

Development Management Sub Committee

Wednesday 27 October 2021

Application for Conservation Area Consent 21/00990/CON At 27 Arthur Street, Edinburgh, EH6 5DA Demolition of buildings and structures.

Item number

Report number

Wards

B12 - Leith Walk

Summary

The demolition of the warehouse and other ancillary structures preserves the character of the conservation area as they do not make a positive contribution to the area's intrinsic character. The appearance of the conservation area will be enhanced by the demolition of an unattractive brick warehouse and replacement with flats of good quality.

The proposal complies with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

HES, HEPS, HESCAC, LDPP, LEN05, LEN06, NSG, CRPPIL,

Report

Application for Conservation Area Consent 21/00990/CON At 27 Arthur Street, Edinburgh, EH6 5DA Demolition of buildings and structures.

Recommendations

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

Background

2.1 Site description

The application site is a L shaped and consists of a single storey brick building fronting Arthur street and rear waste ground previously associated with the Leith Walk tenements to the south, Nos. 334-346a Leith Walk (listed Category C). This was originally the garden ground of these tenements but was laterally a dump site for cars and other scrap associated with garage use in Leith Walk. There are also remnants of a former stable and workshop and the remains of internal garden walls within the site. This rear area is landlocked and can only be accessed from a small pedestrian pend from Leith Walk. The site extends over approximately 0.167 hectares.

Originally each Leith Walk house had a long, narrow garden or drying green stretching back northwards. Rubble masonry walls surrounded the gardens, and there was a narrow lane between the two eastern and two western plots (accessed by a pend under the buildings). Use of the gardens/drying greens became disassociated from the townhouses as they were subdivided into a hotel and flats, and shop units were constructed in the front gardens. The gardens of Nos. 5 and 9 Pilrig Street (listed Category B) stretched behind those of the Leith Walk terrace and were originally part of the site also to be filled in with the current warehouse.

The brick workshop was constructed in the 1920s, and the drying greens/gardens appear to have been used independently from that time. In the second half of the 20th century, the drying greens/gardens were used as a dumping ground for cars and other scrap. The dividing walls between the plots were largely removed to create a single space. The remaining structures to the rear of the warehouse - the remnants of a stable block and boundary walls - would have originally been connected to the Leith Walk buildings but became disconnected when the rear gardens were used for dumping cars. The original curtilage is no longer evident. There are no trees on the site - those that were remaining were removed under application 20/02517/TCO.

The brick workshop is single storey with a floor area of 1048 sq.m. It is divided into three sections:

Vacant area =	551m2 GIA
Coffee roasting (temp) =	136m2 GIA
Production Studio (temp) =	361m2 GIA

The vacant area was previously occupied by Rhubaba an artist-run organisation in Edinburgh that provides studio space artists and practitioners. When the applicant bought the warehouse from the previous owner, he agreed to keep renting the space out to Rhubaba on a temporary lease. This has now ended and Rhubaba have vacated the premises.

The surrounding area is becoming largely residential. Adjoining the site to the north-east is a 4 storey block of flats with a recessed upper storey. There is then a garage building after that and then more flats which are 4 storey with a barrel vaulted roof with flats in the roofspace. There are further 4 storey gable fronted flats after that.

To the south-west there is Pilrig Dalmeny church, a category A listed Building (Ref LB27649 - 12 December 1974) and new housing development. On the other side of Arthur street, to the north, there is a 3 storey housing development with the ground floor significantly below pavement level.

There are also several listed buildings in the vicinity primarily Nos. 334-346 Leith Walk (Category C), but also more remotely No. 328 Leith Walk (Category C), Nos. 324-326 Leith Walk (Category B), Nos. 318-322 Leith Walk (Category C), No. 1 Pilrig Street (Category B), Nos. 3-5 Pilrig Street (Category B) and Nos. 7-9 Pilrig Street (Category B).

This application site is located within the Pilrig Conservation Area.

2.2 Site History

29 July 2020 - Treeworks application for removal of five trees. No TPO made (application reference: 20/02517/TCO)

1 March 2021 - Planning application submitted for the redevelopment of the site with flats (application reference: 21/00991/FUL). Pending decision.

Main report

3.1 Description Of The Proposal

It is proposed to demolish the warehouse building and other structures in the rear area and erect flats as detailed under application 21/00991/FUL.

Supporting Documents

- heritage statement
- design statement
- planning statement
- building inspection report

These are available to view on the Planning Portal.

3.2 Determining Issues

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 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.

This means that in considering whether to grant conservation area consent for any works, the 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.

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 adversely affect the character and appearance of the conservation area;
- b) the demolition affects the setting of the building or any features of special architectural or historic interest which it possesses;
- c) the proposal replacement development is acceptable; and
- d) comments raised have been addressed.

a) 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 does make a positive contribution.

The Pilrig Conservation Area Character Appraisal states the area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

The warehouse building dates from the 1920s and is not of architectural or historical significance. It is not Victorian as suggested in one of the objections and the bricks are not of any particular significance being common within Edinburgh. The roof is asphalt. The building is utilitarian. It is not a building characteristic of the overall character of the conservation area. It does not make a positive contribution to either the character or appearance of the conservation area.

The current warehouse is largely empty and the current uses are temporary. The building is in poor condition and a building inspection report has been submitted. This notes the roof has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in the walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of DDA compliant access means considerable investment would be needed to bring it up to standard. A cost estimate of £385,000 has been given for the works.

The plot contains the ruins of an early 19th-century stable and a short stretch of wall between No. 336c and the former vennel to the stables. The structures are in a ruinous state and of limited significance as they have lost their original context and are incomplete. It is not considered the structures are curtilage listed buildings as they have been disassociated from the front listed buildings for many years and no longer form part of them. Their removal will have a neutral impact on the character of the conservation area. There will be no impact on the appearance of the conservation area as these structures are not visible from public viewpoints.

The demolition of warehouses is permitted development and the loss of the warehouse use is not a material consideration in terms of conservation area consent which only centres on the impact on the character and appearance of the conservation area. This also applies to potential re-use of the warehouse. The loss of the use is addressed under the application for planning permission.

The Council's archaeological officer recommended that a programme of archaeological work is carried out during ground-breaking works associated with both demolition and construction in order to fully excavate and record any significant remains that may be disturbed but has not objected to the demolition.

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

A heritage statement has been provided which substantiates that the structures to be demolished are not of significance.

A bat survey has been provided and there is no evidence of bats or other protected species. The Council's ecology officer accepts this report.

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) The building and its features of significance

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.

The whole building will be demolished as well as the ancillary structures to the rear. These have no features of special architectural interest and any historic interest has been severely diminished by their incompleteness and condition. Their removal is acceptable under this section of the Act.

c) 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.

The proposals for the redevelopment of the site are recommended for grant under application 21/00991/FUL. The flats proposed for the site represent a high quality development which will make a positive contribution to the conservation area.

c) Public comments

Material comments - objection:

- loss of warehouse - addressed in 3.3 a)
- warehouse is of heritage value and could be re-purposed - addressed in 3.3 a)
- demolition of boundary wall - addressed in 3.3 a)
- presence of bats

Community Council comments

- loss of important cultural and community space - addressed in 3.3.a)
- fails to preserve the historic environment - addressed in 3.3a)
- design of development - this is assessed in the conterminous planning application
- no mention of developer contributions - this is assessed in the conterminous planning application
- residential amenity - this is assessed in the conterminous planning application
- species protection - addressed in 3.3.a)

Non-material comments

- damage caused by construction work - this is not relevant to conservation area consent which is purely for the demolition of the unlisted building
- daylighting, privacy and overshadowing - as above
- access rights - as above
- traffic problems - as above
- density - as above
- noise and pollution - as above
- lack of new facilities for new development - as above
- design of new flats - as above
- loss of employment premises - as above
- setting of listed buildings - as above
- security of properties - as above
- drainage - as above
- loss of artists' studios - as above
- carbon neutrality - as above
- no consultation with residents - there is no statutory consultation on conservation area consent
- late neighbour notification - there is no neighbour notification of conservation area consent

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

3.4 Conditions/reasons/informatives

Conditions:-

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

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.

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

73 objections and one neutral comment have been received.

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

Urban area

Date registered

1 March 2021

Drawing numbers/Scheme

01-07,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager
E-mail: nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

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

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.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

Appendix 1

Application for Conservation Area Consent 21/00990/CON At 27 Arthur Street, Edinburgh, EH6 5DA Demolition of buildings and structures.

Consultations

Historic Environment Scotland

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.

Archaeology

The site occurs within the Pilrig Conservation Area occupying essentially two plots of land one fronting onto Arthur Street and the second occupying the rear garden area associated with the listed properties of 340-346 Leith Walk. Historic 19th century maps of the area such as Ainslie 1804, Kirkwood 1817 and the OS maps of 1849, 1876 & 1893 show the development of the site mirroring this sub-division. The triangular plot formed by Arthur street remains open moving from orchards associated with the Balfour Estate and Pilrig House at the start of the century to garden ground by its close.

The historic mapping indicates a perhaps more complicated heritage for the second of the two areas ie the gardens associated with 340-346 Leith Walk. These C-listed properties are clearly shown on the 1849 OS map and therefore much older than HES Listing description which recorded them as 1st appearing on the 1876 OS map. Recorded as forming part of Fyfe's Close buildings are shown on these footprints on the 1804 map by Ainslie which corresponds with the historic evidence presented by S Harris (Place names of Edinburgh) which suggests the Fyfe's Close properties being built from 1794.

Based upon this information the site should be regarded as occurring within an area of archaeological and historic importance. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) 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.

Buried and Upstanding Heritage

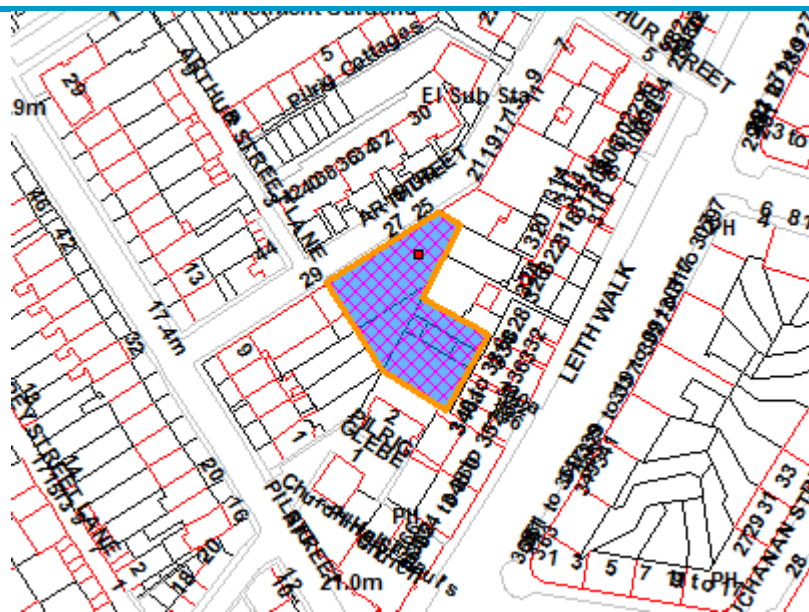
The proposed application for demolition will potentially require significant ground works which have the potential for disturbing archaeological remains charting the development of the site from the 18th century. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to and during demolition to ensure that all significant archaeological remains are fully excavated, analysed and recorded. This will include a basic photographic and written record (including phased annotated plans) of the existing properties on the site prior to their demolition

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and 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.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END