

## **SECOND NOTE FOR BUCKLEY BUILDING UK LTD (“the Applicant”)**

regarding 14 Bath Street, Portobello, Edinburgh.

---

This Note addresses four matters relating to an application for delisting of the ‘C’ Listed former George Cinema, presently with Historic Environment Scotland (HES) for determination.

These matters are

- 1 A comment about apparently similar cinema buildings in Edinburgh and Ayr,
- 2 A comment about the former Scottish Widows’ Building in Dalkeith Road, Edinburgh,
- 3 The City of Edinburgh Council’s City Engineer’s report to members in relation to 14 Bath Street, and
- 4 An emailed letter from Will Rudd Davidson, Consulting Engineers to HES dated 23 May 2023.

### **1 State Cinema Great Junction Street, Edinburgh and Odeon Cinema, Ayr.**

These two former cinemas have respectively-received (1) planning permission for part demolition and conversion into living accommodation, and (2) been deemed to not meet the standard required for listing. Both have remarkable external physical similarities to the former George Cinema, the ‘C’ Listed subject of this application, and are of the same generation.

- (1) The 1995 ‘B’ listed former State Cinema in Great Junction Street in Leith, Edinburgh was the subject of a reference to HES in March 2018, and was the subject of a “we do not object” letter dated 27 March 2018 (under reference HGG/A/LA/5547 Case ID 300025124). It was in far better condition than the George is now. It received Planning Permission in April 2021 (reference 21/00676/LBC) for façade retention and development of housing. It now functions as a successful example of both.
- (2) The former Odeon Cinema in Ayr was the subject of an inquiry to HES in February 2016 for inclusion in the Cinema Thematic Study. After a desk top study and the lapse of just three weeks, it was found not to meet the listing criteria. In a prominent position in the centre of Ayr, contributing to the sense of place, its condition is (to the eye) markedly superior to that of the Bath Street building.

Both of these examples have remarkable consonance with the subject application, being of the same era and style, with asbestos construction. In Leith, façade retention coupled to the construction of flatted houses with a social housing component was recognised as a sensible way forward, and has been achieved.

Recognising that there is no formal doctrine of precedent in these matters, we submit that consistency of decision making across the heritage estate is important. On that basis, Bath Street is only 'C' listed; it contributes nothing to its location; and is inherently dangerous, for all the reasons already given. Our submission is that it no longer meets the listing criteria, and that the application should be granted.

## **2 The former Scottish Widows HQ**

The former Scottish Widows HQ at Dalkeith Road is 'A' listed. The *Edinburgh Reporter* on 24 May reported that five residential blocks will be built on the site including 57 affordable flats. The Edinburgh Planning Officer's Report of Handling is available online.

Permission for new development was given by the Council, despite a range of objections relating to the height of the new apartments, loss of trees, lack of affordable homes for families – and fears that the part-demolition of the highly prominent Sir Basil Spence-designed landmark building would lead to its A-listed status being revoked. The HES report is attached. The resultant treatment of a notable and highly significant building demonstrates that alternative uses including houses may be found without significant damage to the surroundings of the listed asset.

## **3 City Engineer**

Thirdly, we refer to the City of Edinburgh Planning Officer's report submitted to the Planning Committee, and subsequently seen by the Reporter. Included in the City's papers for that Inquiry was a previously undisclosed (and unsigned) Report by the City Engineer, Mr Michael Crickett. The original has now been obtained from CEC Planning. It is attached, and was acknowledged by Mr Crickett at the Inquiry site visit. It is submitted that its conclusions fully support this application.

## **4 Will Rudd Davidson's (WRD) emailed letter of 23 May 2023.**

This is a very minor matter, but must be addressed. The Applicant has no wish to involve HES in a former disagreement with WRD about competence.

The report of 16 December 2020, instructed by the applicant, was initially issued by WRD in error, for reasons unknown. It was therefore formally withdrawn at Planning Committee stage, with our agreement. However, City of Edinburgh declined to remove it from their website. In the current application, the Applicant does not rely to any extent on the WRD Report of 16 December 2020. The author of the recent email from WRD omits to mention that the Notice of Retraction, which she wrote, states in its final sentence that “*WRD’s ..opinion...is contained wholly within our subsequent report ...dated 29 March 2021.*” That later report is before HES in this application, to provide a complete full picture.

The 2021 WRD Report is in turn superseded by the Peer Review Report of (1) Mr Robert Storey of G3 Consulting Engineers of 13 May 2021 and (2) the report of Professor Roger Willey (ACS) dated 13 December 2021, both analysing the state of the building. Both are acknowledged to be world class experts on this topic. In addition, Professor Willey’s Supplementary Report dated 3 April 2022 commented unfavourably upon the work of Robertson Surveyors, instructed by the lobby group known as ‘Friends of The George’.

To be completely clear, in its submissions in *this* application the Applicant relies on the reports of Mr Storey and Professor Willey, and on Mr Crickett’s conclusions.

#### **4 Conclusions**

It is respectfully submitted that

- 1 The similarities with the Edinburgh and Ayr Buildings are both relevant and significant. It is submitted that they are persuasive towards the grant of this Application.
- 2 HES’ treatment of the Scottish Widows/Sir Basil Spence building provides a sound lesson for this application.
- 3 The letter from WRD is irrelevant.
- 4 This application for delisting of a dangerous and terminally ill building, which is now without residual value, should be granted.

JDCKC

14 June 2023

