

Development Management Sub-Committee Report

Wednesday 7 June 2023

**Application for Conservation Area Consent
27 Arthur Street, Edinburgh, EH6 5DA**

Proposal: The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

**Item – Committee Decision
Application Number – 23/00174/CON
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 40 objections and 31 support comments have been received in respect of the conterminous application for planning permission 22/06119/FUL, and consequently under the Council's Scheme of Delegation, application 22/06119/FUL must be determined by the Development Management Sub-Committee. Due to its relationship with this application, they are both referred to the Development Management Sub-Committee for determination.

Recommendation

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

Summary

The proposed demolition will preserve the character and appearance of Pilrig Conservation Area. The proposed demolition does not conflict with Section 66 of the Town and Country Planning Listed Buildings and Conservation Areas (Scotland) Act 1997 (The Heritage Act).

SECTION A – Application Background

It is proposed to demolish the warehouse building and other structures in the rear area and the adjoining garage and erect student accommodation as detailed under application 22/06119/FUL.

Supporting Documents

The following documents were submitted in support of this application:

- planning statement.

- design statement.
- heritage statement.
- bat roost survey.

These documents are available to view on the Planning and Building Standards Online Service.

Relevant Site History

21/00990/CON
27 Arthur Street
Edinburgh
EH6 5DA
Demolition of buildings and structures.
Granted
1 November 2021

22/06119/FUL
27 Arthur Street
Edinburgh
EH6 5DA
The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology Officer

Historic Environment 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): 3 February 2023

Site Notices Date(s): 31 January 2023

Number of Contributors: 18

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.

- 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?

Assessment

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

a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Character, appearance or setting of the conservation 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 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 planning authority, in granting conservation area consent 21/00990/CON decided that the warehouse building, which date from the 1920s is not of architectural or historical significance. The bricks are not of any particular significance being common within Edinburgh. The roofs are asphalt. The building is utilitarian and not 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 integrally attached garage, which is included in the current application for conservation area consent, is also not of architectural or historical significance. The bricks are not of any particular significance being common within Edinburgh. The roof is asphalt. The building is utilitarian and not 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 warehouse and garage are both in poor condition. A building inspection report submitted with the previous application 21/00990/CON noted the roof of the warehouse has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in its walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of Equalities Act compliant access means considerable investment would be needed to bring it up to standard.

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. In granting conservation area consent 21/00990/CON the planning committee decided that these buildings are 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 the warehouse and garage is permitted development and the loss of the warehouse use and garage 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 and garage. The loss of the uses 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 current application and raise 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.

Conclusion in relation to the conservation area

Overall, the proposed demolition will preserve the character and appearance of Pilrig Conservation Area and is acceptable. The proposals comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") and Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019).

c) Replacement Development

The HES interim guidance and the similar advice in NPF 4 Policy 7 Part g), sets out that consent should generally only be given where there are acceptable proposals for replacement development.

The proposals for the redevelopment of the site are recommended for grant under application 22/06119/FUL. The student accommodation building proposed for the site represent a high-quality development which will make a positive contribution to the conservation area.

c) Public representations

Eighteen representations were received, which are all objections. A summary of the objections is provided below:

Material comments - objection:

- loss of warehouse
- warehouse is of heritage value and could be re-purposed.
- demolition of boundary
- presence of bats

These are addressed in the sections above.

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
- access rights
- traffic problems
- density
- noise and pollution
- lack of new facilities for new development
- design of new flats
- loss of employment premises
- setting of listed buildings
- security of properties
- drainage
- loss of artists' studios
- carbon neutrality

- 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.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

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
2. 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 22/06119/FUL.

Reasons

1. In order to safeguard the interests of archaeological heritage.
2. 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: 17 January 2023

Drawing Numbers/Scheme

01, 04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
E-mail: adam.thomson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology Officer
COMMENT: No objection. A planning condition is recommended.
DATE: 2 February 2023

NAME: Historic Environment Scotland
COMMENT: No objection.
DATE: 27 March 2023

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

Location Plan



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