

**Conservation Area Consent
at
108 Duke Street
Edinburgh
EH6 8HL**

**Development Quality Sub-Committee
of the Planning Committee**

31 March 2004

Proposal: Demolish existing church building and replace with new church hall and associated facilities, 18 new build flats above and 5 courtyard apartments to rear

Applicant: Port Of Leith Housing Association.

Reference No: 03/03578/CON

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.
3. The Royal Commission on the Ancient and Historical Monuments of Scotland shall be given access to the site, at any reasonable time in a period of at least three months from the date of this consent, for the purposes of recording the building, structure or other item of interest.

4. No demolition shall take place until the contract for the new development has been let, and written evidence of this has been made available to and accepted in writing by the Head of Planning & Strategy.
5. The application shall be referred to the Scottish Ministers prior to determination.
6. The stained glass panels shall be carefully removed and retained for use within the new church to be built on the site. Details of their location shall be submitted to and approved in writing by the Head of Planning and Strategy before any demolition takes place.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the interests of archaeological heritage.
4. In order to retain and/or protect important elements of the existing character and amenity of the site.
5. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
6. In order to safeguard the interests of archaeological heritage.

2 Main report

Site description

The existing church is a late 19th century gable-fronted hall with later additions to the rear. Although the main building is originally stone-built it is in very poor condition with much spalling stonework and many areas of cement repair.

The building is flanked by traditional tenements of a similar date. The block to the west is five storeys high with a pitched slate roof.

The blocks to the east are four storey but are only slightly lower than the five storey block. All have pitched slate roofs other than the block closest to the church, which has a flat roof disguised by ornamental ironwork around its edges.

To the south the site is bounded by an exceptionally large wall, a remnant from the demolished Leith Central Station. This wall is 8m high and 2.5m thick at its base. Beyond this, the cleared station site now serves as a car park for Scotmid supermarket (to the west of the site).

To the north of the site, across Duke Street (a narrow and busy arterial route) stands an atypical block on the street; a Georgian block of three storeys and basement, set back behind a front garden. This relationship allows a wider gap opposite the site than on the rest of the street (19m at the east end). The majority of Duke Street is only 13m wide, building to building.

Site history

There is no relevant planning history for this site.

Development

The application proposes demolition of an operational church and replacement with a new ground level church hall of smaller footprint. The change is to be facilitated by the further development of Housing Association flats over ground floor, and further mews style units to the rear.

Consultations

Culture and Leisure

The historic maps of Leith, in particular Naish's 1709 Survey of Leith and Alexander Wood's 1777 Plan of the Town of Leith, demonstrate that the proposed development site is located just to the east of the post-medieval town fortifications, along one of the main historic routes (Duke Street) leading into the medieval and post-medieval town. These town fortifications were constructed between 1548 and 1559 by the French army under General D'Esse, however in 1560 these fortifications were ordered to be demolished by Edinburgh's Town Council immediately following the Earl of Hertford's siege of Leith and Edinburgh. A 1573 engraving of this siege shows Leith surrounded by a series of siege works. Although no accurate plan exists of these works, the location of the site close to the line of the town fortification and to the nearby possible artillery mount (Somerset Battery/Giants Mount) in Leith Links, suggest that such remains may occur across this development site.

Both Wood's 1777 Plan of Leith and the 1st Edition OS plan of 1873 show that this site remained relatively underdeveloped into the mid-19th century. The Congregation Church was constructed in 1867 and although not listed contains locally important early-20th century stain glass windows including a War Memorial of c.1920.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of potential archaeological significance. Accordingly this application should be considered under following planning policies issued by the Secretary of State for Scotland; *National Planning Policy Guidance 18: Planning and the Historic Environment (NPPG 18)* , 1999, and *National Planning Policy guidance 5: Planning and Archaeology (NPPG 5)* and it's the accompanying *Planning Advice Note 42 (PAN 42)*, 1994. **The aim should be to preserve archaeological remains in situ as a first option**, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although there has been no archaeological investigation at the site, the existing evidence indicates that the site has the potential for containing archaeological remains associated with the mid-16th century sieges of Leith and the post-medieval development of the town. It is considered however that the impact of any proposed development, on current information, would not be considered sufficient to justify refusal of consent on archaeological grounds. Therefore it is recommended that a suitable programme of archaeological works (watching brief) should be carried out at the site by a professional archaeologist to record any remains that may be uncovered during any ground moving operations.

In addition the church itself, although not listed, does occur within Leith's Conservation Area and contains locally important stain-glass windows. Accordingly the building must be considered as having local historic importance though not necessarily enough to merit retention. If however it is decided to grant permission for its demolition then it is essential that photographic and written survey, linked to an appropriate level of documentary research, be undertaken of the church prior to its demolition. In addition the stain glass panels must be preserved and ideally retained and reused in the new church to be constructed on the site. (Following discussions with Port of Leith Housing I have received a letter confirming that currently this is their intention).

It is recommended that this programme of works is secured using a condition based upon the model condition stated in PAN42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works (Historic Building Recording and Watching Brief) and for the archiving and appropriate level of publication for the results lies with the applicant.

Representations

The application was advertised on 24th October 2003.

17 representations were received in respect of the proposals for this site. Most make reference to objection to loss of the church.

This included representations from Lorne Community Council, the Cockburn Association, AHSS, Scottish Civic Trust and Cllr Attridge.

Policy

The site lies in a Mixed Activities Area in the Leith Conservation Area as shown in the North East Edinburgh Local Plan.

Relevant Policies:

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission.

Do the proposals comply with the development plan?

If they do, are there any compelling reasons for not approving them?

If they do not, are there any compelling reasons for approving them?

ASSESSMENT

In order to determine this application the Committee should consider the effect of the demolition and redevelopment on the character and appearance of the conservation area.

Leith Conservation Area Character Statement

The Leith Conservation Area covers the extent of the historic town, including the Madeira Area (Leith's 'First New Town'), and also Leith Walk - the town's main link with Edinburgh City Centre. The character of

the Conservation Area derives from Leith's history both as a port and as an independent burgh. Several fine Georgian and Victorian warehouses survives, some now converted for residential or office use; in many cases these were initially built to hold wine and dry goods, although many were converted in the late 19th Century to serve the whisky industry. A rich mixture of civic buildings and mercantile architecture survive, particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninians Manse (both early 17th Century); although many more recent buildings have been built, and present street pattern of The Shore closely follows that of the historic town.

The Inner Harbour of the water of Leith provides a vibrant focus for the Conservation Area, with buildings along The Shore forming an impressive waterfront townscape. The Conservation Area also covers the older parts of Leith Docks, containing many early features including listed dock buildings and the Victoria Bridge, a scheduled Ancient Monument.

The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights. Many of the roads are setted, the main exception being Prince Regent Street; stone garden walls are a feature of this area. North Leith Parish Church provides a visual focus to this mainly residential area, which also includes major public buildings such as Leith Library and Town Hall.

Leith Walk remains the main artery linking the centre of Edinburgh to the old burgh of Leith. It characterised mainly by Victorian tenements and pubs at the ground floor level. There are a number of Georgian survivals, most notably Smith's Place dating from 1814. Between Smith's Place and Albert Street lies a series of tenemented streets, mainly designed by John Chesser.

Building types within the Conservation Area vary but are traditionally of stone with slate roofs; however more recent building has generally used block or render and traditional brick where previously found. Pockets of public housing development of the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area. Open space is concentrated at Leith Links, which provides a spacious contrast to the relatively dense settlement pattern of the remainder of the Conservation Area.

The demolition is specifically promoted by the church itself, the existing building being in increasingly poor condition.

The existing building already has extensive "plastic" repairs in cement, but needs much further work on spalling stonework. Roof repairs are also required. In a rationalisation exercise the church has decided to rebuild its facilities from scratch. The development of Housing Association flats above help to fund this major redevelopment of their own church facilities.

All stained glass of any quality is to be salvaged and reused as features internally.

Although the church adds a degree of visual interest on Duke Street due to its change of scale and character, the building is in very poor structural condition. The replacement building both meets the functional requirements of the church whilst also addressing affordable housing objectives. The replacement building is considered to be of high architectural quality, and will contribute to the streetscape and conservation area. The character and appearance of the Conservation Area will be preserved.

It is recommended that the Committee approves this application subject to the conditions stated and to the views of the First Minister.



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Ward affected 22 -Lorne

Local Plan North East Edinburgh

**Statutory Development
Plan Provision** Mixed Activity/Leith Conservation Area

File AF

Date registered 23 October 2003

**Drawing numbers/
Scheme** 1,2, 12-17,18-21
Scheme 2