

Development Management Sub-Committee Report

Wednesday 25 January 2023

**Application for Conservation Area Consent
Lock Up, East Brighton Crescent, Edinburgh**

Proposal: Substantial demolition in a conservation area.

**Item – Committee Decision
Application Number – 22/01473/CON
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The proposed demolition is within the setting of a category B listed building and there is an associated application for planning permission that has received more than six objections. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

Recommendation

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

Summary

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

SECTION A – Application Background

Site Description

The application site is to the rear of 1 East Brighton Crescent where there are four small lock up garages lying at right angles to the garden with a separating wall. The garages probably date from around the 1960s but are not considered curtilage listed buildings due to the separation from the B listed building at 1 East Brighton Crescent (reference LB27200, listed 14 December 1970).

The site is accessed from Lee Crescent. There are two other lock ups accessed from here but are not included in the red line boundary. To the south of the site runs Christian Path a public walkway which leads to Brighton Place (West) and Windsor Place (East).

Description of the Proposal

It is proposed to demolish the lock-up garages and erect two dwelling houses. This involves the repositioning of the existing rear garden wall to 1 East Brighton Crescent which will be rebuilt using natural stone.

Supporting Information

Design statement

This document is available to view on the Planning Portal.

Relevant Site History

No relevant site history.

Other Relevant Site History

Pending planning application for `Demolition of lock-up garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent. ref number 22/01472/FUL

Pending Listed Building Consent for `Demolition of lock-up garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent. ref. number 22/01474/LBC

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environmental Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 April 2022

Site Notices Date(s): 29 March 2022

Number of Contributors: 22

Section B - Assessment

Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") 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. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

a) Demolition of buildings and replacement

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.

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.*

Proposals for all demolitions within a conservation area, will not normally be permitted unless a detailed planning application is approved for a replacement building which preserves or enhances its character.

It is proposed to demolish four lock-up garages to the rear of a B listed property. The garages are modern, flat-roofed buildings, covered with a grey render. The garages have no features of special architectural interest or historical interest and make a neutral contribution to the character of the conservation area. Their removal is acceptable in principle to form two new properties with private gardens to the rear. In this regard, their removal is, therefore, acceptable under this section of the Act.

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.

Conclusion in relation to the demolition and replacement

The demolition of the existing building is therefore acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

b) The proposals harm the character or appearance of the conservation area.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

The buildings to be demolished are located at the end of Lee Crescent Lane and the garages are visible to the public realm.

As detailed in the assessment for the parallel planning application (ref. 22/01472/FUL), the demolition of these four garages would enable the development of the site in a coherent and positive way. The replacement of hard and soft landscaping is appropriately designed and specified in terms of the overall characteristics of the site.

Conclusion in relation to the conservation area

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

c) there are any other matters to consider.

The following matters have been identified for consideration:

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. The demolition of the buildings will enable the formation of improved access routes into the site and its facilities for people with mobility issues.

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

Material Comments- Objections

- Adverse impact on Character and Appearance of Conservation Area - Addressed in section b) and the main planning application, reference number: 22/01472/FUL

Non-material consideration - Objections

- Amenity issues - is not relevant for this application and it has been assessed under the main planning application.
- Lack of parking space - is not relevant for this application and it has been assessed under the main planning application.
- Does not comply with Edinburgh Design Guidance - is not relevant for this application and it has been assessed under the main planning application.
- Boundary line is inaccurate - is not relevant for this application and it has been assessed under the main planning application.
- Access point is a shared ownership - is not relevant for this application and it has been assessed under the main planning application.
- Loss of the view - is not relevant for this application and it has been assessed under the main planning application.
- Neighbour notification - is not relevant for this application and it has been assessed under the main planning application.

Conclusion in relation to other matters considered

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

Overall conclusion

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

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 of Development for planning permission application reference 22/01472/FUL.

Reasons

1. In order to safeguard the character of the conservation area.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 March 2022

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
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PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

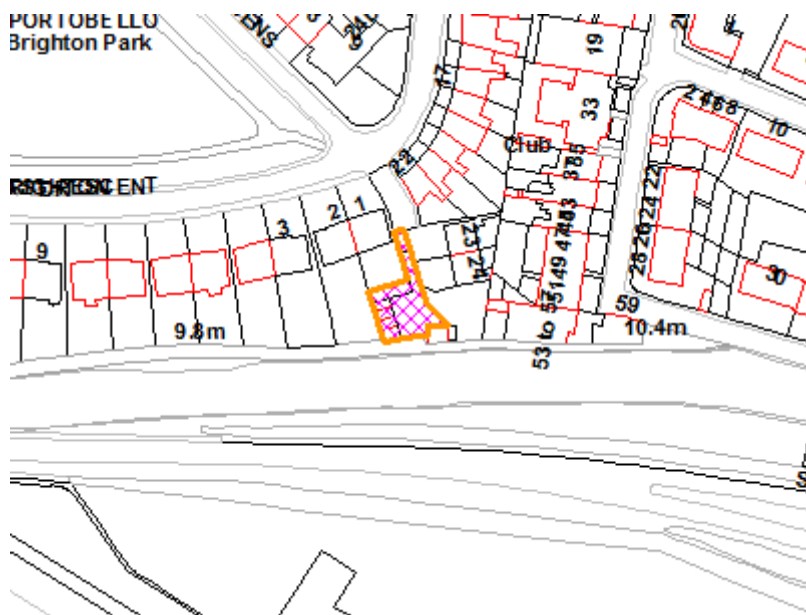
NAME: Historic Environmental Scotland

COMMENT: Historic Environment Scotland do not have any comments to make on the proposals.

DATE: 28 June 2022

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

Location Plan



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