

Development Management Sub Committee

Wednesday 21 February 2018

**Application for Listed Building Consent 16/06449/LBC
At 14 Bath Street, Edinburgh, EH15 1EY
Partial demolition of former cinema building including
retention and partial restoration of principal facade and
addition of new-build element to the rear.**

Item number 6.2(b)

Report number

Wards A17 - Portobello/Craigmillar (Pre May 2017)

Summary

The application complies with the Historic Environment Scotland Policy Statement 2016 (HESPS) and with the adopted Edinburgh Local Development Plan. The demolition of the auditorium is justified as the HESPS test and policy Env 2 requirements are met, due to the inability of the auditorium to be satisfactorily repaired. The restoration of the frontage has considerable merit, both in terms of the character of the listed building and the character and appearance of the conservation area. The impact of the new-build elements to the rear on the overall character is also acceptable. The net impact of all works upon the character of the listed building is acceptable. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSLBCA, CRPPOR,

Report

Application for Listed Building Consent 16/06449/LBC At 14 Bath Street, Edinburgh, EH15 1EY Partial demolition of former cinema building including retention and partial restoration of principal facade and addition of new-build element to the rear.

Recommendations

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

Background

2.1 Site description

The property is a vacant former cinema, last serving as a bingo hall, standing on Bath Street, the main approach road to Portobello beach from Portobello High Street.

The existing building was designed in 1938/39 but built either during or slightly after the Second World War. Although intended to look like a solid concrete structure, it is actually brick-built with a thin rendered cement skin, standing on a concealed timber frame. The frontage has several added outer layers over the original frontage. The frontage has been stripped of all its original projecting glazed features, and its central tower has been truncated, giving a much lower and flatter form than that originally built. Internally the front section contains the entrance lobby, stairs and projection room, but these areas have been stripped of most original features. The entrance lobby is approached by a wide set of steps.

To the rear the building's character is very different. This section contains the auditorium. Externally this section is a simple rendered brick box with a corrugated asbestos roof. Steel uprights (paired C-sections) are visibly expressed as thin "pilasters". Brickwork is only half a brick thick here, despite its great height, and it is not structurally connected to the steel uprights. Steelwork is corroded through where it connects to ground level. It is noted that the outer render contains layers of asbestos.

Internally, the currently accessible lower auditorium is plain and relatively featureless. Its proportions are compromised by a suspended ceiling, and this space is of no intrinsic architectural merit. Above the suspended ceiling the original form and ornamentation remains substantially intact. This includes the entire upper balcony, which although lacking seating, retains its original form and structure. However, it is noted that this ornamentation, though remaining fairly intact above the suspended ceiling, also contains a high percentage of asbestos fibre, rather than being pure plaster.

The structure as a whole was listed category C on 12 December 1974 (reference number: 26818).

The site contains three mature trees along its eastern edge onto Mentone Terrace, but is otherwise wholly hard-surfaced, with tarmac creating an informal (non-delineated) parking area.

On its west side the cinema abuts a substantial five storey Victorian tenement, rising higher than the current remnant cinema structure.

Bath Street as a whole is varied in character, with buildings dating from 1810 to contemporary, and with scales varying from one storey to five storeys. The carriageway is narrow, and although a two-way street, parking on each side restricts car movements to a single car travelling in one direction at any given time.

To the rear, Mentone Terrace is a residential street of more consistent character than Bath Street, which wraps around the north-east corner of the site. Mentone Terrace is cottage-like in character on its western side, and more tenemental in character on the east and to the north.

This application site is located within the Portobello Conservation Area.

2.2 Site History

20 July 2017 - refusal of a pair of linked applications requesting the total demolition of the existing building and erection of 21 flats (application numbers: 16/02052/FUL and LBC). This differs from the current applications in that demolition also included the entire frontage, and no justification was given for this.

A current parallel application seeks planning permission for 20 residential units within a rebuilt scheme, which retains and restores the front section of the building (application number: 16/06447/FUL).

Main report

3.1 Description Of The Proposal

The application proposes demolition of the entire rear auditorium. Redevelopment creates a new rear form which, in combination with the retained and restored frontage section, creates 20 residential flats. The accommodation comprises three one-bedroom units, 14 two-bedroom units, and three three-bedroom units.

The frontage is largely restored to its original profile and outer envelope, reinstating lost glazed features and the central pinnacle (to their original 1930s form). This work also includes removal of the existing outer skin of rendered wooden boards, framed out in timber from the main brick structure to mimic poured concrete. This is instead re-rendered direct onto the structure. The entrance canopy is not included within the restored elements. This element is trimmed in its projection and filled to create a new outer lobby.

To the rear, the main auditorium is replaced by a six storey development, rising to the same height as the previous structure. This steps inward on its top floor, creating a subservient "attic" level.

Outer walls are to be white rendered to repeat the outer finish of the original building. All roofs are of flat membrane construction.

Supporting Statement

An Intrusive Visual Inspection was submitted, prepared by an independent structural engineer. This is a structural report based on physical opening up of walls, partitions and critical structural elements. This confirms that both the structure and details contain an abnormally high degree of asbestos, which requires specialist removal with or without an approved scheme.

These documents are available to view on the Planning and Building Services Online Services.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

3.3 Assessment

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

- a) the demolition aspects are justified;
- b) the impact of new-build elements on the character of the listed building are acceptable;
- c) the works have an acceptable impact on the character and appearance of the conservation area;
- d) other issues are considered;
- e) comments are addressed; and
- f) equalities and human rights issues are addressed.

a) Demolition Aspects

Central to the proposal is the required acceptance that the main auditorium be demolished in its entirety.

Although the building is listed category C, and therefore would not normally attract comments from Historic Environment Scotland, their consultation is required due to the substantial demolition involved. The degree of demolition also requires assessment against the Historic Environment Scotland Policy Statement of June 2016, generally referred to as HESPS and assessment against Local Development Plan (LDP) policy Env 2 - Listed Buildings, Demolition.

HESPS Test

The Historic Environment Scotland Policy Statement (June 2016) requirements stress that only one out of four of the listed requirements need be met in order to allow demolition. The test is found in sections 3.42 and 3.48 of that document. The requirements 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 to the wider community; or
- 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.

Local Development Plan

Policy Env 2 states that demolition of listed buildings will only be supported in exceptional circumstances, taking 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
- ii) the adequacy of efforts to retain the building in, or adapt it to, a 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
- iii) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.

Assessment of Case for Demolition

It is noted that neither the Council policy nor the HESPS test specifically consider partial demolition nor do they consider elements of reconstruction or restoration within a mixed demolition/retention proposal such as this. To this end, the proposal is considered in two halves: the demolition of the auditorium (then replaced with a new-build structure); and the retention and partial restoration of the frontage.

The focus of the assessment relates to the existing building condition, linking to section ii) of the HESPS test and section i) of policy Env 2.

The critical issue is the building's construction and condition. Foremost is the widespread use of asbestos throughout, including decorative elements made from compressed asbestos. This approach in the 1930s and 1940s was a contemporary reaction to a number of fatal cinema fires. However, the asbestos itself now raises insurmountable concerns, which would inhibit even the re-use of the building as a cinema. Intrusive investigations now evidence that the current building does not meet Health and Safety standards in terms of protection from exposure to asbestos.

The building also has several structural deficiencies. The steelwork within the rear auditorium is considerably less substantial than authorised in the original structural drawings. Outer walls are unbraced and only half-a-brick thick, loosely fitted into the steelwork with no structural connection. H-beams shown in the original warrant were instead built with paired (and unconnected) C-beams placed back-to-back and greatly inferior to the warrant requirements. An assessment of structure by Council surveyors condemns the existing structure and sees the building as beyond its natural life expectation. It also determines that the required alterations to the roof (removing the corrugated asbestos and bringing the roof to modern insulation standards) would require wholesale upgrading of the entire steel frame which would equally require substantial demolition.

Taking these two issues together, it is concluded that the rear auditorium requires total rebuilding but cannot be repaired to its original condition as built, as use of asbestos would no longer be allowed, and steelwork requires replacement to a higher specification. The auditorium therefore "is incapable of repair" in terms of policy Env 2 and section 3.48 of the HESPS test (meeting requirement ii).

It is also noted that HES withdrew their original objection following their own inspection of the property.

It is accepted that the auditorium may be demolished.

b) Impact of New-build Elements on Character

LDP policy Env 4 - Listed Buildings - Alterations and Extensions seeks to retain the character of the existing listed building.

In considering the impact upon character, over and above the acceptance of any substantial demolition, the appropriateness of the new-build elements must also be considered.

In relation to outer visual appearance, the changes to the frontage would improve its character considerably, as numerous original, but now missing, features would be restored. Whilst it is noted that the restoration to the former design is not exact (adding several windows and removing the current entrance lobby layout) the impact of restoring the original central fin and missing glazed features is considerable. The entrance canopy is excluded from these restorations, but is noted that this feature appears to be non-original. The net effect is considerably closer to the original design than the existing form. The net impact on the frontage is both positive and acceptable.

Existing historic features within the interior of the front section are minimal and their loss is not critical to the overall character. A small number of Art Deco door handles exist in the lobby and a condition is added to salvage and re-use these.

To the rear, the existing exterior is a simple functional box, with no aesthetic aspirations. Replacing this section with a smaller and more articulated form improves external character on that side.

In summary, the proposal complies with policy Env 4. The works to both frontage and the rear are an improvement upon the character of those remaining elements of the listed building and are acceptable.

c) Impact on the Conservation Area

The Portobello Conservation Area Character Appraisal specifically mentions the building: *Between the wars, when Portobello was in its heyday, a number of buildings were constructed in the modern style. The former cinema in Bath Street remains.*

The existing building forms an iconic landmark within the Portobello streetscape. Works to the frontage would increase this landmark value.

Portobello includes a variety of different building types and characters, and Bath Street is particularly varied in character. The use of render is acceptable and represents no change, in that the existing building is also rendered. To the rear, the architecture proposed is simple and subservient to the frontage, and does not propose to have the same nature as the elaborate frontage reconstruction. Works to the rear would nevertheless greatly improve the streetscape on Mentone Terrace. The external fabric of the rear auditorium of the former cinema is purely utilitarian and largely acknowledged as an urban "eyesore" as currently seen from this side, being large and featureless. The volume of the building would reduce on this side. The combination of improved architecture and reduced volume would be a visual improvement on Mentone Terrace, and the form and design of this rear section is acceptable for this reason.

In relation to the character and appearance of the conservation area the works are therefore seen as beneficial and meet policy objectives.

d) Other Issues

It is noted that supplementary guidelines on historic theatres and cinemas also exist within the Theatres Trust document Cinemas Thematic Study 2007/8. The latter largely focuses upon the continuing use of historic buildings as theatres and does not require an assessment as the building is not an operational theatre or cinema.

The property is not on the register of historic theatres and cinemas.

e) Public Comments

The proposal attracted both substantial objection and substantial support. Support letters praised the restorative works to the frontage and bringing the building back to an active use.

Representations are summarised below.

Material Comments

- demolition of the building/auditorium is not acceptable - addressed in section 3.3 a) of the Assessment - it is noted that a very high percentage of objectors wrongly think that the entire building is to be demolished, and fail to note retention and restoration of the facade.
- the existing building is capable of re-use - addressed in section 3.3 a) of the Assessment.

Non-Material Comments

- residential use is not appropriate - this is considered in the parallel application for planning permission (application number 16/06447/FUL).
- traffic concerns - this is considered in the parallel application for planning permission (application number 16/06447/FUL).
- loss of daylight and privacy - this is considered in the parallel application for planning permission (application number 16/06447/FUL).
- other plans exist for the building - no other applications exist but even if these did this is not a determining factor within the assessment.
- lack of local community space - this is not a determining factor within the assessment.

Reasons for Support

- The scheme creates a restoration of the frontage.
- The existing rear of the building is inappropriate to the street and conservation area.
- The scheme brings a derelict building back into use.

Portobello Community Council

- The Community Council comments may be seen in full in Appendix 1.

In summary, the community council objected, stating that the application failed to justify the demolition. They also criticised the accuracy of the supporting statements.

f) Equalities and Human Rights

No equalities or human rights concerns arise.

Conclusion

The demolition of the rear auditorium is justified as it accords with HESPS ii) and Local Development Plan policy Env 2, as it is incapable of repair.

The restoration of the frontage has considerable merit, both in terms of the character of the listed building and the character and appearance of the conservation area. The proposed new form is acceptable both in terms of impact on the character of the listed building and impact on the conservation area. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

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.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. Details of a DDA compliant access ramp on the frontage (placed to the south-west) shall be submitted for further approval prior to works commencing.
4. The existing Art Deco door handles from the main lobby shall be salvaged and re-used within the communal lobby of the replacement structure.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order for the Planning Authority to consider this in detail.
3. In order for the Planning Authority to consider this in detail.
4. In order to safeguard the character of the statutorily listed building.

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.

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 27 January 2017.

307 representations were received: 166 in objection; 140 in support, and one in comment. Objections included letters from Portobello Amenity Association and Portobello Community Council.

A full assessment of representations can be found in section 3.3 e) of the Assessment.

Background reading/external references

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

**Statutory Development
Plan Provision****Historic Environment Scotland Policy Statement
(HESPS)**

Historic Environment Scotland Policy Statement 2016 (HESPS, June 2016) gives guidance on when the demolition or partial demolition of a listed building (or buildings in conservation areas) may be acceptable.

Planning Policies

The property lies in the Portobello Conservation Area as shown in the Local Development Plan.

Date registered

29 December 2016

Drawing numbers/Scheme

1-6 and visuals,

Scheme 1

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PLACE

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Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted. LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials.

Appendix 1

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Consultations

CEC Structures

Defects to the structural frame, external rendering and lack of ties to the masonry external walls would not make it viable to repair the defects even to a standard to maintain its current use.

Upgrading of the existing roof sheeting would also entail strengthening of the original truss roof members to comply with current standards.

Any attempt to change the use of the building or introduce additional floors will require underpinning of existing foundations and major strengthening works to the existing structure frame.

The extent of the temporary works and installation of wall ties and restraints to carry out the strengthening will require removal of internal finishes to the auditorium.

The Asbestos report by AIR Greenair Environment highlight the fact that there is in excess 960 sq m of asbestos (chrysotile and amosite) contained in the lining, ceilings and ornamentation within the auditorium which will require to be removed under licence.

Having reviewed the Intrusive Visual Inspection Report February 2017 by Harley Haddow Consulting Engineers I concur that the auditorium/main hall of the building has now reached the end of its serviceable life.

Historic Environment Scotland (final comments)

Following receipt of your re-consultation of 25 May we have reconsidered our position in light of further information, which included a site inspection, and now withdraw our objection to the demolition of the auditorium at 14 Bath Street.

In our original objection letter we stated the supporting information failed to focus on addressing the requirements of the demolition tests contained within the Historic Environment Scotland Policy Statement, and fell short of what is expected to justify substantial demolition of this C-listed building. Further information in the form of an Intrusive Visual Inspection Report has now been submitted. Beforehand, only a visual inspection had been undertaken.

We are tending to concur with the conclusion of the Report which states the 'level of repair and upgrading required would necessitate major intrusive works, and likely involve the partial demolition and rebuild of key elements.' This appears to be backed-up by the Report's findings. In considering the decorative scheme to the auditorium, which is fixed directly to the internal face of the brick wall panels (which are not tied into the steel frame), the implication is that any repair works are likely to result in the substantial removal of brickwork and destruction of the internal wall finish. It is also noted that the presence of asbestos in the wall and ceiling linings will also complicate any repair scheme and almost certainly result in the loss of the remaining ornamental finishes.

This suggests an argument for removing the auditorium is being formed on the basis that it is incapable of being repaired, thereby addressing demolition test b) of the Historic Environment Policy Statement. However, this connection to policy is not made explicitly clear and your Council may also wish to investigate further e.g. with independent engineering advice the contents of the Report. It would be interesting to hear why this situation is different from, say, the former Odeon in Clerk Street, a building of similar vintage (including a more economically built auditorium) which has had asbestos removed without loss of finishes.

The removal of the auditorium, particularly its surviving finishes, would represent a significant negative impact on the special interest of the listed building, and is not a way forward we support. However, if the extent of repair of walling and asbestos removal means the interior decoration of the auditorium cannot be salvaged, we would be inclined to be pragmatic, rather than argue for reinstatement of a partially surviving interior.

In turning to the proposals for the frontage block. The condition of the front façade is considered, as noted in the Report, not to be as severe as the auditorium. We also note that the existing external cementation cladding system (fixed to the façade by battens) is not original and we therefore have no issue with its removal.

The importance of handling re-instatement of missing architectural features was also highlighted in our original response. While recognising the conservation benefits which can potentially be achieved by restoration, again not a requirement for owners of listed buildings, the importance in achieving accuracy was stressed. We would again repeat our advice that any restoration should conform to the original character of the building, which would discourage new openings and the addition of new floors. Our prime aim in this process is to retain the listed status of the building, which would be achieved by repairing (minus any alterations) of the front elevation. We therefore encourage a more sensitive conservation-based approach to the façade, including the removal of several proposed windows. The risk of allowing more extensive alterations is the de-listing of the building.

We consider more scope exists for cladding and colour options as the level of surviving information may not allow an accurate replication of the original scheme.

In summary, the new information presented has allowed us to better understand the current structural condition of the auditorium. Further investigation will potentially be able to establish more precisely the extent of both the walling and decorative scheme which can be repaired in-situ and retained. However we do consider that sufficient doubt now exists over the feasibility of retention. If the auditorium is removed, your Council must consider the full range of proposals for the listed building and we would advise improvements in the handling of the front façade are negotiated to ensure its retention as a Category C-listed building.

We hope this is helpful, however if you wish clarification on our advice we would be happy to discuss further.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

As this application involves the demolition of the auditorium at 14 Bath Street (substantial demolition of the listed building), if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Historic Environment Scotland (initial comments)

We object to the application as we do not consider the substantial demolition of the Bingo Hall at 14 Bath Street, Portobello (originally the County Cinema) to be justified with the information currently presented. The information does not focus on addressing the requirements of the demolition tests contained within the Historic Environment Scotland Policy Statement, and falls short of what is expected to justify the loss of this Category C-listed building. If further information becomes available we may be able to re-assess our position.

Significant of 14 Bath Street.

The former County Cinema opened in 1939 and is an important example of the work of Thomas Bowhill Gibson (1895-1949), a specialist in Cinema architecture of the inter-war period. Alterations carried out in the 1950s and 1970s have impacted upon the original external appearance and internal layout, notably the removal of the central tower feature, lowering of adjacent stepped walls and the insertion of a suspended ceiling to the auditorium. Nevertheless, the building remains a good example of a purpose-built Art Deco cinema of the late 1930s. The survival of the original decorative scheme to the auditorium, above the suspended ceiling, is also significant. We consider the building has both architectural and historical merit which is reflected in its listed status.

The proposal is for the substantial demolition of 14 Bath Street and subsequent development of 21 residential units. The principal façade and returns would be retained and re-worked, including re-instatement of the central tower feature. The remaining elevations and interior, including the auditorium, would be removed.

Focusing on the range of works being brought forward to the principal façade, we would question how much of this elevation would remain afterwards? The re-cladding, alterations and additions (even if packaged as re-instatement of missing architectural elements) will have the potential to result in the loss of a significant amount of existing fabric. In a scenario where substantial (if not complete) re-building of the façade is required this has the potential to result in the de-listing of the building.

The authentic restoration of missing architectural features on listed buildings is an approach we often welcome, although it should be noted that restoration is not a requirement of owners of listed buildings. While we can see the benefits of a well-considered restoration of Gibson's principal façade by re-instating the central glazed tower, we would question if a re-instatement approach could mitigate the loss of the significant original 1930s auditorium.

In considering the detail of the new tower and alterations, we note this is far from an exact replication/restoration and includes additional floors and the provision of new window openings in a façade notable for their absence. The original two-tone blue colour scheme is also not proposed for re-instatement. While we wouldn't argue that restoration of the colour scheme is critical, we would suggest that the detailed handling of the tower and further alterations to the façade (including the provision of a fourth and fifth floor) is critical if re-instatement is to be pursued. The character of the original building would be much changed by the 'restoration' proposed. Again this may, as above, result in the building being delisted.

In summary, we consider the loss of the interior (specifically the auditorium) and the impact of alterations and additions on the principal façade would result in significant negative impact on the listed building. Due to the level of removal currently proposed, your Council has confirmed the application will be considered as substantial demolition.

Policy Context

The presumption of national policy, as set out in Scottish Planning Policy (SPP), is that listed buildings should be protected from demolition work or other works that would adversely affect it or its setting. It is expected that an application for demolition demonstrates that one of the Historic Environment Scotland Policy Statement tests can be met;

- a. the building is not of special interest; or
- b. the building is incapable of repair; or
- c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d. 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.

Demolition Tests

The information currently presented with the application does not provide a robust argument for the loss of the listed building against the demolition tests. While information on the building's importance, condition and economic viability is provided the link to the demolition tests is not specifically made. In considering the information in more detail;

Importance of the building

We consider the building to have merit, as noted above, which is recognised by its listed status. The listing was reviewed as part of the Cinemas Thematic Study in 2007-8. We have not been asked to look again at the listing, however as it was recently reviewed as part of the wider cinemas thematic study it is unlikely that we will come to a different view now. If the applicant asks for a review we will of course give that request consideration if all interested parties, including your Council, agree to this taking place. This would need to be undertaken to justify demolition under test a).

Condition

We note the conclusion of the structural report that the building is structurally in a sound condition. The presence of asbestos is not unexpected or uncommon in a former cinema from the 1930s and by itself does not justify demolition - we have examples of other former cinemas in Edinburgh that have successfully removed asbestos prior to undertaking a scheme of refurbishment and alteration. If the presence of asbestos represents particular challenges then we would ask that these are explained in more detail. As it currently stands, we don't consider it has been proved the building is incapable of repair - test b).

Economic Viability

The supporting statement does not prove the repair of the building is economically unviable which appears - although not explicitly - to address test d).

The decline in bingo as a recreational pastime is recognised and we are inclined to agree that alternative uses will be required for the building. If the owner of a listed building is unable to secure a viable scheme of adaptive re-use (which hasn't been conclusively proved), test d). also requires marketing of the building at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. It is stated the building has been marketed for a period of three years with potential purchasers either withdrawing their interest or, in the case of the local community council, not being considered credible. However, without knowing the terms and conditions of sale or the asking price for the building it is hard to judge what serious interest has been generated. We have evidence that the building has been marketed at a price reflecting its redevelopment potential rather than its true worth as a listed building to be retained. It appears to us at this stage a more open and transparent marketing process needs to be undertaken if test d) is to be met. We would be happy to input into such a process.

Conclusion

We do not consider that a case for demolition of 14 Bath Street has been made in terms of relevant policy and guidance.

We would be happy to meet you and the applicant to discuss our concerns in more detail should that be helpful, and to discuss how development at the site can be potentially brought forward with retention of the listed building. Alternatively, we would be happy to review our position if further information becomes available which addresses one or more of the Historic Environment Scotland Policy Statement demolition tests.

If you are minded to grant consent, with or without conditions, you are required under the terms the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015 to notify Scottish Ministers.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://www.engineshed.org/>.

As this application involves the demolition of a listed building, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Portobello Community Council

Portobello Community Council objects to the above applications concerning 14 Bath Street, Portobello. The new owners and the agent for the application attended our meeting on November 28th last year asking for feedback on their new proposals for re-development. To that end we ran a short consultation to gather the views of the community, a summary of which is attached. We received 263 responses with the following results.

- o On changing the use to residential: 70% object, 9% neutral, 21% support.
- o On the proposals themselves: 73% object, 7% neutral, 21% support.

Whilst there is some support for residential development, and the façade retention to keep some of the character of the building, there is also significant opposition to the development just as with the previous applications for the site. The existing building is held in high regard by people and is of considerable local importance. Whilst the building may not be in the best of conditions, and has been altered over the years, it is still highly valued for its architectural style, its history within the community, and as a functional space.

A large number of people responding to the proposals have expressed the desire to see the building continue to function in public use, and the possibilities for that must be explored in detail. When it comes to the proposed development concerns have been expressed about the scale, massing, over-development, over-shadowing, and the impact of traffic and access in what is a very congested area.

In addition, we must also point out the following factual inaccuracies within the application:

Planning Statement 4.02 - Portobello Community Council have never expressed any interest in the purchase of the property, nor approached the then owners in any way at all. This statement was included on the previous application, and its inaccuracy highlighted then too.

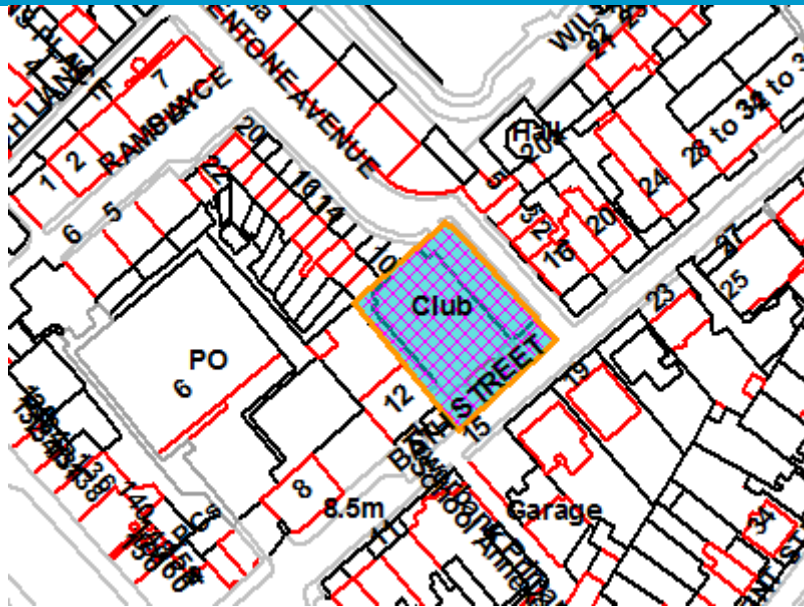
Planning Statement p2, item 3.0 - Portobello Community Council received a copy of a feasibility study by Out of The Blue regarding this property. Out of the Blue concluded there was nothing further they could do at this stage, given they do not own the property. The community council has no position on this. Likewise another unrelated group in the local community is currently pursuing purchase of Bellfield Church via Urban Community Right to Buy. The community council's interest in this only in raising awareness and sharing information - we are not purchasing a church.

Given the reasons previously given to refuse demolition both of these issues need to be corrected. They build up a picture of attempts to find alternative uses, which have been unsuccessful. They are inaccurate and have never occurred.

Given these clear errors we feel the veracity of all claims made as part of the submission must be scrutinised carefully, with supporting evidence provided. The Listed status of the building is a recognition of its local importance and that designation should not be set aside without robust examination.

In short we feel that: the Application has failed to demonstrate a case for the demolition of what is a highly valued local building: that the proposed re-development would be detrimental to local character and amenity: and that local opinion seems decisively in favour of rejecting both applications.

Location Plan



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