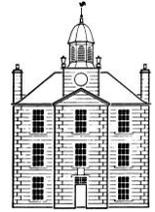


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THE ARCHITECTURAL
HERITAGE SOCIETY
OF SCOTLAND

Planning and Environmental Appeals Division (DPEA)
4 The Courtyard
FALKIRK
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7th April 2016

Dear Sirs

New Parliament House, 5-7 Regent Road, Edinburgh EH7 5BL

Planning Application : No 15/03989/FUL
Listed Building Consent Application : No 15/03990/LBC

DPEA Appeal Reference Number : PPA-230-2178
DPEA Appeal Reference Number : LBA-230-2076

Introduction

This letter comprises the submission of the Architectural Heritage Society of Scotland in relation to the appeals against the decision by City of Edinburgh Council to refuse planning permission and listed building consent for the change of use of the listed former school/national assembly to hotel, demolition of parts of the listed building, the alteration of the listed building complex for this new use, the extension of the buildings and the formation of new buildings, car parking and access in place of parts of the heritage asset to be demolished and through the redevelopment of currently open space within the curtilage of the listed building.

The Architectural Heritage Society of Scotland

The Architectural Heritage Society of Scotland encourages the protection, preservation, study and appreciation of Scotland's historic buildings. It has over 1000 members throughout Scotland and beyond, organised in six regional groups.

The Society had its origins in the Georgian Group of Edinburgh in the 1950s, a group that came together to express concerns at the threat to George Square by the University of Edinburgh's redevelopment proposals. By the early 1960s it had become the Scottish Georgian Society and had turned its attention to other important challenges such as the proper preservation of Edinburgh's

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New Town, and became involved in high-profile cases such as the public inquiries for the Kelso road scheme and the development of the George Hotel, Edinburgh.

The Society and its activities, therefore, predated the legislative provisions of the Civic Amenities Act 1967 and the Town and Country Planning (Scotland) Act 1972 that brought statutory protection to listed buildings and conservation areas. Indeed, the Society believes it helped influence and mould Scotland's responsible attitude to its built heritage then and continues to do so.

The Society produces an academic journal and a magazine each year, the former being the only publication of new, peer-reviewed architectural heritage research in the country. Talks, visits and tours are arranged to sites of architectural interest within and outwith Scotland.

The Society's constitution states that:

The objects for which the Company is established are the advancement of education, the advancement of heritage and the advancement of environmental protection or improvement by encouraging the protection, preservation, study and appreciation of the following where these are of merit or historic interest and situated in Scotland:-

- a) buildings and their associated furnishings together with their settings;
- b) gardens and designed landscapes; and
- c) town-layouts.

As part of its role in the conservation field, the Society has a network of local Cases Panels. These voluntary groups monitor applications for listed building consent and for planning permission in conservation areas throughout Scotland and offer independent advice and guidance regarding the applications to the local planning authorities. Applications in Edinburgh are considered by the Forth and Borders Cases Panel.

It also campaigns on major heritage issues to ensure the sensitive and appropriate use of the historic environment.

This special role was previously recognised, indeed encouraged, by Historic Scotland in its (now superseded) *Memorandum of Guidance on Listed Buildings and Conservation Areas* (most recently the edition of 1998) and by government in Scottish Planning Policy 23 *Planning and the Historic Environment* issued in October 2008 (superseded by *Scottish Planning Policy* in February 2010).

The Society attracts scholars and encourages scholarship but also offers opportunities for ordinary people to become involved in the built heritage. It is therefore an important part of the voluntary sector, which the *Scottish Historic Environment Policy* (SHEP) (1.19, p. 11) notes:

...makes a recognised and valued contribution: engaging local communities and individuals; undertaking important initiatives such as coastal archaeology surveys; acting as representative bodies for special interest groups; taking active roles in conserving individual sites or whole townscapes.

While not a 'statutory consultee', the provision of independent expert advice is an important contributory part of the planning process. The Society believes this is particularly valuable in the case of highly significant proposals, as is the case here, and in the light of the fact that specialist heritage skills in local authorities have declined in recent years.

The Council Decisions

Having considered the applications in accordance with statutory procedures and after taking account of Government, Historic Scotland and Council policy and guidance, non-statutory guidance and the views of consultees and interested parties, including those of the Society, the Council officers reached the view that:

Whilst the re-use of the building is essential to its future survival, any proposed use must demonstrate how it can be accommodated sympathetically without impacting on the historic, cultural and architectural significance of the building. Cumulatively, the interventions outlined in the current proposals, represent a significant negative impact, failing to respect the architectural integrity and composition of the building, damaging not only the historic fabric but failing to respect the huge cultural significance of the building, an essential element of its special interest.

Following the report to the Development Management Sub-Committee on 17 December 2015 the Council refused planning permission. In reaching a conclusion on the planning proposal the Council considered that while there were some merits to the proposal:

...the proposal would have a significant adverse impact on the character and setting of listed buildings, the character of the Conservation Area and the OUV of the World Heritage Site; The proposed [development] does not meet the requirements of Policy Des 3 a) of the ECLP or Policy Des 4 of the LDP;

The intrusion into the landscape space that can be seen below and alongside the listed monuments and buildings on Calton Hill would erode their setting. The proposal does not comply with Policies Env 3 and Env 4 of the Edinburgh City Local Plan (ECLP), Policies Env 3 and 4 of the Second Proposed Edinburgh Local Development Plan (LDP) or the Scottish Historic Environment Policy (SHEP);

In respect of SHEP it is necessary to consider whether the proposed development is acceptable in order to determine whether demolition can be supported in this instance. Due to the adverse impacts of the proposed development, the demolition of two listed buildings within the site (the gymnasium building and the lodge) cannot be justified. The proposal does not comply with Policy Env 2 of the ECLP, Policy Env 2 of the LDP or SHEP;

In addition, the proposal's effects are detrimental to the character of the New Town Conservation Area and to the Outstanding Universal Value (OUV) of the Edinburgh World Heritage Site. The proposal does therefore not comply with Policies Env 1 and Env 5 of the ECLP and Env 1 and Env 6 of the LDP;

While in general the development would accord with principles on accessibility and would have an economic benefit, these benefits are not outweighed by the harm to the historic environment. As such, the development is not sustainable development as defined by Scottish Planning Policy;

The development does not comply with the Princes Street Block 10 Development Brief, due to the impact on the setting of the Royal High School; and

The benefits to the City's economy and to tourism through bringing an at risk building back into a sustainable long term use are not outweighed by the very significant harm to built

heritage and landscape of the city. In coming to this conclusion, regard has been had to the exceptional architectural and historic interest of the Royal High School and the quality of its surrounding environment. The development would cause permanent and irreversible damage. The adverse impacts on the character and setting of listed buildings, the New Town Conservation Area, the designed landscape of Calton Hill and the OUV of the World Heritage site would not be mitigated by the sophisticated design of the proposed extensions. Put simply, too much building is being proposed for this highly sensitive site.

At the same time, Listed Building Consent was refused for the reasons that:

The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals fail to respect the architectural integrity, composition of special character of the listed building;

The proposal is contrary to Edinburgh City Local Plan Policy Env 2 in respect of Listed Buildings - Demolition, as the corresponding planning permission is not acceptable and [the] application does not fully satisfy requirements of the SHEP; and

The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals fail to respect the integrity of the building having an adverse impact on its special character.

The reasons why the Council made this decision were stated as:

The application does not comply with the Scottish Historic Environment Policy (SHEP), the development plan and Edinburgh planning guidance. The proposed interventions to the listed building would have a significant adverse impact on the architectural integrity, composition, setting and special character of the listed building. The proposals for demolition do show that the luxury hotel proposal would provide an offering to Edinburgh bringing economic benefits to the city, region and nation. However, as the corresponding planning permission is recommended for refusal and the justification for demolition is based on these proposals, listed building consent, for demolition of the buildings on site, cannot be granted in these circumstances and in isolation.

The Society's Representations of September 2015

The Society made written representations to the Council on the applications for planning permission and listed building on 30 September 2015 and made a verbal presentation to the Council prior to its determination of the applications. These views are repeated, clarified and developed here. The Society finds that the views expressed by Historic Scotland in the letter to the Council of 30 September 2015 are measured, expert and based on experience and therefore makes reference to them where appropriate.

Historic Scotland considered that the proposals would above all have a significant adverse impact on the integrity, setting and significance of the Royal High School to the degree that they objected to the planning application, suggesting that that matter alone would be sufficient cause for them to do so.

The representations followed a consultation process that the Society found to be unsatisfactory for such a significant site and proposal. Community consultation did not follow the amended designs produced after the applicant's exhibition of their original scheme, the applicants declined an opportunity to engage directly with the Society and information by way of visualisations was made available first through the press rather than directly. Furthermore, the system for public voting on preferences for a revised design was flawed as it was limited to the selection of one of three options, without provision for recommending the rejection of all three. The Society found that this lack of a collaborative and inclusive approach involving the wider community approach fell short of the enlightened approaches to placemaking promoted by the Scottish Government in a case which should properly have served as an exemplar.

The Significance of the Listed Building

The Society representations opened with the argument that the application site is one of the most important examples of Greek Revival architecture in the world. This opinion is echoed by Historic Scotland in its letter to the Council of 30 September 2015 (page 1): "We regard the Royal High School as one of Scotland's most significant buildings. We consider it to be of international significance as one of the world's highlights of Greek Revival architecture". Such opinions are also found in the corpus of international literature on architectural history.

The Society is concerned that the deliberations around the site and the proposals, including as now stated in the appeal submission, have too often failed to recognise or, worse, underplay the richness and complexity of the character and special architectural and historic interest of the heritage asset in question. Talk of the 'main building', for instance, plays down the relative importance of that structure as a group and suggests that the other buildings within the complex are perhaps less valuable and more expendable.

The Special Architectural and Historic Interest of the Listed Building

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Furthermore, SHEP (3.42, p. 41) provides that "Knowing what is important about a building is central to an understanding of how to protect its special interest. Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified."

Full account should therefore be taken of both special architectural and historic interest in the consideration of proposals for alteration, demolition or works affecting the building and its setting. While there has been due attention to the building's character and special interest as derived from its architecture, there has been, in the Society's opinion, an overlooking of the historic interest and resulting character derived from its conception as a place of learning and its subsequent roles as a practical, working building. Such aspects of special interest are important and highly valid considerations in considering change in any listed building. For example, industrial or agricultural listed buildings have, and arguably should be encouraged to retain, the essential special aspects of

their interest and character derived from their original or earlier uses such as layout, functionality, hierarchy of spaces and adaptations that reflected changing policy, technology, and other demands. This should be true also of historic school buildings and, particularly so in the case of such a building as under consideration here, that tells us much and had a key role in the history of education in the city and the nation beyond the local.

This therefore means going beyond matters of architectural styles and treatments, although these will invariably be a reflection of the functional matters. The character and special architectural and historic interest of this school is therefore derived, in a large part, from the roles it served as conceived, constructed and while in use. The subtle, complex and changing interplay between educational function and form in this particular building has been masterfully demonstrated by architectural historian Diane Watters in her recent paper 'Καλοι κ'αγαθοι (The Beautiful and the Good): Classical School Architecture and Educational Elitism in Early Nineteenth-Century Edinburgh' *Architectural History* (2014), 57: 277-321.

As with other listed buildings that have undergone long periods out of use, the former Royal High School has avoided many of the modernising changes and adaptations that a working building would have been subjected to. Given its relatively unaltered state, particularly when compared with other important educational buildings in Scotland, and its importance as a physical expression of the history of learning in Scotland and beyond, in any consideration of proposals for change to the building, special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses that derive from the fact that its current state:

- Facilitates reading of history of the building;
- Allows interpretation of the history of education and learning and the building's role within this;
- Reinforces the building's symbolic importance; and
- Underscores the impressive and consistent continuity of architectural style and respect for the existing fabric found across the site.

Similarly, the building is overlaid with more recent adaptation to serve as a high-status centre of national assembly that should also be given special regard.

Heritage Impact Assessment

The Society also strongly disagreed with the conclusions of the heritage impact assessment (Part 3 of the *Heritage Statement*) which suggests that there are no major adverse impacts and only four moderately adverse impacts on this highly significant and sensitive site and as a result questions the reliability and credibility of the exercise. This view echoes that of Historic Scotland writing in its letter to the Council of 30 September 2015 (page 2). Like the Society, they dispute the findings of the heritage impact assessment on its lack of adverse effects of the proposals, including on the World Heritage Site and suggest that it does not adequately consider the impacts of the proposed development on all aspects of the historic environment leading to a lack of confidence in its conclusions.

Architectural style and a break with continuity

The Society wrote that it supports high quality modern architectural interventions, particularly where they sensitively and respectfully help ensure the survival of important buildings. It also accepts that the site has been added to and changed over its lifetime. Indeed this has been necessary. However, this has always been done in a consistent and sensitive manner in terms of architectural style, materials and position and with respect for functional, symbolic and artistic hierarchy, new work respecting, reflecting, enhancing and acting subserviently to the 'main building'. This proposal would mean a clean and unfortunate end to this continuity through a proposal that fails to respect and breaks with the austere yet dignified and subtle architectural language and materials of the listed buildings.

Form and Scale of New Development

In addition to concerns about the architectural choices of style, material and detailing, the Society took the view that the height, scale, bulky massing, positioning of the buildings and density of development of the site would have an adverse effect on the character and setting of the listed building. This was similarly expressed by Historic Scotland in the letter of 30 September 2015 that stated that they do not consider it is possible to deliver a hotel of this scale on this site without unacceptable harm to the historic environment and therefore objected to the planning application and stated that they were unable to support the listed building consent application.

It is the Society's view that nothing less than radical pruning of the current overdevelopment would bring it close to a scheme that might be considered acceptable.

The Listed Building as part of the Calton Hill Ensemble

The Society agrees with the opinion, expressed by others, that the listed building, in its own right and as part of a larger Calton Hill ensemble, stakes Scotland's claim to be the seat of the Enlightenment. This is expressed through careful and consistent choice of architectural language, positioning, detail, quality and materials and has led to its recognition as one of the country's iconic, 'sacred spaces', an 'Acropolis of Modern Athens', as reflected in the attention to the site paid by artists. The complete ensemble is a monument in itself and it is not an accident that Thomas Hamilton and David Robert's distinguished painting c. 1858 *View of the Royal High School and Burns Monument, Edinburgh* was chosen to grace the cover of the 2013 edition of George Davie's seminal *The Democratic Intellect* (Edinburgh, 1961). The proposals would work against this layered and cultural meaning of the buildings on the site and on Calton Hill as a whole, which, taken together, represent aspects of national, civic and spiritual life and values.

The buildings of Calton Hill of which the site forms part can be taken as a manifesto in stone with a symbolism and character embodying the ideas about a developing national identity and aspiration that would be disrupted by the incongruous insertion of the new narrative of a commercial hotel operation.

Writing specifically in relation to the Royal High School, the distinguished historian A. J. Youngson wrote in 1966:

The hill is, indeed, littered with buildings of one sort or another, mostly of classical shape and form, a seemingly fanciful arrangement of harmonious compositions which forms a pattern constantly and wonderfully changing as one looks up or across at the hill from different part of the city. (*The Making of Classical Edinburgh, 1750- 1840*, Edinburgh, 1966, p. 158-159)

The proposal would, in the view of the Society, harm this historical and topographical context of the listed buildings as it would have a negative impact on key views into, out and across Calton Hill.

The Society's opinions are close to those of Historic Scotland when they wrote to the Council to suggest the development would have an adverse effect on the integrity of Calton Hill as a critical visually prominent element of the New Town Gardens Inventory designated landscape and the setting of the A-listed monuments on Calton Hill, and that either concern would be sufficient to warrant their objection.

Effects on the Listed Building

The Society submitted the view that the proposal would have an adverse effect on the character and special interest of the buildings as buildings of special architectural or historic interest through:

- The proposal to install poorly designed and detailed railings around the portico damaging the little-altered architectural purity of the focal point of the composition;
- The proposal to slap an insensitive service entrance through the east pavilion resulting in the loss of one of the pylon-framed doors;
- The Society recognised that the 1885 lodge is a sensitively and appropriately designed and positioned part of the existing ensemble, suitable scaled to the context in footprint, height and detail. It provides an appropriate 'arrival point' from the city and part of the original function and history of the building (many of Scotland's public city schools have such lodges). There is inadequate evidence to suggest that this part of the listed building is beyond use and must be lost. As a result, its sacrifice is not justified and would have an adverse effect on the character and setting of the remaining listed buildings.

In this the Society concurs with Historic Scotland when they wrote that the extensions would conflict with their published guidance in relation to scale, location, height and prominence and were designed contrary to their previous advice. It also agrees that the proposal would result in overdevelopment that is harmful to the character and special interest of the listed building and its wider setting.

Proposals to alter a historic school building, or a public building, are by no means unique. Many historic schools have been adapted to suit changing needs and uses while others have found new roles for a variety of purposes.

In Edinburgh, for example, Gallery of Modern Art is operated from two sites that have been formed from former 19th century school buildings. In both situations the modern uses have been accommodated with a high degree of sensitivity to the architectural character and interest of the buildings and in both situations, principal spaces which contribute to their character and an understanding of how the buildings were used for learning have been recognised, retained and

exploited. Lodges have been retained, new buildings affecting the settings of the listed structures have been largely avoided and landscaped curtilages that form their setting retained and made a feature of. In the case of former Bathgate Academy, a Category A burgh school also employing the neo-classical language typical of such buildings in the period in Scotland, the local authority granted listed building consent and planning permission for a change of use to residential and for new housing in the vicinity. The impact of new development was limited in terms of scale, form and siting and required that principal spaces (classrooms) be retained as attractive living spaces rather than subdivided.

Effect on the Conservation Area

Section 64 of the *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997* requires that 'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.' It is the view of the Society that the proposal would not preserve (have a neutral effect on) or enhance the character of the conservation area (i.e. 'an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance') but would have an adverse effect on its character and setting of the conservation area. The Society is of the view that this reason alone would have justified refusal of planning permission.

Effect on the setting of neighbouring Listed Buildings

The Society has also expressed the considered view that the development would have an adverse effect on the settings and special group value enjoyed by the unique architectural, artistic and symbolic relationship the listed building has with its neighbouring listed buildings, most of which are also Category A. The Society goes beyond the views of Historic Scotland expressed in its letter to the Council of 30 September in its view that the proposal would in fact have a harmful effect on the settings of the Burns Monument and of Regent Terrace with which the appeal site has a special relationship.

World Heritage Site, Skyline and Townscape

The Society also indicated concern that the development would have an adverse effect on the character and setting of the World Heritage Site, the unique quality of the city skyline, and the amenity of the area as a whole.

Loss of Open Space

The Society held that the proposals would be detrimental to amenity on account of the loss of open space, important to the setting of the listed buildings and Calton Hill, but also currently in public ownership and therefore with potential for future public use and enjoyment.

Princes Street Block 10 Development Brief

The Society offered verbally at the pre-determination hearing the view that the development does not comply with the *Princes Street Block 10 Development Brief*, due to the impact on the setting of the Royal High School.

The Development Plan

In reaching these opinions the Society was mindful of the Council's policies as specified in its submission letter (Policies: Des 1, Des 3(a), Des 3(b), Des 3(e), Des 10(a), Des 10(b), Des 11(a), Des 11(c), Env 1, Env 2, Env 3, Env 4, Env 5, Env 6(a), Env 6(b) and Env 7).

Society Response to Grounds of Appeal

In the face of the refusal of planning permission and listed building consent, the appellant seeks that the applications be granted on a number of grounds. Disaggregated with our own numbering from the appellant's conclusions, the Society wishes to respond to each of these in turn, as follows:

Ground 1: The architectural and design solutions for the buildings are acceptable in land use terms.

The principle of change of use to hotel is itself acceptable as many examples exist of historic buildings of significance being sensitively and respectfully converted for new purposes. These include hotel use where the developers and authorities have clearly recognised the limits to the building's capacity for change without adversely affecting its special interest or setting and designed and controlled the changes accordingly. Indeed, the concept of the 'boutique hotel' formed within a historic building has a long track record and is clearly greatly appreciated by customers who enjoy the intimate, human scale as an alternative to larger establishments and where they welcome the exclusive opportunity to stay 'in history'. The *Paradores* of Spain and the palace hotels of Venice include internationally famous exemplars in this regard.

However, given the scale, form, positioning and design of the proposals under consideration here, the Society is of the view that the specific hotel 'offer' is inappropriate and wrong for the capacity and qualities of the heritage asset. It is the Society's view that the project being pursued is extremely over scaled with associated loss of open space and 'breathing space' around the building that contributes to its setting. Also, that the degree of reduction and adjustment that would be necessary to prevent the development adversely affecting the character, special interest and setting of the building and area would require a radically different concept.

Ground 2: The architectural and design solution for the buildings are acceptable in heritage and conservation terms

The Society strongly disagrees with this. The proposals clearly do not preserve the listed building, its setting or any features of architectural or historic interest and therefore the strong presumption against granting planning permission and listed building consent was appropriate. This echoes the views of Historic Scotland and the Council. However, the Society goes further in not agreeing with

the Council's positive view on the design of the new extensions when it stated, at the time of taking a decision on the applications, that:

The architectural appearance, of the proposed new buildings echoes the form of the nearby Craggs. They are clearly modern additions, providing a striking contrast to the Hamilton Building and the nearby listed monuments and buildings. The materials and detailing would ensure a high quality elevation design. In relation to these aspects, the architecture proposed is a sophisticated response to the site's sensitive context.

On the contrary, the Society is of the view that the design, while of high quality is a wholly inadequate and insensitive response to this special site. Design sophistication involving the echoing or geomorphological features and domineering new buildings in striking contrast with the retained heritage assets is not appropriate and would work counter to the existing character and setting. The adverse effects on the character, special architectural and historic interest and setting of the listed building and the adverse effects on other heritage and conservation aspects including designed landscape, conservation area, World Heritage Site and adjacent listed buildings are therefore, individually and collectively, sound reasons for the refusal of the consents and dismissal of the appeals.

The Society is confident that in expressing this opinion it represents not only the views of the local 'heritage community' but also views from across Scotland and the UK.

Ground 3: The architectural and design solution respects the setting of the main building

See below.

Ground 4: The Development does not conflict with the relevant provisions of the statutory Development Plan

In reaching its opinions the Society was mindful of the Council's policies as specified in its submission letter (Policies: Des 1, Des 3(a), Des 3(b), Des 3(e), Des 10(a), Des 10(b), Des 11(a), Des 11(c), Env 1, Env 2, Env 3, Env 4, Env 5, Env 6(a), Env 6(b) and Env 7). This is highly consistent with the Council's view expressed in its decision letter that the development is:

- a) Contrary to policy Env 1 of both the *Edinburgh City Local Plan* and the *Second Proposed Edinburgh City Local Development Plan*, in respect of the World Heritage Site, as it would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as a World Heritage Site and as a result would have a detrimental impact on the Site's Outstanding Universal Value.
- b) Contrary to *Edinburgh City Local Plan*, Policy Env 2 and policy Env 2 of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Listed Buildings - Demolition as the buildings are of architectural and historic importance and the merits of the proposed replacement buildings and the public benefits to be derived from the development would not outweigh the loss of the buildings to be demolished.
- c) Contrary to *Edinburgh City Local Plan Policy Env 3* and Env 3 of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Listed Buildings - Setting, as the

proposed extensions, which owing to their excessive height, scale and massing are visually dominant and detrimental to the character and appearance of the category 'A' listed, principal school building and detract from its setting.

- d) Contrary to *Edinburgh City Local Plan Policy Env 4* and *Env 4* of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Listed Buildings - Alterations and Extensions, as the proposed extensions which are visually dominant in relation to the category 'A' listed, principal school building, owing to their excessive height scale and massing, are incompatible with the character of the existing building and diminish its special interest.
- e) Contrary to *Edinburgh City Local Plan Policy Env 7*, and *Policy 7* of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Historic Gardens and Designed Landscapes, as the proposed extensions by reason of their inappropriate height, scale and massing at this highly prominent and sensitive site on Calton Hill would be detrimental to the character of Calton Hill which is part of the Inventory Gardens and Designed Landscapes 'The New Town Gardens' and would have an adverse impact on views to , from and within this Inventory listed site.
- f) Contrary to *Edinburgh City Local Plan Policy Env 11* in respect of Landscape Quality, as it has an adverse impact on the topographical and landscape feature of Calton Hill and views thereof, as a result of changes to the balance between the semi-natural hillside and the built features of the hill, as well as the appreciation of the profile of this prominent landscape formation.
- g) Contrary to *Edinburgh City Local Plan Policy Des 1* and *Des 1* of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Design Quality and Context, owing to the excessive height scale and massing of the proposed extensions and the failure of their design to draw upon the positive characteristics of the surrounding area, or to reinforce the existing sense of place at this highly sensitive and prominent location, within the curtilage of the Category 'A' listed building, in the New Town Conservation Area and World Heritage Site.
- h) Contrary to policy *Des 3* of both the *Edinburgh City Local Plan* and *Des 4* of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Development Design, as It would fail to have a positive impact on its setting, owing to the inappropriate height scale and massing of the proposed extensions, which are visually dominant and have a detrimental impact on the wider townscape, which includes the Old and New Town Conservation Areas and views thereof.
- i) Contrary to *Edinburgh City Local Plan Policy Des 10* and *policy Des11* of the *Second Proposed Edinburgh City Local Development Plan*, in respect of Tall Buildings, as the proposed extensions which rise above the prevailing building height in the surrounding area, fail to enhance the skyline and would have an adverse impact on important views of the category 'A' listed, principal school building at this site, which is a key landmark, as well as impacting adversely on views of the landscape on Calton Hill and the listed monuments on this hill.
- j) Contrary to *policy Env 11* *Second Proposed Edinburgh City Local Development Plan* in respect of Special Landscape Areas, as it would have a significantly adverse impact on the special character and qualities of the Candidate Special Landscape Area at Calton Hill and views thereof, as a result of changes to the balance between the

semi-natural hillside and the built features of the hill, as well as the appreciation of the profile of this prominent landscape formation.

And in relation to the listed building consent:

- a) The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals fail to respect the architectural integrity, composition of special character of the listed building;
- b) The proposal is contrary to Edinburgh City Local Plan Policy Env 2 in respect of Listed Buildings - Demolition, as the corresponding planning permission is not acceptable and [the] application does not fully satisfy requirements of the SHEP; and
- c) The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals fail to respect the integrity of the building having an adverse impact on its special character.

These provisions of the Plan, which are material considerations, are clearly in place for the individual and strategic purpose of ensuring the proper preservation of the special character, setting and interest of listed buildings, conservation areas, designed landscapes, the World Heritage Site, special landscapes, townscape features and general amenity. The Society is of the view that the Council has taken a responsible and professional approach, including the application of due weight, in giving due consideration to these in reaching its conclusion on the applications.

Ground 5: There are no material considerations to justify refusal of planning permission

The proposals are, as demonstrated above, clearly in conflict with the statutory Development Plan to the degree that refusal of planning permission is justified. In addition the Society concurs with the view of the Council, expressed at the time of taking a decision on the planning application, that:

The proposal is contrary to *Scottish Planning Policy* relating to sustainable development, as it fails to adequately protect or enhance access to cultural heritage, including the historic environment, owing to the detrimental impact caused to the character and setting of the category A listed, principal school building, and to the character and appearance of both the Old and New Towns Conservation Areas, resulting from the excessive height, scale and massing of the proposed extensions at this highly prominent and sensitive site within the Old and New Towns of Edinburgh World Heritage Site.

The Society is also satisfied that the Council has taken account of the views of Historic Scotland as statutory consultees and of the guidance published by Historic Scotland.

Ground 6: The demolition of the ancillary buildings is essential to delivering significant benefits to economic growth at national, regional and local level

Scottish Ministers have rightly recognised that the proposal raises issues of national importance in terms of potential impacts on the historic environment, including the Old and New Towns of Edinburgh World Heritage Site, and also in relation to potential economic and tourism benefits.

The Society advises the Scottish Ministers that they should be highly cautious when considering how the proposed development might bring economic and tourism benefits through the commercial exploitation of what is one of the most important buildings in the nation's capital.

Loss of recognised heritage assets is just one unsatisfactory aspect of the overall proposal that could bring with it unintended disbenefits to the economy and to tourism. Also, there may be other opportunities to employ the site for a more benign yet equally economically successful development. Furthermore, the special interest of the site, of Edinburgh and of Scotland could be eroded with an adverse effect on the quality of the visitor and tourist experience. The Society would also question the limited scope and definitions of tourism and economics in this case which, it would argue, are more considerably more complex and potentially more important than considerations of bed spaces, commercial events and elite marketing.

The matter of demolition is also considered in relation to SHEP below.

Ground 7: The demolition of the ancillary buildings is essential to delivering significant benefits to the wider community at national, regional and local level

The Society is aware that this highly significant building is also a public asset and every opportunity should be explored to ensure that no part of it is lost to its community.

Scotland has an excellent track record of dealing with its public buildings at risk or in need of new uses. In many cases these have resulted in solutions providing undoubted benefits to many aspects of the community. Successful schemes have been implemented by councils, some in partnership with other organisations and others through building preservation trusts or other charitable organisations. Such projects have the benefit of engaging and carrying the community with them through a sense of collective ownership, achievement and future stewardship. It is unfortunate that these benefits have not been recognised and explored in this case.

The Scottish Government has been highly supportive of initiatives to encourage the transfer of built assets to communities. In 2009, for example, the Scottish Government funded the Development Trusts Association Scotland (DTAS) to carry out a programme of work supporting communities to take ownership of assets. The first part of this, the report *Public Asset Transfer Empowering Communities*, looked at current activity and suggested that, when appropriate, community ownership of assets can:

- Generate long term sustainable revenue streams for community organisations making them more sustainable;
- Instil a heightened sense of civic pride and responsibility;
- Provide local people with a meaningful stake in the future development of the place in which they live and/or work;
- Contribute to more effective and more intensive use of local resources;
- Be used as leverage to draw in new finance and expand the level of community activity;
- Improve the quality of the relationship between the citizen, the community and the local state; and
- Provide new opportunities for local learning and community capacity building.

It also noted how:

In these ways, the community ownership of assets can make an important contribution to the range of innovative, bottom up solutions which community groups can develop to address local needs. Importantly, these solutions not only meet the need of local people, they can also contribute to the delivery of both local government Single Outcome Agreements and central Government National Outcomes.

The Society is of the view that 'wider community' should be interpreted literally. Those who enjoy and have the potential to enjoy the special architectural and historic interest of this building include all the residents of the city and region, the nation and those from further afield. This includes generations still to come. It would be irresponsible to outweigh significant considerations of the preservation of the special architectural and historic interest and setting of the complete building complex with an unsatisfactory development that would also close down the social, educational, cultural, tourism and economic benefits to the largest possible potential user community.

The matter of demolition is considered more fully in relation to SHEP below.

Ground 8: The development will preserve the historic fabric of the Main Building

The appellants focus on the 'main building' suggests that the 'other' listed buildings on the site are less important and perhaps disposable. The Society believes this is not appropriate as explained elsewhere.

It is presumed here that by 'preservation' the appellants mean the proper repair, protection and sensitive adaptation of the listed structure with due regard for its special architectural and historic interest. The Society would expect that if the Council is to dispose of the heritage asset then it would do so on condition that the building's historic fabric will be preserved. Similarly, it would be expected that any applications for planning permission and listed building consent to alter such buildings would include an element of preservation works and that the Council would negotiate sensitive change. However, the proposals also involve the loss of historic fabric. The special architectural and historic interest would therefore be adversely affected as would the building's character and refusal of consents was justified.

If by 'preservation' it is meant that the currently unused or underused building would be brought back into fuller use then due consideration should be weighed against the clear disbenefits of loss of fabric, unacceptable change, adverse effects on setting etc. as already detailed.

The owners, as a responsible public body working within strategies and budgets, have chosen to maintain the building in its unused or underused state over a considerable time. This has not been forced upon the Council and it cannot be argued that the situation is unfortunate on account of unforeseen circumstances or external acts. The Society therefore assumes that the Council has applied, as a minimum, the good practice in the maintenance of vacant buildings and buildings at risk detailed in the *Buildings at Risk Toolkit* (<http://www.buildingsatrisk.org.uk/toolkit>), part of an initiative funded by Historic Scotland and managed by The Architectural Heritage Fund. This explores and guides on ways to tackle Scotland's most endangered historic buildings in response to the Scottish Government's National Performance Framework Indicator for the historic environment.

Ground 9: The development will not have a detrimental impact on the setting of the Main Building

It is the Society's strong view that, as stated previously, as convincingly argued by the Council and Historic Scotland and as demonstrated by the evidence submitted in support of the applications, that the works would clearly have a detrimental effect on the setting of the listed building.

This is a material consideration and one that should be given special weight. It cannot be stressed strongly enough that setting, open space, views, backdrop, light and sky are fundamental elements in what makes this building, and its contribution to the city, truly special and cannot be divorced from its special architectural and historic interest. This applies not just to the so called 'main building' but to the whole complex, a subtlety that was not lost on those responsible for commissioning, designing and maintaining the heritage asset until now.

The setting of the buildings is important from almost every angle and view, from the streets below and the hill above and into and across the site and the evidence submitted as part of the applications fails to show that there would not be adverse effects as a result of the proposals.

Ground 10: The development complies with SHEP.

Scottish Historic Environment Policy (3.49) states that where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:

- a. the relative importance of the special interest of the building; and
- b. the scale of the impact of the proposals on that special interest; and
- c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and
- d. whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 3.40 above.

These are material considerations.

The Society and Historic Scotland have already stressed the weight that should be given to the relative importance of the special interest of the building and how the scale and impact of the proposals would have adverse effects on that special interest. It has also been argued that any benefits for economic growth or the wider community do not justify these adverse and significant adverse impacts. In the light of other options for the site which are currently in the public domain and under consideration by the Council, Historic Environment Scotland and other parties, including those that represent the community, such as the Society, it is crucial that these should be properly understood in terms of any continuing beneficial use for the building and their relative impact on its special interest considered.

In the case of applications for the demolition of listed buildings, SHEP (3.50) states that it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities are therefore obliged to only approve such applications where they are satisfied that:

- 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.

The Society is of the view that the reasoning of the Council in this regard, as supported by Historic Scotland, is sound and that due to the adverse impacts of the proposed development, the demolition of two listed buildings within the site (the gymnasium building and the lodge) cannot be justified and therefore the proposal does not comply with SHEP.

The Society has argued that the building is clearly of special, indeed very special, interest. Also, as a responsible owner of a considerable portfolio heritage assets of all types and employing specialist property and conservation expertise the Council should be clearly aware of the ongoing conservation needs of the building and be taking adequate steps to address these in the light of accepted best practice. The Society argues that it has not been shown that the buildings identified for demolition are incapable of repair or that repair is not viable.

For this reason the proposal does not comply with SHEP.

In relation to the proposal at hand the Society, Historic Scotland and the Council have already argued that demolition of parts of the listed building complex is not justified and that the adverse effects of the replacement buildings that would follow would far outweigh any benefits. Again, in the light of alternative proposals currently in the public domain and before the Council, it would not be appropriate at this stage to conclude that the building has been adequately marketed to potential restoring purchasers.

For this further reason the proposal does not comply with SHEP.

Conclusion

It is appropriate that Scottish Ministers have recognised that the proposal raises issues of national importance in terms of potential impacts on the historic environment, including the Old and New Towns of Edinburgh World Heritage Site, and also in relation to potential economic and tourism benefits.

The Society strongly endorses the reasoning and conclusions of Historic Scotland as consultee and the Council as planning authority in its decision on the applications. Indeed the Society wishes to stress even more strongly than these organisations the potential adverse impacts of the development.

As discussed in the Society's representations and response to the ground of appeal, the applications clearly fail on a number of counts, each of which would be sufficient to warrant refusal.

The economic and tourist benefits do not outweigh the need for sensitive and appropriate protection, stewardship and use of the heritage assets, their setting and wider contexts.

It is not felt that there would be any merit in suggesting minor amendments or planning and listed building consent conditions that might mitigate the Society's considerable list of concerns.

The Society, even more strongly than before, views the proposal as a short-sighted, blinkered and inappropriate commercial solution to a complex and building at risk challenge that would be irreversible in reality and carries the danger of unfortunate, long-term economic consequences for the appearance, character and beauty, and reputation, of the building, city and Scotland as a whole.

At the time of writing, the Society understands that alternative proposals for the site have been brought forward and are under active consideration. While the current applications should be considered on their merits (or otherwise) it is highly appropriate, given the issues of national importance recognised by the Scottish Ministers and the argument in relation to SHEP, that these, and any evidence and studies associated with their applications for consent, should also be assessed comparatively and inform this determination.

The Society therefore recommends that the Scottish Ministers dismiss the appeals.

Yours sincerely

Dr Elizabeth Graham

on behalf of

Forth & Borders Cases Panel