

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Listed Building Consent 20/00271/LBC
at 89 Constitution Street, Edinburgh, EH6 7AS.
Proposed change of use from existing offices to form 9 new
dwelling flats.**

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior.

Links

[Policies and guidance for this application](#)

HES, HEPS, HESINT, HESUSE, LDPP, LEN03, LEN04, LEN06, NSG, CRPLEI,

Report

Application for Listed Building Consent 20/00271/LBC at 89 Constitution Street, Edinburgh, EH6 7AS. Proposed change of use from existing offices to form 9 new dwelling flats.

Recommendations

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

Background

2.1 Site description

The application site is a 19th century commercial building on the east side of Constitution Street. The building is two storeys high on the Constitution Street elevation with a single storey section to the side (north) that also faces the street. To the rear of the front section there is an attached three storey warehouse building with a pitched roof. Access from Constitution Street is between the two storey section and the single storey section where internal stairs lead up to the ground floor. There is then a separate internal stair up to the first floor and direct access to the rear staircase which is currently accessed from John's Lane.

Internally, the front section has many ornate features typical of Victorian architecture of the time. The rear warehouse is much plainer but has some original columns and beams.

The building takes up the whole site. It was listed category B on 29 April 1977 (LB Ref: 27201). The building is currently a class 2 office.

There is a narrow lane to the south that is not within the application site and a warehouse converted to residential use is on the other side of it. To the north, there is a public house at ground floor with flats above. The north east section of the warehouse is attached to another warehouse converted to flats with a frontage onto 46 Queen Charlotte Street and accessed from John's Lane. The application site warehouse and the adjacent converted warehouse share an access stair. To the rear of the site there is a derelict warehouse (John's Lane) which is currently the subject of a planning application for conversion to residential use.

The wider area has a mixed character including residential and commercial uses. The tram will go directly in front of the building.

This application site is located within the Leith Conservation Area.

2.2 Site History

18 December 2018 - Applications withdrawn for proposed change of use from existing offices to form 11 new dwelling flats (application references 18/09277/FUL and 18/09279/LBC)

26 August 2019 - Planning permission and listed building consent refused for change of use to 11 flats (application references 19/01267/FUL and 19/01268/LBC).

30 January 2020 - A parallel application for planning permission has been submitted. This is pending decision (application reference 20/00272/FUL).

Main report

3.1 Description Of The Proposal

It is proposed to convert the building to nine flats. The accommodation is proposed as follows:

- Flat 1 is a studio flat (31.7 sq.m.) in the single storey section to the front;
- Flat 2 is a studio flat (43 sq.m.) on the ground floor of the two storey section to the front;
- Flat 3 is a one bed roomed flat (56.8 sq.m.) on the first floor of the two storey section to the front;
- Flat 4 is a duplex two bed roomed flat (86.4 sq.m) on the ground and first floors of the rear section;
- Flat 5 is a duplex two bed roomed flat (89.8 sq.m) on the ground and first floors of the rear section;
- Flat 6 is a two bed roomed flat (66.2 sq.m.) on the second floor of the rear section;
- Flat 7 is a one bed roomed flat (53.4 sq.m.) on the second floor of the rear section;
- Flat 8 is a one bed roomed flat (58.4 sq.m.) on the third floor of the rear section;
- Flat 9 is a one bed roomed flat (56sq.m.) on the third floor of the rear section.
- Flats 2,3,4, and 5 have basement storage.

Externally, the frontage will remain as existing. The side elevation to the south will have a number of new windows and there will be an additional three windows on the north elevation. These will be timber sash and case. Eight new roof windows will be formed to light the third floors flats.

Internally, flat 1 will be formed from the existing single storey side section. This is a former office with good cornices, panelling and a fireplace. These features will be retained, and kitchen units placed at the back of the room. A cupboard to the rear will form the en-suite.

Flats 2 and 3 will also be located in rooms with good detailing but these features will be retained.

The remaining flats will be in the rear warehouse section and new partitions will be formed to create the flats. The existing partitions to this area are non-loadbearing timber studs and not historic.

There is no open space provision and no car parking proposed. Bin storage and cycle storage for 14 bikes will be located in an internal courtyard area which forms a lightwell for the buildings around it.

Previous Scheme

The ground floor plan was amended to include an en-suite in Flat 2.

Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the proposals preserve the character of the listed building;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) All public comments received have been addressed.

a) Character of the Listed Building

In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses.

Paragraph 4 of Historic Environment Policy for Scotland 2019 (HEPS) identifies that:

The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.

HEPS outlines how we should undertake our duty of care whenever a decision affects the historic environment. It contains a number of policies including a policy statement that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. Other policies stress that detrimental impacts should be avoided. Where appropriate opportunities for enhancement should be sought.

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Interiors and Windows.

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the Edinburgh Local Development Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

In terms of setting, there will be no change to the envelope of the building and the addition of new windows in the side elevations and roof will have minimal impact on the setting of the building.

Externally, the main change is the addition of windows to the south elevation. These have been designed as traditional timber sash and case. This elevation is plain and has no features of special interest: the new windows will not affect its character. The addition of new roof windows will also have little impact on the industrial character of the rear warehouse.

Historic Environment Scotland's guidance document entitled Managing Change in the Historic Environment: Interiors states *the interior of a historic building is important in defining its character and special interest. The interest, experience and enjoyment of a historic interior can be derived from a number of factors including its design, structural plan and layout, the quality of its decorative scheme, materials and craftsmanship, fixtures and fittings, any associated archaeology, and historical and cultural associations. Decorative schemes can illustrate much about the function/status of a room and broader stylistic movements. The design of chimneypieces, cornicing, doors and architraves were often coordinated throughout a room or a building in one style or a contemporary variety of styles. Some schemes have a theme or purpose reflecting the outlook of a patron and/or designer or reflect the use of the space.*

The rear section of the building is plain and has no features of architectural or historic interest apart from some original columns and beams which will be kept.

The front section has some ornate Victorian detailing. In particular, the room in the single storey section to the front is of very good quality and the main change here will be the insertion of a minimal kitchen. Otherwise it will retain its former office character.

The ground floor and first floor of the front building in the two storey section are also of good quality and the flats have been designed to keep these spaces intact. Overall, the internal alterations have been sensitively designed to ensure the architectural and historic character of the listed building is preserved.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is also applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The building is a vestige of Leith's industrial and commercial heritage. Many traditional industries in the area have been replaced and the warehouse was originally used as a wireworks but this has long since gone. The building is now largely disused: there is a lawyers' office on the ground floor. The upper floors of the warehouse section to the rear are in poor condition and although the architecturally important features of the front building remain, they lie unappreciated with these rooms all used for storage. The proposals bring a new use to a redundant listed building with minimal intervention to its special interest.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In 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.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

Leith Conservation Area Character Appraisal places this building within the Old Leith and Shore section of the conservation area. In terms of grain and density it states - *A dense fabric of closely grouped buildings separated by narrow lanes creates a distinctive character. The main routes through the area are those which define its edges: the Shore along the Water of Leith, Constitution Street and Great Junction Street. It also states - Leith's urban heritage and identity also make it a pleasant and stimulating place to live, work and visit. The range of mixed uses contributes considerable pedestrian movement and an active 'street life', an important feature in the area's character.*

Bringing this building into use again with minimal alterations is compatible with the area's essential character. In addition, there will be no adverse impact on the appearance of the conservation area as the building will appear the same from the street and changes to the elevations will not be evident.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

Public Comments

Material Comments - objections

- sub-division is vandalism - addressed in 3.3a);
- contrary to development plan - addressed in 3.3a) and b) and
- adverse impact on listed building and conservation area - addressed in 3.3a) and b);

Non-material comments

- possible use as short stay tourist accommodation or HMO - this is not a consideration in listed building consent.

Conclusion

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Prior to the commencement of the works, a full photographic survey shall be undertaken of the building and submitted to the planning authority

Reasons:-

1. To ensure the current condition of the building is recorded for posterity

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

Four objection comments have been received including one from the Leith Links Community Council.

The comments are addressed in the assessment section of the report.

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

The site is located within the urban area in the Local Development Plan on a route to be safeguarded for the tram.

Date registered

30 January 2020

Drawing numbers/Scheme

01-04, 05A, 06-11,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Relevant policies of the Local Development Plan.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

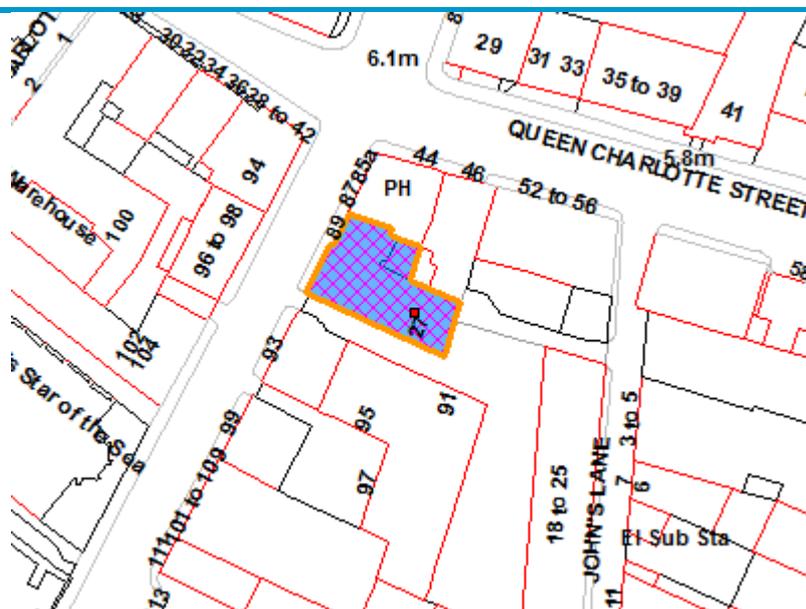
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Consultations

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments 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.

Location Plan



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