

Development Management Sub Committee

Wednesday 3 June 2015

**Application for Conservation Area Consent 14/05156/CON
At 12 Merchiston Place, Edinburgh, EH10 4NR
To demolish existing stone villa and existing garages and
storage buildings.**

Item number	9.1(b)
Report number	
Wards	A10 - Meadows/Morningside

Summary

The demolition of an original stone villa is not justified. Demolition and redevelopment would undermine the existing street character and the character and appearance of the conservation area as a whole, contrary to Edinburgh City Local Plan policy Env 5 - Conservation Areas - Demolition of Buildings and contrary to non-statutory guidance on Listed Buildings and Conservation Areas. The proposed rebuilding of the facade is not considered to outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 25.03.2015.

The application was presented to Committee on 25 March 2015 and was continued for a site visit.

This took place on 26 May 2015.

Links

[Policies and guidance for this application](#)

LPC, CITE5, NSG, NSLBCA, OTH, CRPMER,

Report

Application for Conservation Area Consent 14/05156/CON At 12 Merchiston Place, Edinburgh, EH10 4NR To demolish existing stone villa and existing garages and storage buildings.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site extends to just over 1100sqm and contains an unlisted stone-built villa designed by the Edinburgh architect David Rhind (dating from around 1860 and originally fronting onto Bruntsfield Place) which remains largely intact. This now faces east into the rear of late Victorian tenements on Bruntsfield Place, which have been built on its former front garden. It is set well back from Merchiston Place, which constitutes its only access, and is screened by a high stone boundary wall. Modern garaging has been built against the boundary wall on the west and north sides. One garage against the north wall contains a local electricity sub-station.

The site is unique in the area due to the strong dominance of the mature and healthy lime trees along its frontage, giving the site a strong landscape character. A less formal line of trees also extends southwards along the western half of the site.

The villa is currently vacant but was last used as a student union.

This application site is located within the Merchiston and Greenhill Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes demolition of a stone-built Victorian villa by Edinburgh architect David Rhind.

Demolition of peripheral garaging on the north and west sides of the site is also proposed (one of these contains an electricity sub-station serving the local area).

Supporting Statement

A Design Statement was lodged with the application. This is available to view on the Planning and Building Standards online services.

3.2 Determining Issues

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

3.3 Assessment

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

- a) the demolition is justifiable in relation to the character and appearance of the conservation area;
- b) public comments are addressed; and
- c) equalities and human rights issues are addressed.

a) Impact on the Character and Appearance of the Conservation Area

Merchiston and Greenhill Character Appraisal

The development [of Merchiston] was supervised by David Rhind until 1864, when he was replaced by David MacGibbon. Merchiston Place was begun by 1861.

The most regular pattern of development occurs in the predominantly rectangular grid layout on the north side of Colinton Road, between Merchiston Park and Gillsland Road.

The character of the street layout is dominated by Victorian villas.

When considering the demolition of an unlisted building in a conservation area it is appropriate to determine the application in accordance with policy Env 5 of the Edinburgh City Local Plan and with the Scottish Government's Historic Environment Policy (SHEP).

Policy Env 5 - Conservation Areas, Demolition of Buildings- differentiates between buildings which make a positive contribution to the conservation area and those which do not, with a presumption against the demolition of the former, except in exceptional circumstances. The SHEP test highlights the importance of the building to the character and appearance of the conservation area and the proposals for the redevelopment of the site as the main issues.

Env 5 indicates that proposals for the total or substantial demolition of a building of merit will only be supported in exceptional circumstances. These reiterate the same three tests applied to Listed Buildings in Env2. This takes into account:

i) the condition of the building and the cost of repairing and maintaining it, in relation to its importance and to the value to be derived from its continued use (this does not have to be the same use as existing);

ii) the adequacy of efforts to retain the building in, or adapt it to, a new use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers, for a reasonable period (usually taken as two years); and

iii) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.

The Scottish Historic Environment Policy 2011 (SHEP) requires in paragraph 3.58 that, in deciding applications for conservation area consent, local authorities should take into account the importance of the building to the conservation area, and the future proposals for the site. If the building is considered to be of any architectural or historic value a positive attempt should be made to achieve its retention and re-use before any demolition proposals are seriously investigated. In some instances demolition may be considered appropriate, for instance where the building is of little or no townscape value, or where repair costs are unreasonable, or where the existing form or location makes any re-use extremely difficult. Whilst SHEP does not set out independent requirements for unlisted buildings, the same considerations apply:

- the building is of no architectural or historic merit, or
- the building is incapable of repair, or
- the demolition of the building serves a wider economic benefit to the community, or
- the repair of the building is uneconomic and the building has been unsuccessfully marketed for a reasonable period, at a price reflecting its condition and location.

The existing building is an excellent example of a villa typical of the area, and represents one of the oldest in the entire area. It is of both architectural and historic merit and contributes to the wider character of the area.

The building is capable of repair, and appears in good condition. It is readily available for re-use over a spectrum of uses without major repair works. No evidence has been submitted to demonstrate that the building is incapable of repair.

Redevelopment of the site does not serve a wider economic benefit to the community.

There is no evidence to support demolition of the building under the fourth SHEP criterion, regarding inability to repair or unsuccessful marketing.

The applicant cites poor siting as one of the primary reasons to "rebuild" the existing villa. Poor siting is not one of the listed justifications in normal assessment of demolitions. The building is of considerable historic interest, is clearly in character with the existing area, and is structurally sound.

Whilst the application proposes a partial rebuilding as part of the overall redevelopment this is not a mitigating factor.

SHEP states that in instances where demolition is to be followed by redevelopment, consent to demolish should in general be given only where there are acceptable proposals for the new build.

The parallel application for planning permission has assessed that the proposed new siting of blocks is unacceptable in terms of tree loss and other factors. Even if demolition were agreeable in principle, conservation area consent requires an acceptable planning permission for redevelopment to be considered in parallel. This is not the case.

The planning application associated with this proposal is also reported to this Committee. The recommendation of that parallel report is that the proposals for new build should be refused planning permission.

Demolition of the existing villa is not justified.

Demolition of the peripheral garaging is justifiable, due to their poor quality and failure to contribute to the character of the conservation area. However, the application is for the demolition of the villa and other buildings on site, and therefore the demolitions across the site must be considered as a whole.

The demolition of buildings on the site is not justified.

b) Public Comments

Five representations were received including objection from AHSS.

Material Objections

- The original villa is worthy of retention and should not be demolished - considered in section 3.3 a) of the Assessment;
- Demolition should not be permitted until planning permission for new build is granted - this is a prerequisite of Conservation Area Consent;
- Works to the boundary walls require clarification - this would be conditioned were the application to be approved; and
- Existing garages are "old and of considerable character" - this is addressed in section 3.3 a) of the Assessment.

Non-material Objections

- Parking and road safety - considered in the parallel application for planning permission;
- Bin storage is not considered - this is not a matter for assessment in conservation area consent;
- Was previous use for christmas tree sales authorised - this is not a matter for assessment in conservation area consent;
- Existing site is covered in litter - this is not a matter for assessment in conservation area consent;
- The existing boundary requires repair - this is not a matter for assessment in conservation area consent;

- Drawings and design statement are inconsistent and unclear - this is not a matter for assessment in conservation area consent;
- The proposal will cause overshadowing - considered in the parallel application for planning permission; and
- The proposal is too dense and gardens are too small - considered in the parallel application for planning permission.

Community Council

No comments received.

c) Equalities and Human Rights

No equalities or human rights issues arise in relation to the proposal.

Conclusion

The demolition of an original stone villa is not justified. Demolition and redevelopment would undermine the existing street character and the character and appearance of the conservation area as a whole, contrary to Edinburgh City Local Plan policy Env 5 - Conservation Areas - Demolition of Buildings and contrary to non-statutory guidance on Listed Buildings and Conservation Areas. The proposed rebuilding of the facade is not considered to outweigh this conclusion.

Addendum to Assessment

The application was presented to Committee on 25 March 2015 and was continued for a site visit.

This took place on 26 May 2015.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 5 in respect of Conservation Areas - Demolition of Buildings, as the demolition of the original villa is not justified and would undermine the character of the conservation area.
2. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the demolition of the original villa is not justified and would undermine the character of the conservation area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 9 January 2015.

Five representations were received three of which raised issues solely relating to the parallel application for planning permission and therefore being non-material in relation to Conservation Area Consent.

Two comments of relevance were received, including objection from the AHSS. Reasons for objection were:

- The existing villa is worthy of retention and should not be demolished;
- The existing villa should not be demolished until a parallel application for planning permission is approved;
- Demolition should not be permitted until planning permission for new build is granted;
- Works to the boundary walls require clarification;
- Existing garages are "old and of considerable character";
- Parking and road safety;
- Bin storage is not considered;
- Was previous use for christmas tree sales authorised;
- Existing site is covered in litter;

- The existing boundary requires repair;
- Drawings and design statement are inconsistent and unclear;
- The proposal will cause overshadowing; and
- The proposal is too dense and gardens are too small.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site lies in the Merchiston and Greenhill Conservation Area as shown in the Edinburgh City Local Plan.

Date registered

15 December 2014

Drawing numbers/Scheme

1a-3a,

Scheme 2

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area.

Appendix 1

**Application for Conservation Area Consent 14/05156/CON
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Consultations

No consultations undertaken.

Location Plan



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