

Development Management Sub-Committee Report

Wednesday 2 October 2024

**Application for Listed Building Consent
88 Lothian Road, West End, Edinburgh**

**Proposal: Internal and external alterations to existing cinema at
Filmhouse.**

**Item – Committee Decision
Application Number – 24/03662/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as the Chief Planning Officer considers it to be of significant public interest.

Recommendation

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

Summary

The proposed LED screen would have an adverse impact on the character and setting of the listed building and would fail to preserve the character and appearance of the Conservation Area. The proposals are unacceptable, having regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a 3-storey, 5-bay symmetrical rectangular plan classical church, converted to a cinema complex, known as the Edinburgh Filmhouse.

Category B listed, listed 14 December 1970, LB ref. 27100.

The site is located within the West End Conservation Area and on the boundary of the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application proposes internal and external alterations to the existing building. The internal alterations involve changes to the layout including the removal of partitions and seating. Externally, it is proposed to convert a window to a door and block up an existing door on the rear elevation.

The application also proposes an outdoor LED screen to the front elevation, supported on metal columns. The screen would measure 9.5m by 5.9m and the metal support structure would measure approximately 12m in height. The supporting documents advise that the screen would be transparent.

Supporting Information

Supporting document.
Large format digital roadside planning code.
Technical literature for transparent screen.

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

Relevant Site History

24/03663/ADV
88 Lothian Road
West End
Edinburgh
EH3 9BZ
External transparent LED screen.

24/02446/LBC
88 Lothian Road
Edinburgh
EH3 9BZ
Internal and external alterations to existing cinema at Filmhouse (Edinburgh).
Refused
19 July 2024

24/02445/ADV
88 Lothian Road
Edinburgh
EH3 9BZ
Externally illuminated banner on a scaffold shroud.
Refused
22 July 2024

23/02699/ADV
88 Lothian Road
Edinburgh
EH3 9BZ
Hoarding.
Granted
8 August 202

17/02476/LBC
88 Lothian Road
Edinburgh
EH3 9BZ

Fix 8 x permanent eyebolt shield anchors to front elevation at ground floor storey level only.

withdrawn

27 July 2017

13/04223/FUL
88 Lothian Road
Edinburgh
EH3 9BZ

Single storey extension to kitchen/back bar area, plus internal alterations, including new roof mounted ventilation plant and service access.

Granted

22 November 2013

13/04219/LBC
88 Lothian Road
Edinburgh
EH3 9BZ

Single storey extension to kitchen/back bar area, plus internal alterations, including new roof mounted ventilation plant and service access.

Granted

19 November 2013

Other Relevant Site History

03/00575/EADV

Large banner and associated fixings.

Case closed.

8 October 2003

Pre-Application process

There is no pre-application process history.

Consultation Engagement

City Archaeologist

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): 9 August 2024

Site Notices Date(s): 6 August 2024

Number of Contributors: 43

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
 - a) harm a listed building or its setting? or
 - b) 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, 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, 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) The proposals harm the listed building or its setting?

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

- *Managing Change - Interiors*
- *Managing Change - Doorways*
- *Managing Change - External Fixtures*

The works to the interior will not impact on any historical architectural features, as it was altered as part of the conversion to a cinema. The proposals are acceptable in this context. The conversion of a window to a door and the blocking up of a door on the rear elevation will not harm the character of the listed building or its setting.

The proposed screen would cover the front elevation's central first and second-floor windows which would have a significant and detrimental visual impact on the appreciation of the important principal elevation. The scale of the screen would dominate the front elevation of the building, obscuring its architectural features and undermining its architectural composition.

Whilst it is advised that the screen would be transparent, the impact of the screen, particularly when it displays advertisements, would be very considerable. Although the windows to the front elevation are built up on the inside, these features are centrally positioned on the principal elevation and contribute significantly to the listed building's classical character and appearance.

The applicant has progressed a justification for the installation of the screen as a means to raise funds and to provide a mechanism to raise public awareness of fund-raising campaigns. In the supporting documentation the applicants advise that the "transparent screen" requires to be large enough to attract advertisers.

Although justification for the screen has been made in respect of funding that would be generated through advertising, this does not outweigh the adverse effect that the proposal would have on the character of the building. The proposals have been reduced in size from the original application for a large scale advert, however, it remains that the proposed scale, design and position of the screen would detract from the special architectural interest of the listed building.

Historic Environment Scotland have commented on the application and whilst they support the continued use of the building as the Filmhouse, they maintain that the current external advertising proposal does not represent an appropriate long term design solution commensurate with the listed building's cultural significance.

Conclusion in relation to the listed building

The proposals would have an adverse impact on the character and setting of the listed building. This is unacceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance.

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

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The LED screen would form an obtrusive and incongruous addition, which would harm the character and appearance of the conservation area. It is of an unacceptable scale in the context of the streetscape and would obscure the central section of the listed building which fronts onto the street.

Conclusion in relation to the conservation area

The proposals fail to preserve the special character and appearance of the Conservation Area and are considered unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance.

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. 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 total of forty three representations have been received including forty two support comments and one objection comment. It should be noted that twenty two of the support comments contain no considerations.

A summary of the representations is provided below:

material support comments

- The alterations are acceptable for a cinema on a main thoroughfare; Officer comment - The impact on the surrounding area has been assessed above in sections a) and b).
- The proposal would enhance the vibrancy of the area; Officer comment - This has been addressed above in sections a) and b).
- The proposal would secure the long-term use of the listed building; Officer comment - This does not outweigh the impact on the character of the listed building.

non-material support comments

- The proposal would be beneficial to the city.
- The proposal would generate revenue for the Filmhouse.
- Precedent has been set for advertisement banners elsewhere in the city.

These are not material considerations when assessing and application for listed building consent.

material objections

- The proposed advertising structure would have an unacceptable impact on the listed building, the conservation area and the nearby World Heritage Site; Officer comment - This has been addressed above in sections a) and b).

non-material objections

- Moving images on the screen will have an adverse impact on road safety; Officer comment - This will be assessed under the associated Advertisement Consent application.

Conclusion in relation to other matters considered

There are no new material considerations that outweigh the recommendation to refuse planning permission.

Overall conclusion

The proposed LED screen would have an adverse impact on the character and setting of the listed building and would fail to preserve the character and appearance of the Conservation Area. The proposals are unacceptable, having regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal:-

1. The proposed advertisement would have an adverse impact on the character and setting of the listed building, due to its incongruous scale and appearance. The proposals are unacceptable, having regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance.
2. The proposed advertisement would have a negative impact on the character and appearance of the Conservation Area by virtue of its over-dominant scale and appearance. The proposals are unacceptable, having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant HES guidance.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 August 2024

Drawing Numbers/Scheme

01-25

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephanie Fraser, Planning Officer
E-mail:stephanie.fraser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: City Archaeologist

COMMENT: The application concerns the Edinburgh Filmhouse founded in 1979 and which converted this former late Georgian Church (1830/1) designed by William Burn for the United Presbyterian Church (latterly Church of Scotland) into a cinema.

The proposed will primarily impact physically impact upon late 20th century fabric associated with the cinema with alterations to the design of the current auditoriums. As a whole the proposed works will avoid significant impacts upon the buildings historic fabric and will by and large maintain the existing layout and use of this 'historic' filmhouse. As such it would be regarded as having only a minor impact upon the internal character of this listed building.

Accordingly, based upon the above it has been concluded that this scheme does not have any significant archaeological impacts upon either it's surviving historic fabric, it's character or understanding of this listed building. Therefore, it has been concluded that there are no, known, archaeological implications.

DATE:

NAME: Historic Environment Scotland

COMMENT: Originally erected as a church in 1830-1, 88 Lothian Road is more commonly known today as Edinburgh's Filmhouse. the category B listed building was converted into a cinema between 1978 and 1981.

The proposals represent a revised design to the external advertising signage outlined in the previous application, 24/02446/LBC, which we commented on. this new design would consist of an outdoor LCD grille covering the front elevation's central first and second-floor windows, supported on metal columns. It replaces the previously proposed scaffolding structure.

We reiterate that we greatly welcome the return of the Filmhouse, which will help secure the long-term future of this listed building. While again we see no issue with the proposed internal alterations, we continue to advise a less visually impactful design for the proposed external advertising. Our detailed advice is set below.

We acknowledge the external advertising signage proposed would no longer be physically attached to the listed building and is clearly reduced in scale since the previous application. However, it would still be large and substantial in our view - extending across two floor-levels.

The applicant has advised that the LCD screen is transparent. Images of this screen in the technical literature clearly show that it is not especially transparent and would therefore have an adverse visual impact on the listed building's principal, street-facing elevation - particularly as the screen proposed appears to be larger than the one shown in the technical literature and would be positioned centrally on the building's front façade.

The applicant indicates the windows that would be concealed by the screen are built up on the inside and therefore are not in operation. Nevertheless, these windows are

centrally positioned on the listed building's principal elevation and contribute significantly to the listed building's classical character and appearance - part of its special architectural interest. The proposed scale, design and position of the screen would detract significantly from this.

We note the significance of advertising revenue to the long-term viability of the Filmhouse's future operation and suggest more sympathetic solutions are explored to help achieve this, whilst also protecting the listed building's special interest. For example, light-projected advertising on the same central position of the listed building would be more transparent than the current proposal and it could also cover a larger part of the listed building if required.

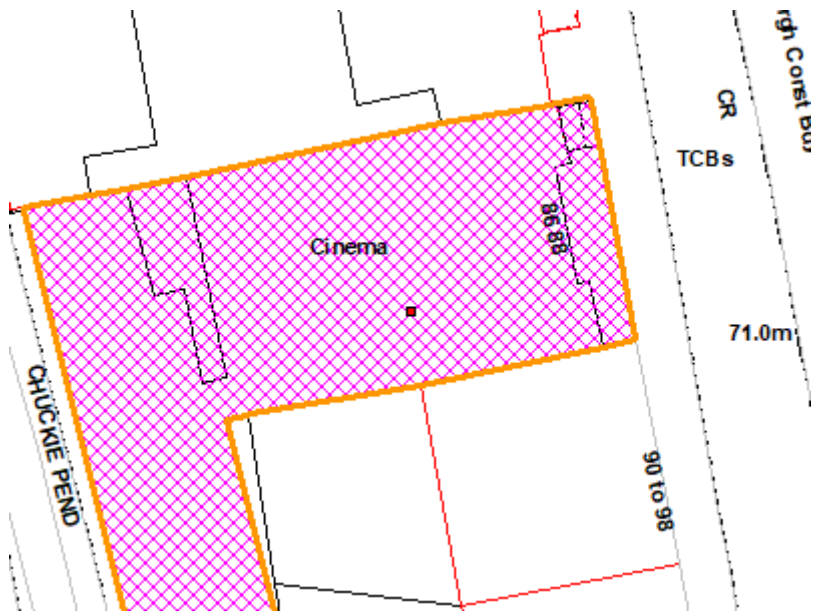
Alternatively, if the LCD grille screens are still preferred, we advise setting them lower, at street level, positioned on top of the boundary walls to replace the existing planters. They could perhaps also be positioned on top of the boundary walls to replace the existing planters. They could perhaps also be positioned on the flanking walls which project out from the main Filmhouse building - i.e. where the existing advertising boards for films showing at the cinema are positioned, or even on the top of these walls (if possible). These projecting walls would allow the LCD screen(s) to be located in the preferred "head-on" position as indicated in the supporting statement for this application. The existing advertising boards for films could possibly be repositioned between the central arched windows at ground floor.

Whilst we support the continued use of the building as the Filmhouse, we maintain that the current external advertising proposed does not represent an appropriate long-term design solution commensurate with the listed building's cultural significance. We suggest a more discreet solution is adopted that allows greater visibility of the listed building. If helpful, we would be happy to meet with the applicant and your Council to progress a mutually agreeable solution.

DATE:

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

Location Plan



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