and any other material considerations.

Community Council Comments

Comments from the New Town and Broughton Community Council are summarised below:

- adaptation and reuse of existing buildings is now promoted by many professionals as preferable to demolition and rebuilding - considered in assessment 3.3a).
- clear justification for the complete demolition across the site not provided - considered in assessment 3.3a).
- LDP Policies Env 5 and Env 2 set out criteria for assessing demolition of buildings within a conservation area. Expected that more details would have been provided in relation to retaining the buildings (emphasis on northern block) - considered in assessment 3.3a).
- merit in (and support) retention of the northernmost block, abutting the Applecross development, alongside features such as trees and railings - considered in assessment 3.3a).

- general acceptance of demolition of existing link building and Data Centre, although note some resident's fondness of the latter - - considered in assessment 3.3a).
- the majority of the trees along Dundas Street and adjacent to the Applecross development should be retained - trees considered in accompanying planning application 20/03034/FUL.

Conclusion

The demolition of existing buildings will not detrimentally affect any listed buildings or their setting subject to retention of boundary railings and an appropriate redevelopment proposal being delivered in accordance with Local Development Plan (LDP) Policy Env 3 (Listed Buildings - Setting). The existing buildings do not make a positive contribution and their loss will not have any adverse impact on the character and appearance of the conservation area. The demolition of the existing buildings and redevelopment of the site as proposed in application 20/03034/FUL will preserve the character and appearance of the conservation area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with LDP Policy Env 5 (Conservation Areas - Demolition).

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

3.4 Conditions/reasons/informatives

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.
2. No demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. No development shall commence on site until a detailed Arboricultural Method Statement, written with the contractor, that includes all work required under canopies and adjacent to mature trees is provided and approved by the Planning Authority.
4. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" to demonstrate how trees to be retained on and adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.

5. Prior to the commencement of development, the tree protection measures as approved in condition 4 must be implemented in full.
6. The tree protection measures approved in condition 4 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.
7. Only the railings identified for removal on plan 191396_OP_NTQ_SK200121 (CEC drawing 10) are to be removed. The remaining railings are to stay in situ.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard protected trees.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. In order to safeguard protected trees.
7. 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. As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

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

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

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 was advertised on 18 September 2020 and attracted 46 letters of representation including objections from the Architectural Heritage Society of Scotland, Fettes Row and Royal Crescent Association and Drummond Civic Association.

The New Town and Broughton Community Council object to the application.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- 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**

The site is within the urban area and the north eastern section is designated as open space as shown on the Local Development Plan Proposals Map.

The site is located within the New Town Gardens Inventory Garden and Design Landscape. It is also covered by the New Town Conservation Area.

The World Heritage Site is to the south of the site.

Date registered

2 September 2020

Drawing numbers/Scheme

01-10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer

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Links - Policies

Relevant Policies:

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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 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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Relevant Government Guidance on Historic Environment.

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

Appendix 1

Application for Conservation Area Consent 20/03661/CON At 34 Fettes Row, Edinburgh, EH3 6RH Complete Demolition in a Conservation Area.

Consultations

Archaeology Officer response dated 26 October 2020

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the complete demolition in a conservation area.

The site lies across the northern limits of the Edinburgh's New Town, directly on the northern boundary of the World Heritage Site. The site is dominated by the 1971 RBS Data Centre designed by Richard Latimer. Historic maps indicate that until the mid 19th century the site remained relatively free from development with the exception of mill lades running across the northern limits of the site, which feed the medieval mills at Canonmills. The 1876 plan shows the eastern half of the site occupied by open air Royal Gymnasium in particular the large circular rowing machine known as 'The Great Sea Serpent'. By c.1905 the western half of the site had been developed with a mix of domestic and small industrial units, a process already started on the western half of the site during the mid-19th century, whilst the eastern half underly the grounds for St Bernard's Football Club.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of local archaeological/historic importance principally in terms of Edinburgh's Victorian/Early 20th century social & industrial heritage, 20th century banking and earlier pre-industrial milling.

This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies DES3, ENV5, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Building RBS Data Centre

The proposals will see the demolition of the 1971 Royal Bank of Scotland Data Centre designed by James Richard Latimer. Although undesignated this building in my opinion is of some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. In addition, its striking modern design has contributed significantly to the character of this part of the New Town. Accordingly, the loss of this locally significant building would be regarded as having a significant impact.

Having assessed these impacts it has been concluded that its loss however would not be significant to warrant refusal on archaeological grounds. That said it is essential that the RBS Lorimar building is recorded prior to its demolition. This will require the undertaking of a historic building survey (phased plans/elevations, photographic and written survey) linked to an appropriate level of documentary research linked to a programme of archaeological work during ground breaking works (see my response to 20/03034/FUL dated 26th Oct 2020).

It is recommended that the above programme of archaeological work is secured using a condition based upon CEC model condition as follows;

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland response dated 2 October 2020

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 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.

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/. Technical advice is available through our Technical Conservation website at www.englished.org.

As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us 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.

The New Town and Broughton Community Council response dated 19 October 2020

The New Town & Broughton Community Council (NTBCC) had requested an extension to the main applications for this proposal (covering both 20/03034/FUL & 20/03661/CON - which was accepted), in order to finalise the community council's position on these applications at their recent virtual monthly meeting on 12th October. From that discussion, it was evident that there remained a divergence of views within the community but with a number of residents who had expended considerable time and effort looking in more detail at the large volume of documents lodged with this application becoming increasingly concerned at what was proposed.

The concurrent application (20/03034/FUL) specifically covering the redevelopment proposal, which is also necessary to support demolition of non-listed buildings within a Conservation area is covered by a separate representation by NTBCC.

The proposed site, given its size, central location and adjoining a precious open space within the New Town, does offer a unique opportunity to add real value to the area, whilst still allowing the site to be developed such that the current owners can achieve sufficient value. As such, NTBCC, along with many residents, are supportive of an appropriate development scheme for the site which directly abuts the Edinburgh World Heritage site. The site also resides within the New Town Conservation Area. This appropriate redevelopment would include demolition and replacement of some of the buildings on the site that clearly have little or no architectural merit and do not make a positive contribution to the Conservation Area, in fact the opposite may be true.

However, NTBCC does not feel that the case for the complete demolition of all buildings on the site has been fully explored or the necessary reasoning behind the proposal for complete demolition being included in the accompanying documents. This reasoning would include more detail specifically stating what steps have been taken to explore options for re-purposing the existing buildings options and why retention of some (or all) of them is not possible.

In general, from the various responses received by NTBCC, we would support the view that the adaptation, repurposing and hence reuse of existing buildings should be explored in more depth , given the increasing focus on sustainability and being consistent with concerns with respect to climate change and the current Council-agreed targets relating to Edinburgh becoming a carbon-neutral city by 2030.

However, we would acknowledge and accept that new building standards (which would be applicable to new development) should ensure a higher level of operational energy efficiency in the future (which may not be fully achievable if the existing building(s) were to be repurposed), but there is a significant impact from embodied carbon relating to the buildings themselves. This is a complex analysis. However, we are aware that the adaptation and reuse of existing buildings is now promoted by many professionals as preferable to demolition and rebuilding on the basis that costs and embodied energy use are likely to be reduced.

We note that essentially the main documents lodged in support of the complete demolition consist of a 'Design & Access Statement' (in 28 parts), a 'Heritage and Townscape Assessment (with appendices)' and a 'Planning Statement'.

The Planning Statement (at section 1.4) states "The purpose of this Planning Statement is to describe the proposed development, assess it against the relevant statutory requirements, development plan policies and material considerations and, drawing on the range of assessment work undertaken, present supporting justification for the development proposed."

Whilst the Planning Statement is a useful summary of the proposed development, it does not provide a clear justification for the complete demolition that is being proposed.

With regard to current Edinburgh Council LDP policies - we refer to Env 5 'Conservation Areas - Demolition of Buildings', Env 2 'Listed Buildings - Demolition' which is referenced under Env 5 and the footnotes for Env 6 'Conservation Areas - Development'.

Env 5 states : 'Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations set out in Policy Env 2 above.'

'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.'

NTBCC take the view that the first paragraph of this policy is very relevant as a consideration for this application. We note that it includes the phrase 'permitted in exceptional circumstances' and furthermore, requires reference to the considerations as set out in Policy Env 2, which state::

"Proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account:

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use*
- b) the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*
- c) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss."*

We would therefore have expected more details in the lodged documents regarding paragraph b), especially in respect to the existing building at the northern end of Dundas Street. We accept that demolition of the current 'link' building and perhaps the adjoining building to the south permits the opening up of the site to allow access from Dundas Street eastwards which on balance, we could support and although there are residents who have developed a fond regard for the Datacentre, repurposing the Datacentre from offices to residential, due to the building geometry, could be difficult. However, NTBCC would see merit in (and support) retention of the northernmost block,

abutting the Applecross development, which in turn would ensure retention of the current railings and mature trees in fronting of that building, which we believe, consistent with the requirements in Env 5, make a positive contribution to the character of the (Conservation) area.

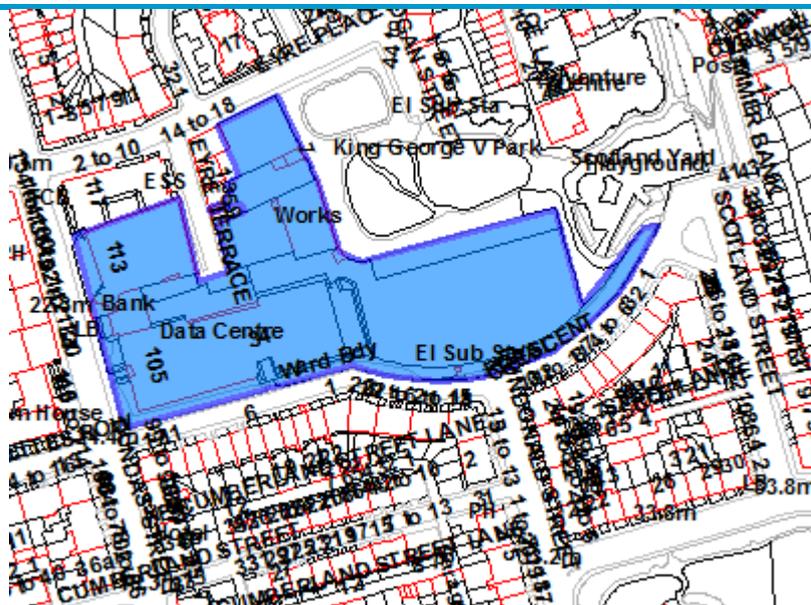
Retaining the majority of the existing trees within the development site boundary along Dundas Street along with the five trees adjacent to the Applecross development those would, in our view, also provide a more consistent, relevant and subservient streetscape leading to the entrance of the World Heritage site at Fettes Row / Dundas Street junction.

In summary, therefore, we remain unconvinced that the necessary case has been made for the complete demolition of all buildings on site and would urge Edinburgh Council to press for further justification in this regard. We continue to take the view that retention of some buildings on the development site would be beneficial and would support wider Council commitments as highlighted earlier.

The New Town & Broughton Community Council therefore cannot support this proposal as currently presented.

We trust that these comments are useful in the determination of this application.

Location Plan



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