

**Planning Permission 12/01746/FUL  
at  
37 Cammo Road  
Edinburgh  
EH4 8AW**

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

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**Previous Committee**

This application was previously considered by Committee on **10.10.2012**

**Outcome of previous Committee**

Conditions of Approval - This application was recommended for refusal. The Committee decided to approve the application and it is returning to Committee to agree the conditions of consent as set out in the addendum at the end of section 3 of the report.

**DEPARTURE FROM THE DEVELOPMENT PLAN**

The development proposed by this application is a departure from the development plan:

The demolition of the buildings and replacement by two houses and garages not connected with agriculture, horticulture or uses appropriate to the countryside is contrary to Green Belt policy and does not comply with the requirements of Policy E5 of the Rural West Edinburgh Local Plan. In addition, the demolition of the listed building does not accord with the Scottish Historic Environment Policy and an exception to the Development Plan cannot therefore be justified.

## 1 Purpose of report

To consider application 12/01746/FUL, submitted by CALA Management Ltd.. The application is for: **Removal of existing buildings for the erection of 2 private residential dwelling houses and associated ancillary accommodation.**

It is recommended that this application be **Refused** by Committee.

## 2 The Site and the Proposal

### Site description

The site which covers 0.361Ha (0.89 acre) stands on the north edge of the Cammo Estate. The building on it was designed by Bailey Scott Murphy and David Morton Kinross, in 1908, and built circa 1910. It is C(S) listed and designated as such on 24 February 1997 ref: 43935. It is an a-symmetrical, L-plan half-timbered building in the Arts and Crafts style and was originally built for Cramond Brig Golf Club.

The site is in the Green Belt, is part of a Designed Landscape, and a Site of Nature Conservation Interest.

The site is covered by a Tree Preservation Order 90 (no.4 - 1976 Cammo Estate) and the buildings contain a summer roost for bats.

### Site History

The golf club building was converted to farmhouse circa 1952/3. The farmhouse and surrounding outbuildings were operated as Cammo Home Farm which served the adjacent agricultural land within the Cammo Estate. The whole estate was acquired by the Council in 1980 from the National Trust for Scotland (NTS), subject to various title conditions. As part of the conversion, the west end of the building (the former locker rooms) was converted to a milking parlour with several windows taken out and replaced by louvres.

The buildings and land are owned by the Council. A previous conditional sale approved by the Finance and Resources Committee on 27 January 2009 fell through due to the purchaser's funding problems. The property has been re-advertised for sale on the open market and this application is submitted by the preferred bidder. The Finance and Resources Committee agreed this sale on 17 January 2012.

The building was tenanted for a short while, but has been unoccupied for in excess of 10 years and is in poor condition.

May 2012 - applications were submitted to convert the building to residential use (planning references 12/01875/FUL and 12/01886/LBC).

### **Pre-Application Process**

Pre-application discussion took place with Property Management and Cala Management Ltd. during which the Green Belt issues, proposed design and Scottish Historic Environment Policy (SHEP) test requirements for demolition were raised.

### **Description Of The Proposal**

The application is for demolition of the main farm building together with outbuildings (657.7 square metres) and replacement with two five bedroom houses of two storeys, each with a free standing double garage with ancillary accommodation above (502 square metres). Materials proposed are natural clay tile roofs, cream coloured wet dash render and cast stone detailing. A full landscaping scheme is proposed including a tree belt to the rear, new front courtyard treatment and repairs to the front stone boundary wall.

### **Supporting Statements:**

The applicant has prepared supporting statements in the form of Appendices 1-14, which include Cammo Estate Management 2011-2012 Plan; Sales particulars appendix 2; further Sales details Appendix 5; Structural Survey Appendix 6; Asbestos Survey Report Appendix 7; Bat Hibernacular survey; Bat Survey; Design and Access Statement (revised); The Buffer Planting Specification; Tree Survey; Heritage Statement (SHEP tests); Boundary Wall Dilapidation Survey Report; Sustainability Statement Form; National Trust For Scotland letter May 2012; Historic Scotland Statutory List description Appendix 14.

A letter dated 20 August 2012 from the developer has also been submitted in support of the application.

The above are available to view on Planning and Building Standards Online Services.

## **3. Officer's Assessment and Recommendation**

### **Determining Issues**

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of consent. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

## **ASSESSMENT**

To address these determining issues, the Committee needs to consider whether:

- a) Replacement dwellings are acceptable in this Green Belt location and within the Designed Landscape;
- b) Dwellings are appropriate in the Site of Nature Conservation Interest and Tree Preservation Order designation;
- c) Demolition of the C(S) listed building is justified - (SHEP tests);
- d) The design and materials are appropriate to the area;
- e) There are any traffic or highway issues; and
- f) There are any archaeological constraints on development of the site.

a) The proposal does not accord with Policy E5 of the Rural West Edinburgh Local Plan as it is not necessary for agriculture, horticulture, forestry or another use appropriate to the rural character of the area. In addition, it does not involve keeping the existing buildings so criteria which may support compliance on this basis are not applicable.

The non-statutory guideline on Development in the Countryside and Green Belt additionally sets out cases where new build houses and replacement buildings may be permitted but the detailed criteria are not met in this proposal. No evidence has been provided that the development would assist in the restoration of the Designed landscape.

If it could be argued that the demolition of the listed building was acceptable, then an exception to policy could be justified on the basis that the previous use was residential, albeit connected with agricultural use; there would be no unacceptable intensification of the use; and there would be no demonstrable harm to the openness of the area or its landscape character. However, as detailed in section c) such justification for demolition has not been provided and so there is no basis for an exception to Policy E5 and the replacement dwellings are not acceptable in principle.

b) The building is used as a roost by bats. A survey has been completed and it has been determined that the bats have not been hibernating at this location. Therefore under biodiversity legislation, moving the bats to a new

roosting location is a valid mitigating measure where a building containing bats is to be removed. In this case, the report recommends the establishment of bat boxes in the adjacent trees. This complies with Policy E18.

The site is covered by a Tree Preservation Order. The tree survey indicates that all the major trees on the site will be unaffected by the development. A new, informally arranged tree belt will be planted along the south boundary of the site facing into the Cammo estate. This complies with Policy E15.

The development is appropriate to the Site of Nature Conservation Interest and the Tree Preservation Order.

#### c) Scottish Historic Environment Policy tests (SHEP tests)

There are four SHEP tests to apply when considering any application for the demolition of a listed building of any category. The emphasis is to demonstrate clearly that every effort has been made to retain a building before such approval can be given. The four tests are:

i) the building is not of special interest; or

ii) the building is incapable of repair; or

iii) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;

iv) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

A summary for the case for the demolition of the building is provided in the supporting statements.

Under test i) to establish whether the building is not of special interest, the building is of special interest, being a substantial building of Arts and Crafts style golf club design by well known Edinburgh architects of the Edwardian period, Murphy and Kinross, who specialised in large suburban villas in and around Edinburgh. It is a fairly rare example of a club house of this period. The applicant disputes its special interest on the basis of its physical condition by saying *"It should be considered that there are many other better maintained examples of arts and crafts styled buildings throughout Edinburgh, including others by Murphy and Kinross, erected between 1840 and 1945. If greater selectivity were to be applied, the very poor condition of the building may reduce the justification for its listing."*

The conclusion is that the building is of special architectural and historic interest and this is recognised by its inclusion on the statutory list of such buildings. The building is category C(S) listed and Cammo Home farm represents a good example of a building in the Arts and Craft style and, although much altered internally, retains many of its original features,

especially externally. It is therefore worthy of retention contrary to the applicant's statement that its condition detracts from its special interest. Every effort should be made to retain the building and there is a lack of evidence to support this. Scottish Historic Environment Policy indicates that only where all efforts have been exhausted will consent be given to demolish.

Under test ii) to establish whether the building is incapable of repair, advice from two surveyors suggests that the building is repairable but at a significant cost (around £1m). According to the applicant, this would make the building uneconomic to restore set against its current marketable value, £900,000 for a cleared site. However, it could still be restored given sufficient funds by a restoring purchaser. Despite the information submitted by the applicant, there is no justification for the loss of the building just because of its poor condition.

Under test iii) whether the demolition of the building is essential to deliver significant benefits to economic growth or the wider community, the package for redevelopment of the site following demolition of the building and its outhouses by Cala, includes a sum of money resulting from the potential sale of the building and land, to be invested in the upkeep and running of the Cammo Estate. This is part of a current Conservation Agreement between the Council and the National Trust, as previous owner. However, much as this is to be welcomed, it amounts to a benefit only to the local community and does not represent the significant benefits to economic growth or benefits for the wider community that are required by the SHEP test iii). On this basis, the proposal fails.

Under test iv) to establish whether the building has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period, the applicant's condition survey indicates that there is evidence of decay and subsidence within the ground floor walls and the roof is in poor condition with water ingress apparent in places illustrated by rotting timbers. The applicant deduces it would be uneconomic to repair the building and quote a figure of just short of £1m to restore the building. In addition, the applicant's supporting statement says: *"The property was marketed nationally in Autumn 2008 (applicant appendix 2) with eight offers received by the closing date of 26th November 2008. The preferred bidder proposed to refurbish the property (applicant appendix 3). However, after a year of protracted negotiation it became clear that the proposal was not viable and the offer was withdrawn with the preferred bidder citing 'funding issues'."*

*"Thereafter, the City of Edinburgh Council undertook a feasibility exercise in 2010 in order to assess the viability of restoring the former dairy farm to an sustainable alternative use. In this regard the reinstatement costs for Cammo Home Farm were assessed to be in the region of £980,000 (applicant appendix 4), set against an assessed value in the region of £900,000. Consequently, at that stage, it became clear that finding a genuine restoring purchaser would be problematic."*

*"Given that an economically viable alternative use appeared unlikely and that the remainder of the proceeds from the sale of the site were for the beneficial*

*management of the wider estate, Property Development moved to a position that a case for the replacement of the derelict building by a new high quality development could be viewed favourably."*

*"Cammo Home Farm was remarketed in February 2011 (applicant appendix 5). Cala submitted an open market bid for the property in March 2011 based on the demolition of all buildings on the site and their replacement with two detached dwelling houses." Six offers were submitted in total, of which three proposed restoration. Two of the potential restoring purchasers were discounted as they did not provide sufficient detail within the information submitted with their offer to enable a full assessment of the deliverability of their restoration proposal. This included lack of evidence of having sought professional advice, lack of detail surrounding the likely costs, no information regarding access to sufficient finances to complete the restoration and in general a lack of detail demonstrating evidence of consultation with planning regarding surveys etc, which would be required to enable a proper planning assessment of any application which might be submitted. A third proposal did provide a more detailed response, but on further analysis the offer appeared to underestimate the level of repairs required to the property. No details were provided on funding availability in order for the party to fully restore the building, nor was there any demonstration of having sought professional advice to assist the party in delivering on its proposals. However, this must be considered as the SHEP test presumes against demolition where there is a potential restoring purchaser. Historic Scotland advises that 'only when there is no credible bid to restore the building can the test (iv) be met.'*

Whilst the bidding process history is clear, and the cost of restoration is clear; estimated by both the Council (£976,000 in June 2010 and Cala in excess of £1m in 2011), the fact that restoring purchasers were present in the bidding process is sufficient to mean SHEP test iv) and therefore the application to demolish the Cammo Home Farm fails, specifically against this criteria, as a restoring purchaser was available in principle, regardless of any bidding failure or financial shortfall that there might be. This is further backed up by the alternative current applications to keep the building and convert it to a house.

*Historic Scotland state that the second part of the test (iv) has been partly met by the marketing process outlined in the selection of preferred bidders report. This shows that the initial aim was to follow restoring purchasers, and their bids were investigated. Your Council should be satisfied that this investigation was appropriate and that the original bidders were not credible 'restoring purchasers' - in practice this has been taken to mean preserving purchasers, but reuse is clearly intended.*

*Since the marketing closing date there has been a bid by a fourth party. The report notes that the fourth party would have no legal position within the sale process. Even this being the case, it will be difficult to argue that 'every effort has been made to retain' the building (the SHEP wording) if there is an alternative offer (albeit one outwith the closing date, and especially as this offer is accompanied by a listed building consent application for restoration of*

*the building. This approach would tend to follow recent Reporters decisions where the marketing of a building (in demolition cases) is seen as a fluid and ongoing process, rather than a rigidly sealed process. This would strongly suggest the fourth, or any later bid, cannot be easily dismissed as part of the 'effort to retain the building.'*

The conclusion is that the proposal fails to comply with the SHEP tests because a fourth restoring purchaser is available and that not every effort has been made to retain the building, as required by the SHEP.

d) Design and materials - the design of the dwellings is not unlike the massing of the existing building and replicates the spirit of the large gables and hips of the existing farm building and its footprint. Clay tiles on the roof are a direct replication of the clay tiles of the existing building, as is the proposed rendered elevations. The quality of the materials is enhanced by the use of cast stone detailing. The design of the garages has been amended to orientate them north-south rather than east west. This will visually reduce their appearance from the road and from wider views within the Cammo estate.

The design and materials are appropriate to the Green Belt location.

e) Transport Planning has no objections to the proposals as the two new driveways can accommodate several vehicles each and have off-road turning areas, do not conflict with traffic calming humps on Cammo Road and the road capacity is capable of accommodating the vehicle generation without compromising road safety. A contribution of £1000 to safer Routes for Schools would be required through legal agreement if the application were to be granted.

f) Archaeology - the site has been identified as of local/regional archaeological importance in terms of its association and links to the history of the Cammo Estate. As such demolition of the farmhouse is considered to be significant. Demolition on archaeological grounds would be acceptable provided that the buildings are recorded prior/during demolition works.

In conclusion, the proposal to demolish this listed building is not acceptable as not every effort has been made to retain the building and restore it as required by the SHEP tests. The replacement buildings are contrary to policy E5 and would be a non-conforming use in the Green Belt. There are no justified exceptions in this case.

There are no other material considerations which outweigh this conclusion.

It is recommended that the committee refuses this application for the reasons stated.

## **Addendum**

The Committee was minded to approve consent for demolition at the hearing on 10 October 2012, on the basis that the proposals did meet SHEP test d). The building was not considered to be capable of economic repair and during the extensive marketing of the building and the subsequent period, it was not convinced that any prospective restoring purchaser was able to preserve the listed building.

Consequently, it is recommended that the following conditions are attached to the consent:-

**Materials** - A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning and Building Standards before work is commenced on site; Note: samples of the materials may be required.

**Tree Protection** - The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS5837: 2005 " Trees in relation to construction", or similar as approved in writing by the Head of Planning, at the limit of the canopy spread of the trees; no materials, equipment or buildings shall be stored or located within the protected area, nor shall there be any access through it. The fencing shall be maintained in a secure and upright condition to the satisfaction of the Head of Planning and Building Standards.

**Trenches** - No trenches shall be dug within five metres of the trunk of any tree on the site.

**Tree Belt** - Further details/specification of the tree planting belt between (to the rear of) the site and the Cammo Estate shall be submitted and approved in writing prior to the development commencing.

**Bats** - Provision of three Swegler 2F bat boxes and three Improved Cavity bat boxes be erected as alternative roosting sites, in the adjacent woodlands prior to any demolitions taking place on the site. No development shall take place until a licence has been issued by SNH.

**Archaeology** - 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 and Building Standards, having first been agreed by the City Archaeologist.

**INFORMATIVE:** Prior to the issuing of consent the applicant shall enter into a suitable legal agreement to make provision for the following:

Contribute the sum of £1000 towards Safer Routes to School . Reason: the Council seeks to encourage walking/cycling to school and is currently upgrading cycle/walking routes to primary schools. The contribution is payable on commencement of site works.

## REASON FOR DECISION

The proposal meets Test d) of the Scottish Historic Environment Policy on the demolition of listed buildings, as the building was not considered to be capable of economic repair and that any prospective purchaser would be unable to preserve the listed building. The proposal therefore complies with the development plan and the non-statutory guidelines and will result in the listed building being replaced by a suitable development.

**John Bury**  
Head of Planning & Building Standards

<b>Contact/tel</b>	Duncan Robertson on 0131 529 3560
<b>Ward affected</b>	A01 - Almond
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Green Belt, Area of Outstanding Landscape Value
<b>Date registered</b>	18 May 2012
<b>Drawing numbers/ Scheme</b>	01; 02A-04A; 05; 06A; 07; 08 Scheme 2

### Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Standards Portal : [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Anna Grant, 0131 529 3521, [anna.grant@edinburgh.gov.uk](mailto:anna.grant@edinburgh.gov.uk)

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

<b>Application Type</b>	Planning Permission
<b>Application Address:</b>	37 Cammo Road Edinburgh EH4 8AW
<b>Proposal:</b>	Removal of existing buildings for the erection of 2 private residential dwelling houses and associated ancillary accommodation.
<b>Reference No:</b>	12/01746/FUL

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## Consultations, Representations and Planning Policy

### Consultations

#### Transport

*No objections subject to the following conditions being applied:*

*Prior to the issuing of consent, the applicant to enter into a suitable legal agreement to make provision for the following:  
Contribute the sum of £1000 towards the departments Safer Routes to School budget. (Reason: The Department seeks to encourage walking/cycling to school and is currently upgrading cycle/walking routes to primary schools. This contribution will augment the Council budget). Contribution payable on commencement of site works.  
INFORMATIVE: The new driveways are clear of the speed tables.*

#### Archaeology

*Cammo Home Farm comprises a series of 20th century buildings centred upon the C (s) listed Home Farm building originally built in 1908 as the Cramond Brig Golf Clubhouse. This Arts and Crafts building designed by Bailey Scott Murphy and David Morton Kinross was converted into Cammo Estates Home Farm c. 1953. The site is also bounded by the early estate boundary walls dating to the early 18th century.*

*Accordingly the site and surviving buildings are considered to be of local/regional archaeological importance in terms of their association and links to the history of the Cammo Estate. Therefore this application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Rural West Edinburgh Local plan policy E30. 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.*

*The proposed scheme will see demolition of all buildings on site including the listed 1908 Home Farm. Such an impact is considered significant. However, it is considered that the loss of these buildings although regrettable would be acceptable provided that they are recorded prior/during demolition works. This will require the undertaking of a level 2/3 historic building survey of both the interior and exterior of the structures (annotated plans, photographic and written report) linked to an appropriate level of documentary research. Furthermore given the sites location within the limits of the historic estate archaeological remains associated with the estates development and possible prehistoric occupation may be encountered. Accordingly in addition to the above archaeological historic building survey work an appropriate programme of archaeological works must be undertaken during ground breaking works. This is in order to excavate record and analyse any significant surviving archaeological remains that may be disturbed.*

*It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 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 (historic building survey, excavation, reporting and analysis) 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 and for the archiving and appropriate level of publication of the results lies with the applicant*

## **Scottish Natural Heritage (SNH)**

### *Summary*

*The application is for the demolition of some derelict buildings in order to build two new homes. a small summer non-breeding bat roost has been established as present in one of the buildings. Our advice is therefore that if you approve this application, even with the mitigation/compensation set out in the report, a licence from SNH will be required by the applicant before they can proceed with the demolition and development.*

### *Background*

*An initial survey in autumn last year established that there were signs of bats within one of the buildings, suspected as a maternity roost. A further survey took place in May this year which established the roost as a summer non-breeding roost site. After the initial survey, the applicant sought further advice on EPS licensing and the 3 tests that require to be fulfilled, in order to submit the required information with their application after the second survey was*

completed. The Council also sought pre-application advice on their interpretation of the 3 tests and the information submitted by the applicant.

#### *Appraisal of impacts*

*Bats are a European Protected Species. This means that if the Council is minded to approve this application, it must satisfy itself, inline with its statutory duties under the Habitat Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application. If not, it could risk the applicant being unable to make practical use of the planning permission or committing an offence.*

*Information on the 3 tests and how to apply for an EPS licence can be found on our website:*

*<http://www.snh.gov.uk/docs/B876258.pdf>*

*<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/european-species-licencing/>*

*The Council consulted SNH for advice on their interpretation of the 3 tests at pre-application stage, after the initial bat survey. This was mainly in relation to test 1 and test 2 as the applicant had already submitted information in support of this. Test 3 could not be fully discussed until the subsequent survey to identify type of roost present and species/numbers of bat. Our advice at this stage was that the application was strong in meeting tests 1 and 2, although this was dependent on the resulting roost type and number of bats, and that further survey was required in order to inform test 1 and 2 more fully and to inform test 3. This advice was given based on the initial bat survey and structural report only.*

*The second survey in May established that the roost is not a maternity roost but a small summer non-breeding roost site, used by a handful of male or female bats. This is of less conservation concern than a maternity roost. A method statement and delivery report has been prepared by the applicant/surveyor which recommends procedures to be followed during demolition and proposed mitigation/compensation to be provided. This is a clear, concise document and we would recommend that the Council ensure that this report is adhered to. The provision of three Schwegler 2F bat boxes and three Improved Cavity Bat boxes, as alternative roost sites, in the woodland close to the roost site is proposed. Given the type of roost and the numbers of bats present, then this is adequate mitigation. Given the results of the second survey and proposed mitigation, our advice is that test 3 is likely to be met.*

**Therefore, given that the recent survey has revealed that the building is inhabited by a small non-breeding summer roost, it is likely that all three tests will be met and that a licence would be granted.** *Please note however that this advice is given without prejudice to any later consideration by SNH of an application for a licence.*

## Historic Scotland

*The attachment report (Selection of preferred bidders (closing date 16 March 2011) is useful in explaining the detailed process. We have also looked over the Heritage Statement received last week (25 July) from CALA which includes the appendices.*

*Following on from our letter of 4 July 2012 we would like to make the following comments. We have taken account of our guidance on Demolition in the Managing change in the historic environment document published in 2010. This document assists in the detailed application of policies contained within the SHEP.*

*The applicant has justified the demolition of the building by using SEHP test d)., although it is also suggested that SHEP test c). (substantial public benefits) could be met as the ring-fenced funds from sale could be used for improvements to the Cammo Estate. Regarding test c). we assume improvements to the Cammo Estate could equally be met from the proceeds of a restoration project, and as this test can only be met when (substantial) benefits are dependent on the loss of the asset we consider this justification unlikely to succeed.*

*As we noted in our letter in July, SHEP test d). is a two part test. The first part of the test must prove that the building is uneconomic to repair, i.e. that it is capable of being repaired but that is repair/reuse would not be viable. Our Demolition guidance would suggest that in order to do this successfully, especially where this test is the principal justification, there should be:*

- 1.) ( A valuation of the existing building and site (a valuation that should not allow any 'hope value' for demolition);*
- 2.) A survey of repairs and costs should be submitted, (there have already been two produced with figures either side of £1m.*
- 3.) An estimate of the value of the repaired building.*

*In order to succeed there should be a deficit between the figures for repair/reuse and final estimate. Grant aid should also be investigated, although with a C(S) listed building it is most unlikely in this case. If the value of the repaired building were more than the £1m for repair then it is arguable that this part of the test could not be met.*

*The second part of the test involves marketing the building at a price reflecting its condition to potential restoring purchasers for a reasonable period. Again, the valuation should be for the listed building and site as it stands with no hope value for demolition of the historic Asset. Often the market it left to find this figure, and as it assumes the use of the site is uneconomic with the building in-situ, it may not always be a high figure. The normal period of marketing is taken at six months.*

*Looking at the first part of the test, although two figures for the costs of restoration have been produced, there does not appear to have been a*

*valuation of the site as it stands (only offers invited). There also does not appear to be an estimated valuation for a restored building. The reports simply state that the cost of repairs is in the region of £1M, and thus the building is uneconomic to repair. Your Council should be satisfied with the figures for repair costs, and then whether a restored building would be worth more than £1M.*

*The second part of the test has partly been met by the marketing process outlined in the selection of preferred bidders report. This shows that the initial aim was to follow restoring purchasers, and their bids were investigated. Your Council should be satisfied that this investigation was appropriate and that the original bidders were not credible ¿restoring purchasers¿ in practice this has been taken to mean preserving purchasers, but reuse is clearly intended. Also, it is not clear whether the period of marketing meets the expected six months.*

*Since the marketing closing date there has been a bid by a fourth party. The report notes that the fourth party would have no legal position within the sale process. Even this being the case, it will be difficult to argue that ¿every effort has been made to retain¿ the building (the SHEP wording) if there is an alternative offer (albeit one outwith the closing date), and especially as this offer is accompanied by a listed building consent application for restoration of the building. This would clearly indicate that the offer is a serious alternative to demolition, although your Council may wish to receive further assurances on credibility if necessary. This approach would tend to follow recent Reporters' decisions where the marketing of a building (in demolition cases) is seen as a fluid and ongoing process, rather than a rigidly sealed process. This would strongly suggest the fourth, or any later bid, cannot be easily dismissed as part of the effort to retain the building.*

*In conclusion, your Council should be satisfied that the original bids have been fully investigated, that the marketing period was appropriate, and that the later bid for the building is not credible before agreeing to the loss of the listed building.*

*If your Council would find it beneficial to discuss the case further we would be happy to meet to do so.*

*Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.*

## **Representations**

The application was advertised on 1 June 2012. One letter of objection has been received from a concurrent applicant for the building's restoration, on the grounds that the SHEP tests have not been met. The fourth test is in two parts. First, the building must be found to be economically unviable and secondly, it must be marketed for a reasonable period. The objector believes the test cannot be met and objects owing to;

- the demolition of the building;
- replacement development of inferior merit;
- Area of Outstanding Landscape Quality which it would affect;
- Green Belt;
- Site of Importance for Nature Conservation
- Contrary to Planning Policy

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## **Planning Policy**

The site is allocated a part of the Edinburgh Green Belt, and a Designed Landscape as part of the Cammo Estate. It is also part of an Area of Outstanding Landscape Quality, and a Site of Importance for Nature Conservation. The site is covered by a Tree Preservation Order 90 (no.4 - 1976 Cammo Estate).

## **National Policy Guidance**

The Scottish Historic Environment Policy sets out the Government's policy on built heritage.

## **Relevant Policies:**

Relevant policies of the Edinburgh and Lothians Structure Plan  
Policy ENV1C states that local plans should include policies for protecting and enhancing International and National Historic or Built Environment Designations.

### **Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E5 states that in order to protect the landscape quality, rural character and amenity of the Green Belt and countryside areas, development will be restricted.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or countryside must meet the criteria which aim to achieve high standards of design and landscaping.

Policy E14 says that proposed development which would adversely affect Designed Landscapes or their setting will only be permitted where it assists restoration and would not adversely affect other landscape features

Policy E18 protects identified sites of local nature conservation interest.

Development within or affecting Sites of Interest for Nature Conservation will not be permitted unless there are appropriate mitigation measures to enhance or safeguard the nature conservation interest of the site.

Policy E32 seeks to ensure that proposals affecting a listed building will be considered for their effect on the character of the building. The restoration of architectural character will be an overriding consideration. Alterations will only be permitted where they respect the architectural integrity of the building.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

**Non-statutory guidelines** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

**Non-statutory guidelines** on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

**Non-statutory guidelines** on BIODIVERSITY sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

**Non-statutory guidelines** on 'QUALITY OF LANDSCAPES IN DEVELOPMENT' sets detailed design principles for hard and soft landscaping, including the retention of existing features, and relates these principles to different types of development.

**Non-statutory guidelines** on "Trees and Development" provides guidance on the information required to support planning applications in respect of tree protection, the retention of trees of landscape, biodiversity or amenity significance, and encourages new tree planting where appropriate.

## Appendix B



**Application Type** Planning Permission  
**Application Address:** 37 Cammo Road  
Edinburgh  
EH4 8AW

**Proposal:** Removal of existing buildings for the erection of 2 private residential dwelling houses and associated ancillary accommodation.

**Reference No:** 12/01746/FUL

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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Refused by Committee, for the reasons below.

#### Conditions:-

#### Reasons:-

1. The proposals are contrary to policy ENV 1C of the Edinburgh and Lothians Structure Plan 2015, as demolition would result in the loss of a designated listed building and its characteristic features which justify its designation.
2. The proposal fails to meet the demolition tests set out in the Scottish Historic Environment Policy and so the proposals do not preserve the building or its setting or any features of special architectural or historic interest which it possesses.
3. The demolition of the buildings and replacement by two houses and garages not connected with agriculture, horticulture or uses appropriate to the countryside is contrary to Green Belt policy and does not comply with the requirements of Policy E5 of the Rural West Edinburgh Local Plan.

**End**

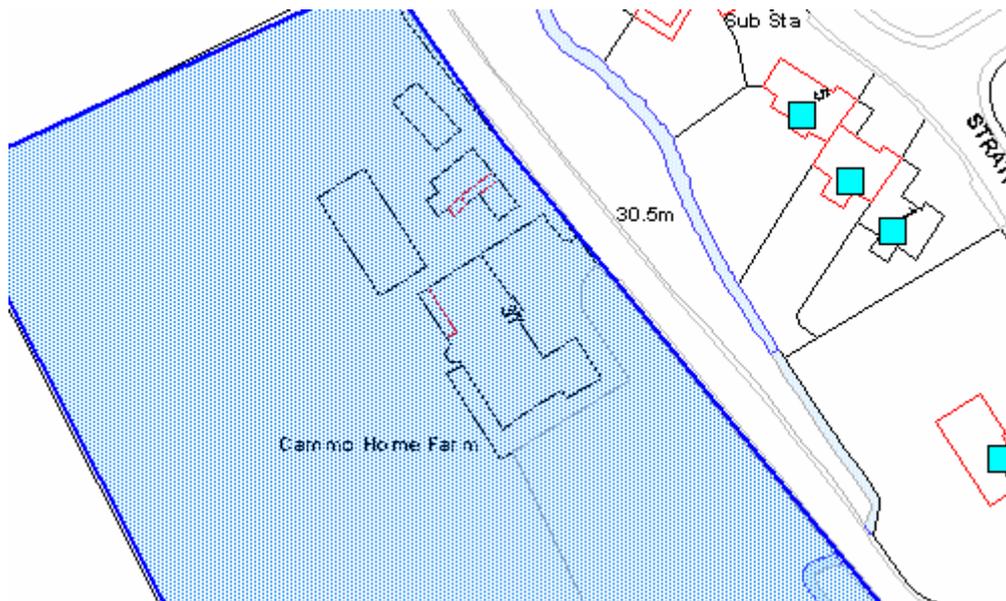
## Appendix C

**Application Type** Planning Permission

**Proposal:** Removal of existing buildings for the erection of 2 private residential dwelling houses and associated ancillary accommodation.

**Reference No:** 12/01746/FUL

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### Location Plan

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