

Development Management Sub-Committee Report

Wednesday 21 September 2022

**Application for Planning Permission
Former Tynecastle High School, 17 Mcleod Street, Edinburgh.**

Proposal: Proposed alterations to land to provide landscaping and planting beds as part of a community garden.

**Item – Committee Hearing
Application Number – 21/05152/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because of the direct relationship with other significant proposals on an adjacent site and it is appropriate to consider the applications together.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site measures 0.17 hectares and is located on the northern extent of McLeod Street with the Western Approach Road forming the northern boundary of the site. The Western Approach Road is positioned higher than the application site.

The west of the application site has an industrial character with the presence of the North British Distillery which has an associated Health and Safety Consultation Zone. To the south of the site is Tynecastle Football Stadium. To the east is the former Tynecastle School and beyond existing residential properties and the new Tynecastle High School.

The adjacent site is occupied by a range of buildings associated with the former Tynecastle High School which are category B listed (reference LB26950, listed on 9 February 1993), including the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings. The school building, dating from 1910-11, is an extensive L plan structure with the Assembly Hall extending from the re-entrant corner. The building is finished in harling with dressings of red brick and cream and red ashlar sandstone and slate roof. The Janitor's House is of similar style and was built shortly after the main building along with an additional classroom. The workshops date from 1910 and are of brick (painted) construction and simpler detailing. These early structures are two-storey.

Alterations and extensions have taken place on the site pre-1930, including a classroom extension on the west wing of the original school building (listed as part of the historic block) and a single storey addition to the south end of the western workshop range.

Post-1960s buildings on site, include a rendered single storey structure in the south-west corner of the quadrangle (the Dining Hall and Kitchen) and two substantial, red brick and render buildings, dating from the 1970s/80s (classrooms extension and the Games Hall) within the internal quadrangle to the rear of the original school building

The four-storey flatted block with deck access at 16-20 McLeod Street is category B listed (reference LB26938, listed on 9 February 1993) and dates from 1897.

Description of the Proposal

The application proposes the development of an urban farm on land adjacent to the former Tynecastle School.

The proposals will include the formation of growing areas, an orchard, greenhouses and storage shed.

Pedestrian access will be provided to the south of the site. Limited vehicle access will be provided to the north as required.

The removal of the buildings located on the eastern section of the site are considered separately under application 21/04468/LBC.

Supporting Information

No information submitted in support of the application.

Relevant Site History

21/04468/LBC
Former Tynecastle High School
17 McLeod Street
Edinburgh
EH11 2NJ

Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended).

21/04469/FUL

Former Tynecastle High School

17 Mcleod Street

Edinburgh

EH11 2NJ

Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended).

Other Relevant Site History

No other relevant planning history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Health and Safety Executive

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 15 October 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable.

Site Notices Date(s): Not Applicable.

Number of Contributors: 4

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change:Use and Adaptation of Listed Buildings
- Managing Change:Setting

Demolitions

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. In this case, the approach taken is to retain and restore the original Tynecastle High School building which has been disused for over ten years and is in a deteriorating condition. The demolition of the listed curtilage buildings, comprising the workshop ranges along with the pre-1930s extension to the east school wing, is essential to achieving the sustainable future use of the main listed building.

This application is assessed against the section on 'selective demolition' in HES guidance on the 'Use and Adaptation of Listed Buildings', HES defines 'selective demolition' as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this case, the proposed level of demolition involves later extensions to the principal listed building and entire curtilage buildings.

Whilst the workshop ranges are substantial in scale, these just pre-date the school and were constructed against the embankment of the Caledonian Railway branch line to the north. The ranges are of largely functional design and finish, with plainly detailed interiors comprising single open spaces accessed external stair cores and balconies.

HES notes that the workshops are characterful and add significantly to the historical interest of the school site and suggest that the structures could be repurposed for new uses. The historic and visual contribution of the workshops to the site is acknowledged and the structures are not in bad condition. However, a substantial section of the range extending along the western boundary cannot be converted to another use due to inclusion within the Health and Safety Executive Consultation Zone.

The retention of the remaining parts of the workshops would severely curtail the area of land available for development the extent of new build would not be sufficient to offset the overall cost of repair and conversion of the main school building. In mitigation, where practicable, materials salvaged from the demolition will be used in the construction and landscaping of the new internal quadrangle. A condition has been applied requiring full details of the proposed use of these materials.

A further condition has been applied to ensure that the workshop ranges are officially recorded prior to demolition.

Conclusion in relation to the listed building

The proposed development will help to facilitate the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment.

The proposed use of the site as an urban farm provides a good compromise to the use of a constrained site.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 4 , Env and Env 20.
- LDP Design Policy Des 5.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 4.

Character and setting of the listed building

This has been assessed in section a) and the proposals comply with LDP Policies Env 3 and Env 4.

Principle of Development

Site Constraints

The site is located within a mixed use area with key constraints located at the western and southern boundaries of the site. The presence of these constraints has informed the development of the site including the layout and ultimately the use. The constraints to consider are:

- category B listed building addressed above;
- Proximity to the North British Distillery and the HSE Consultation Zone
- Proximity to Tynecastle Stadium.

The site partly lies partly within a consultation zone as set by the Health and Safety Executive (HSE) associated with the storage of materials on the adjacent North British Distillery Site. The impact of this is that no development can take place within this area where there would be an increase in population. This has ultimately informed the area of developable land for the site. and the wider development of the former Tynecastle High School. As a result, the existing buildings along the eastern edge of the application site cannot be redeveloped. The proposed layout has been progressed to respect the consultation zone. As HSE are a statutory consultee in this case the application has been considered using the consultation web app and the HSE do not advise against development of the site.

In addition to the HSE consultation zone the North British Distillery Site and Tynecastle Stadium both generate noise through their daily activities which adds additional constraints to the redevelopment of the site. These constraints have informed the concurrent application for the wider site under application 21/04469/FUL.

Taking into consideration all the constraints on the site and the influence these have on the developable areas of the site the application must be considered in accordance with Policy Des 5 - Development Design and Env 20 - Open Space in New Development.

The principle of creating a new public space/ urban farm within the area are supported and will create an appropriate development within an area of land that is difficult to develop. The proposals provide a community solution to this area of land and provide a sustainable approach to engage with a community group to take over the area.

Conclusion in relation to the Development Plan

The proposals are a positive approach to develop an area of land which has a number of constraints to development. The proposals will create a sense of place and community ownership in accordance with the over principles of the Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

Letters of representation have been received which support the development of the site for the urban farm.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 30 September 2021

Drawing Numbers/Scheme

1 - 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Summary of Consultation Responses

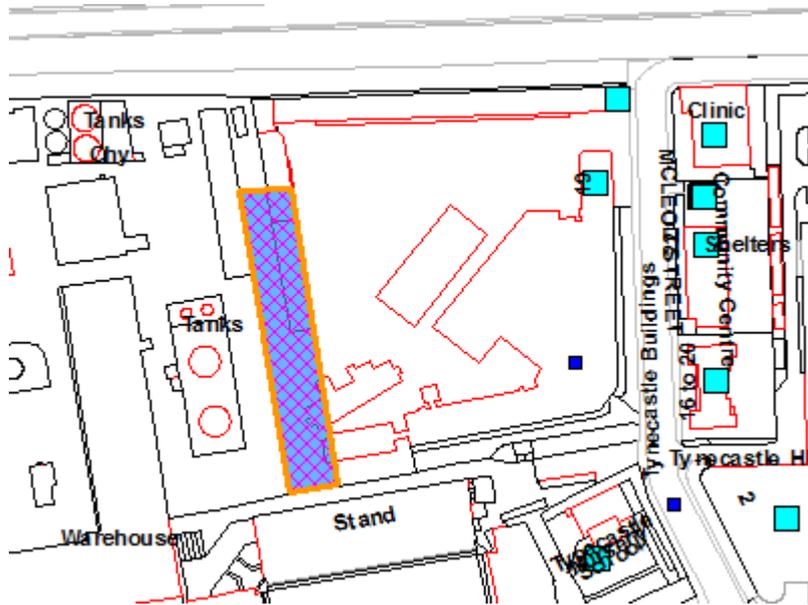
NAME: Health and Safety Executive

COMMENT: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

DATE: 13 September 2022

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

Location Plan



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