

# Development Management Sub-Committee Report

**Wednesday 2 October 2024**

**Application for Conservation Area Consent  
4 Industry Lane, Edinburgh, EH6 4EZ**

**Proposal: Complete demolition in a Conservation Area.**

**Item – Committee Decision  
Application Number – 22/01621/CON  
Ward – B04 - Forth**

## **Reasons for Referral to Committee**

The application is referred to the Development Management Sub- Committee as the concurrent planning application 22/01620/FUL for the redevelopment of the site requires to be determined by the Committee.

### **Recommendation**

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

### **Summary**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals do not conflict with the objectives of preserving and enhancing the character and appearance of the conservation area.

## **SECTION A – Application Background**

### **Site Description**

The site is a car dealership/workshop, measuring approximately 1048 sqm. It is located at the end of Industry Lane on the south side and is accessed from North Fort Street.

Constructed late 19th century, the building was the former coach house, stables and hay lofts linked to Baynefield Bakery to the south of the site. Fronting the lane, the building is one and half storey. The rearward section includes an extended one and two storey flat roofed addition. The building has a roughcast rendering and red brick finish. When the bakery use ceased in the later 20th century, the application site was converted to car dealership/workshop. Around this time, the adjoining stable block to the east of the site was demolished with the resultant hard standing used for customer parking.

The site is surrounded by mix of residential styles. To the west, the site is bounded by a brick/stone wall which faces onto the communal gardens of a four-storey stone tenement building, located on Dudley Avenue South. Across from the site to the north, is a three-storey flatted development with a brown brick finish. No.1-8 Industry Homes sited to the north, is a two-storey, rubble sandstone colony development, a good example of a worker's housing scheme (category C listed, date of listing: 17/10/1996, reference: LB43702). To the east of the lane is a three-storey stone tenement flat that extends to North Fort Street. Bordering the application to the south at 122 Ferry Road is Baynefield House, an early 19th century, two-storey, 3-bay rectangular-plan, symmetrical classical house, set back within former front garden area (projecting shops to left and right of this building on Ferry Road). Baynefield House is category B listed (date of listing: 19/12/1979, reference: LB28744).

The site is within a short distance to Ferry Road West local centre and nearby bus stops.

The sites within the Leith conservation area.

The site has a complicated planning history. The ownership of the site extends to No.120 Ferry Road. Redevelopment between 4 Industry Lane and 120 Ferry Road cannot proceed effectively without one and another.

Planning permission (20/01949/FUL) at No. 120 Ferry Road was granted on 28 April 2021 to demolish a garage and to create a Class 1 convenience store with two residential units above. Conservation area consent (20/01950/CON) was granted on 20 May 2021 to demolish a former car showroom with garage space to the rear. It should be noted that both planning permission and conservation area consent overlapped a section of the current application site at 4 Industry Lane.

On 26 April 2024, a Section 42 application (24/02004/FUL) under the Town and Country Planning (Scotland) Act 1997 (as amended) was submitted to vary conditions No. 1 and 7 of planning permission 20/01949/FUL and is pending consideration. Should application 24/02004/FUL be consented, this would create a separate planning permission and would extend the planning permission at 120 Ferry Road site for another three years. In addition, a new application for conservation area consent (24/02377/CON) was validated on 17 May 2024 and is pending consideration.

## **Description of the Proposal**

The proposal is for the demolition of the existing building. The proposed redevelopment of the site for No. 17 flatted units is assessed under planning application 22/01620/FUL.

## **Supporting Information**

- Design and Access Statement
- Heritage Statement
- Building Condition Statement

These documents are available to view on the Planning and Building Standards online portal.

## **Relevant Site History**

17/01838/CON  
4 Industry Lane  
Edinburgh  
EH6 4EZ  
Demolition of existing commercial garage buildings.  
Refused  
20 December 2017

17/01856/FUL  
4 Industry Lane  
Edinburgh  
EH6 4EZ  
Demolition of existing commercial garage and erection of new residential block 23 units with associated car parking and landscaping.  
Refused  
20 December 2017

18/01876/FUL  
4 Industry Lane  
Edinburgh  
EH6 4EZ  
Demolition of existing car garage and erection of new residential block, (19 units), with associated landscaping  
Refused  
9 August 2019

22/01620/FUL  
4 Industry Lane  
Edinburgh  
EH6 4EZ  
Demolish existing car garage and erect flatted development with associated external amenity (as amended).

## **Other Relevant Site History**

### 120 Ferry Road

28 April 2021 - Planning permission granted to demolish existing garage and create Class 1 convenience store with 2x residential units above (application number, 20/01949/FUL).

20 May 2021 - Conservation area consent granted for complete demolition in a conservation area of a former car showroom with garage space to the rear (application number, 20/01950/CON).

26 April 2024 - Section 42 application submitted to vary conditions 1 and 7 of planning permission 20/01949/FUL - under consideration (application number, 24/02004/FUL).

17 May 2024 - Application for conservation area consent submitted for complete demolition in a conservation area - under consideration (application number, 24,02377/CON).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology

Historic 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):** 29 April 2022

**Site Notices Date(s):** 26 April 2022

**Number of Contributors:** 3

## **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:

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

- Managing Change: Interim guidance on the designation of Conservation Areas and Conservation Area Consent
- Managing Change: Setting

A heritage statement accompanied this application, and the cultural significance of the site is summarised below.

The site was previously farmland, forming part of the Hillhouse Field Estate until the early 19th century. Between 1804 and 1817, a Mr. Bain built a classical two storey villa to the south of the site, known as Baynefield House at 122 Ferry Road (category B listed). Originally the villa had a small garden in front to Ferry Road (then Jamaica Street) and a spacious rear garden.

On the north side of Industry Lane stands Edinburgh and Leith's first colony development of workers' housing, Industry Homes (number 1 to 8), dating around 1850. These two storey houses are category C listed.

Ordnance Survey Town Plan, 1894 show that by this time there was further development of the site to the east of Baynefield House, but the Baynefield garden remained undeveloped. The four storey tenement buildings on Dudley Avenue South and the two and three storey buildings on North Fort Street appears on this map around this time.

Around 1898, the baker William Thomson built shops in front of Baynefield House and a large commercial bakery, along with stables, coach-house, and hay lofts, on the rear garden (the application site).

An ariel photograph of the site (1956) shows that the bakery premises had two industrial chimneys with walls of red brick and a flat roof. On Industry Lane, the stable, coach-house and hay loft block featured a pitched roof with slate where the eastern section of the building was previously attached to a two-storey building with 1 Industry Lane. The photograph shows buildings on the north side of Industry Lane and south side of Lapidice Place cleared of developments.

The bakery remained in use until it was converted to a car dealership in the later part of 20th century with the shop at 120 Ferry Road. At some point, the brick walls were covered in roughcast, possibly an attempt to improve the weatherproofing of the building. It is possible that the previous two-storey building that adjoined the eastern section of the application site was demolished around 1990s.

Across from the application site at 10 Industry Lane, the three-storey modern red bricked block of flats was constructed around the 1980's.

#### **a) Demolition of building(s) is acceptable?**

The site lies within the Madeira sub area of Leith's conservation area. While the area has a unique and complex architectural character, the character appraisal states the following:

*The Madeira area was conceived as a comprehensive design prompted by the success of James Craig's New Town in Edinburgh. Beginning in 1800 with land south of Leith Links it continued in 1807 with James Gillespie Graham's feuing scheme for a large area of north of Ferry Road. The grid pattern of streets was developed sporadically through the 19th century with Georgian buildings set back behind front gardens. By the turn of the century these basic rules were abandoned, and Victorian buildings were inserted in the gaps taking their building lines directly from the heel of the pavement...*

The heritage statement highlights the ad hoc and constrained manner that the application site was constructed, by infilling the former garden grounds of Baynefield House. It appears to have been the only stable/coach connected to its commercial/bakery use within the lane. In addition, the site post-dates some of the older developments within the lane, including Industry Homes and North Fort Street tenements.

Industry Lane is defined by its narrow lane, proximity to neighbouring buildings and contrasting building heights. Building heights vary from one and half storey to four storeys. Only one car can access Industry Lane at a time and the existing pavements are unsuitable for wheelchairs/prams. It is worth noting that the lane does not retain the cobbled setts found on North Fort Street.

While architecturally the building is reflective of its former stable/commercial use, the infill and treatment finish of the building is incongruous with its surroundings. The roughcast rendering on the building does not make a positive contribution. The eastern section of the building is exposed due to the resultant gap site from a previous demolition within the lane with timber fences used delineate neighbouring boundaries. The eastern gap site is approximately 322 sqm and it comprises of hardstanding with the space used for storing multiple cars/customer car parking in connection to the use of the garage. The townscape character and appearance of Industry Lane is therefore fragmented in parts where the existing building does not make a positive contribution to its character. Internally, the building is not of high architectural merit.

A 'Building condition summary letter' was provided. Externally, the envelope of the building is in poor condition with vertical cracks largely caused by significant vegetation growth and water ingress in some section of the building. Based on the size of a large tree samplings growing from the gutter line to the perimeter gutter lines of the roof and chimney stacks, maintenance to the roof have not been carried out for a significant period. While there was no sign of subsidence or distortion of the structure, there was signs of distress to the structure generally. It was concluded that the buildings are in an unsatisfactory structural condition and unfit for purpose.

Historic Environment Scotland (HES) were consulted on the proposals and raised no comments.

The site lies within an area of potential archaeological significance and a condition for a programme of archaeological works was requested. This condition has been applied to the planning application instead.

Based on the historical development of Industry Lane and the visual amenity of the application site, the existing building is of little townscape value in that it does not make a positive or significant contribution to the character of the conservation area. It is therefore not necessary to retain the building to preserve any aspect of its character.

Demolition of the building therefore is supported, subject to consideration of proposals to redevelop the site.

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

The proposed redevelopment of the site is assessed concurrently under planning application 24/02004/FUL.

As there is no single architectural style/development height that dominates Industry Lane, the character of the development design can afford to be different. Within Industry Lane and beyond, tenements/flatted buildings, the settled townscape character is dense/tight because of buildings proximity to each other.

The proposed development will have a positive impact on its surroundings and wider townscape. The redevelopment will provide a coherent and well-defined north facing street frontage to Industry Lane. The development design will provide a differential contrast where its contemporary scale, form and detailing will sit comfortably within the envelope of the site. The materials are drawn from its use on the existing building and nearby buildings. The proposals overall are distinctive, will contribute towards a sense of place and will enhance the character and appearance of Industry Lane.

**Conclusion in relation to the conservation area**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals do not conflict with the objectives of preserving and enhancing the character and appearance of the conservation area.

**b) 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 summary of the representations is provided below:

*material considerations - objection*

- Proposals do not preserve or enhance the character of the conservation area.
- *material considerations - support*
- Building is an eye sore, and demolition is supported - Addressed in Section B.

### *non-material considerations*

- 4 Industry Lane is in Leith Ward (13) and not Forth Ward (4), therefore the wrong councillors have been notified- the weekly planning bulletin (11 April 2022) show the application under Ward No. B04 - Forth and that Leith Harbour and Newhaven is the relevant community council for this application. Regulation 22 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 sets out how the planning authority are to publish the list of applications. Regulation 23 requires the planning authority to send to community councils a weekly list of applications received.
- Residents in Industry Homes (a category C listed building) have not been informed of these new proposals - records show they were neighbourly notified.

### **Conclusion in relation to other matters considered.**

The material considerations have been identified and addressed. There are no new material considerations to resolve.

### **Overall conclusion**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals do not conflict with the objectives of preserving and enhancing the character and appearance of the conservation area.

## **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 22/01620/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: 30 March 2022**

**Drawing Numbers/Scheme**

01A-16A, 17 - 26.

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
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Appendix 1

**Summary of Consultation Responses**

NAME: Archaeology

COMMENT: Requests a programme of archaeological works to be secured by condition.

DATE: 26 March 2022

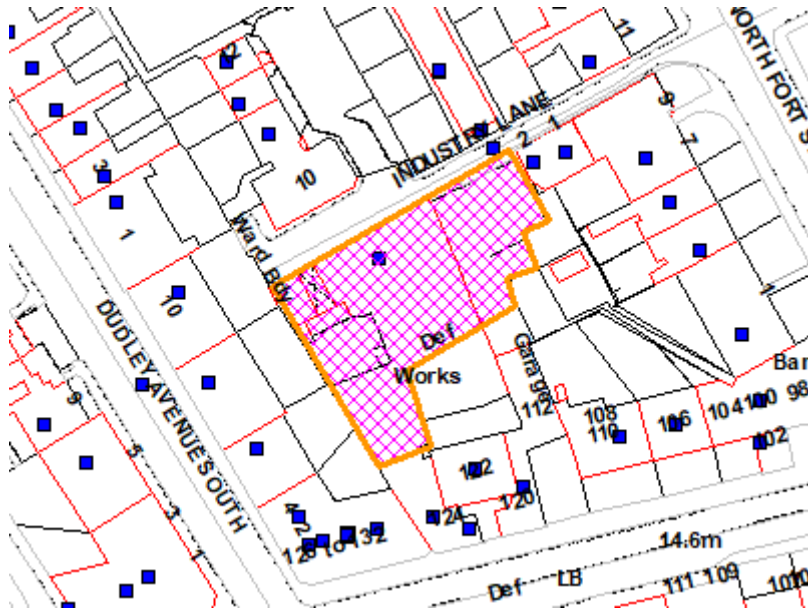
NAME: Historic Scotland

COMMENT: No comment to make.

DATE: 20 March 2022

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

## Location Plan



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