

Development Management Sub Committee

Wednesday 22 September 2021

**Application for Planning Permission 20/04432/FUL
at 14 George Street, Edinburgh, EH2 2PF.
Proposed partly retractable glazed roof to Rose Street Cafe
terrace to the rear of the Dome (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal would be harmful to the character and setting of the listed building and would be harmful to the character and appearance of the conservation area. Therefore, in accordance with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 it should be refused planning permission.

Furthermore, the proposal does not comply with policies Env 3, Env 4 and Env6 of the Edinburgh Local Development plan or the Council's Listed Building and Conservation Area Guidance which supports these policies. The proposal therefore does not comply with the Development Plan. There are no material considerations that outweigh these conclusions.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, NSLBCA, LEN03, HES, HESEXT, HESSET, LEN04, LEN06, NSG, LEN01, OTH, CRPNEW, CRPWHS,

Report

Application for Planning Permission 20/04432/FUL at 14 George Street, Edinburgh, EH2 2PF. Proposed partly retractable glazed roof to Rose Street Cafe terrace to the rear of the Dome (as amended).

Recommendations

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

Background

2.1 Site description

The application site is The Dome, a category A listed building located on the south side of George Street (listed building ref: 28862; date listed: 13.01.1966). The building was originally a commercial bank and currently operates as a bar/restaurant. The site is located within the New Town Conservation Area and Edinburgh World Heritage Site.

The rear of the building has been designed to address Rose Street with railings and gate piers on the street providing access and views to the sunken open courtyard. The east and west sides of the courtyard are flanked by pavilion buildings and the rear of the main building features a prominent apsidal end.

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

This application site is located within the New Town Conservation Area.

2.2 Site History

18 March 1998 - Erect glazed canopy (application number: 97/02297/FUL).

8 September 1999 - Planning permission granted for the erection of a glass cover over external eating area (application number: 99/02095/FUL).

30 September 1999 - Listed building consent granted for the erection of a glass cover over external eating area (application number: 99/02095/LBC).

20 January 2009 - Planning permission refused for the erection of parasols in garden café and at sides of main entrance (in retrospect) (application number: 09/02724/FUL). This decision was subsequently upheld following an appeal to the Local Review Body.

20 January 2009 - Listed building consent refused for the erection of parasols in garden café and at sides of main entrance (in retrospect) (application number: 09/02724/LBC). This decision was subsequently dismissed following an appeal to the Scottish Ministers (appeal reference LBA-230-234).

9 September 2009 - A Planning Enforcement Notice and Listed Building Enforcement Notice served requiring the removal of the parasols (enforcement case number: 09/00286/ELBB). Subsequent appeals against both notices were submitted to the DPEA. The appeal against the Planning Enforcement Notice was allowed due to the works having subsisted for a period that made them immune to enforcement action. The appeal against the Listed Building Enforcement Notice was dismissed and the Notice upheld.

Main report

3.1 Description of the Proposal

The proposal is to erect a freestanding glazed steel framed structure to cover the rear courtyard area at the rear of the building with the exception of the area where the stairs from Rose Street are located. The central section of the structure would have a retractable roof.

Scheme 1

The initial scheme proposed a curved glazed structure covering the courtyard.

Supporting Statement

The applicant has submitted a supporting statement which is available to view on Planning and Building Standards On-line Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority 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.

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.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the proposals will have an adverse impact on the character of the listed building;
- b) the proposals will adversely affect the character and appearance of the conservation area;
- c) any impacts on equalities and human rights are acceptable and
- d) any comments received are addressed.

a) Impact on the listed building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority 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."

HES's guidance on *Managing Change - Extensions* and *Managing Change - Setting* contains the principles that apply and how they should inform planning policies.

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

LDP policy Env 4 (Listed Buildings - Alterations & Extensions) 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 buildings interest; and any additions would be in keeping with other parts of the building.

The non-statutory Guidance on Listed Buildings and Conservation Areas provides additional guidance on development affecting listed buildings and within conservation areas.

The rear of the building has been designed to address Rose Street with the railings and gate piers providing access and views to the open courtyard and the rear of the building. Architectural features to the rear of the building including the prominent apse, sunken courtyard and flanking pavilions represent a significant part of the building's character and make an important contribution to the wider street scene.

The proposal seeks to erect a glazed partly retractable roof that will entirely infill the open courtyard at the rear of the building. The proposed structure would form a significant addition to the rear of the building that would visually sever the lower part of the building and courtyard from the upper, creating a disruptive feature on an architecturally important area of the building. The proposal would alter the building in a manner that would fail to have regard to its architectural integrity and would create an incongruous and unsympathetic form, to the detriment of the building's character.

The proposal would negatively impact the understanding and interpretation of the courtyard, apse, flanking pavilions, railings and gate piers and the interrelationship of these features. The enclosure of the courtyard would alter the character of the rear of the building with an addition that would be out of keeping with the original designed elevation and would have an adverse effect on the architectural composition of the building and its setting.

Historic Environment Scotland has been consulted and has objected to the proposal due to its impacts on the building's special interest, character, appearance and setting.

Overall, the proposal is unacceptable as it does not have special regard to the building's historical architectural features and will therefore adversely impact on the special architectural and historic interest of the listed building and its setting.

b) Character and appearance of conservation area and World Heritage Site

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

"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."

Policy Env 6 in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and to be consistent with the relevant conservation character appraisal.

The New Town Conservation Area Character Appraisal identifies that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance.

The Dome is an important building within the New Town Conservation Area and is one of very few freestanding buildings in the First New Town. It is also one of very few buildings that address both George Street and Rose Street. The relationship the rear of the building has with the eastern end of Rose Street makes a significant contribution to the character of the area, with views down into the courtyard providing a more open impression than is the case for much of the street.

Enclosing the courtyard in the manner proposed would fundamentally change the character of this area and would diminish the important relationship between the area at the rear of the building and Rose Street.

The development would form a significant addition to the premises which fails to have regard to important architectural features of the building and its setting. It would not preserve or enhance the special character or appearance of this part of the conservation area by virtue of its location, scale and visual impact.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impacts were identified.

d) Public comments

Twenty-seven letters of representation were received from members of the public in support of the proposal.

The reasons for supporting were:

- The proposal would be a positive addition to the building - addressed in Section 3.3 a) and b).

Conclusion

The proposal would be harmful to the character and setting of the listed building and would be harmful to the character and appearance of the conservation area. Therefore, in accordance with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 it should be refused planning permission.

Furthermore, the proposal does not comply with policies Env 3, Env 4 and Env6 of the Edinburgh Local Development plan or the Council's Listed Building and Conservation Area Guidance which supports these policies. The proposal therefore does not comply with the Development Plan. There are no material considerations that outweigh these conclusions.

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

3.4 Conditions/reasons

Reason for Refusal: -

1. The development does not comply with Section 59 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, Policies Env3 and Env 4 of the Local Development Plan and is contrary to HES Managing Change Guidance on Extensions and Setting and non-statutory guidance on Listed Buildings and Conservation Areas as it fails to preserve the unique historic and architectural character of the listed building.

2. The development does not comply with Section 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, Policy Env 6 of the LDP and fails to preserve or enhance the character and appearance of the New Town Conservation Area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 30 October 2020. A total of 27 representations were received in support of the proposal.

A summary of the comments is contained in 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

Edinburgh Local Development Plan - Urban Area, New Town Conservation Area, Edinburgh World Heritage Site

Date registered

15 October 2020

Drawing numbers/Scheme

01-02, 03A,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alex Gudgeon, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 20/04432/FUL At 14 George Street, Edinburgh, EH2 2PF Proposed partly retractable glazed roof to Rose Street Cafe terrace to the rear of the Dome (as amended).

Consultations

Historic Environment Scotland

Response - November 2020

Thank you for your consultation which we received on 21 October 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref LB28862

Name 14 GEORGE STREET, FORMER COMMERCIAL BANK, INCORPORATING BOUNDARY WALLS, RAILINGS AND BALUSTRADES, FLANKING GATEWAYS AND PAVILIONS, AND LAMP STANDARDS

Designation Type Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We object to the application because the proposals would result in the loss of the carefully designed relationship between the building's prominent apsidal end, its sunken courtyard with flanking pavilions and the Rose Street railings and gatepiers. This loss would have a significant, detrimental impact on the special interest, character and appearance of the category A listed building, specifically designed to address Rose Street.

Background

Designed by David Rhind, 1846-7 with internal alterations by Sydney Mitchell, 1885. The category A listed building, which is a former bank, is designed on the theme of a Graeco-Roman temple. As a consequence of the original civic function of the building as a bank, and the use of the temple form which also has echoes of the creation of a civic space the interface between the building and its setting in the street is an important component of the design. Only it, and the Assembly Rooms, span the entire site between George Street and Rose Street.

On George Street, the building is designed to draw people in from the street through a central portico with flanking recessed bays providing a semi-civic space to either side of

the portico and emphasising the projection and scale of the portico itself as a major feature in the streetscape. A similar, bold approach is taken with the apsidal end to Rose Street, with a sunken courtyard and advanced flanking pavilion wings again emphasising the scale of the building within the street.

Proposals to alter or extend a listed building must be informed by and respond to an understanding of the building's special architectural interest and preserve or enhance its character and appearance. The relationship of the Rose Street elevation: the building's prominent apsidal end, flanking pavilions, open courtyard, railings and gatepiers to Rose Street combine to make a significant contribution to this nationally important building.

Our position

There have been a series of non-permanent additions in the courtyard, including umbrellas. The proposed scheme would see the Rose Street facing courtyard infilled with a new permanent glazed steel-framed structure. The development would extend across the courtyard leaving a 150 mm gap between it and the elevations of the east and west pavilions and the building's prominent apsidal south elevation. The introduction of the proposed glazed-roof structure incorporating a full width glazed wall to the Rose Street elevation would significantly diminish the bold relationship between the building, sunken courtyard, pavilions, and the street of this nationally important building.

We object to the current scheme for its impacts on the building's special interest, character, appearance and setting considered above.

We would be happy to meet you and the applicant to discuss our concerns and potential solutions. There may, for example (with reference to current restrictions), be scope to explore potential opportunities for siting a temporary, modestly scaled, low impact free-standing structure within the courtyard space that would be removed after a fixed time period.

If you are minded to grant consent, with or without conditions, you are required under the terms of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment)(Scotland) 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 through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Gordon Mackie who can be contacted by phone on 0131 668 8628 or by email on Gordon.Mackie@hes.scot.

Reconsultation response - September 2021

Thank you for your consultation which we received on 25 August 2021. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref LB28862

Name 14 GEORGE STREET, FORMER COMMERCIAL BANK, INCORPORATING BOUNDARY WALLS, RAILINGS AND BALUSTRADES, FLANKING GATEWAYS AND PAVILIONS, AND LAMP STANDARDS

Designation Type Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We maintain our objection to the application because the proposals would result in the loss of the carefully designed relationship between the building's prominent apsidal end, its sunken courtyard with flanking pavilions and the Rose Street railings and gatepiers. This loss would have a significant, detrimental impact on the special interest, character and appearance of the category A listed building, specifically designed to address Rose Street.

Background

Designed by David Rhind, 1846-7 with internal alterations by Sydney Mitchell, 1885. The category A listed building, which is a former bank, is designed on the theme of a Graeco-Roman temple. As a consequence of the original civic function of the building as a bank, and the use of the temple form which also has echoes of the creation of a civic space the interface between the building and its setting in the street is an important component of the design. Only it, and the Assembly Rooms, span the entire site between George Street and Rose Street.

On George Street, the building is designed to draw people in from the street through a central portico with flanking recessed bays providing a semi-civic space to either side of the portico and emphasising the projection and scale of the portico itself as a major feature in the streetscape. A similar, bold approach is taken with the apsidal end to Rose Street, with a sunken courtyard and advanced flanking pavilion wings again emphasising the scale of the building within the street.

Proposals to alter or extend a listed building must be informed by and respond to an understanding of the building's special architectural interest and preserve or enhance its character and appearance. The relationship of the Rose Street elevation: the building's prominent apsidal end, flanking pavilions, open courtyard, railings and gatepiers to Rose Street combine to make a significant contribution to this nationally important building.

Our position

We acknowledge that the amended glazed roof's lower profile would have a lesser detrimental visual impact on the character, appearance and setting of the building than the superseded shallow vaulted proposal. It remains our view however that the introduction of a permanent structure which, when the glazed roof is fully extended would in effect infill all of the sunken courtyard apart from an area where the Rose Street staircase is located would significantly diminish the bold relationship between the building, sunken courtyard, pavilions, and the street of this nationally important building.

We object to the current scheme for its impacts on the building's special interest, character, appearance and setting considered above.

We would be happy to meet you and the applicant to discuss our concerns and potential solutions. There may, for example (with reference to current restrictions), be scope to explore potential opportunities for siting a temporary, modestly scaled, low impact free- standing structure within the courtyard space that would be removed after a fixed time period.

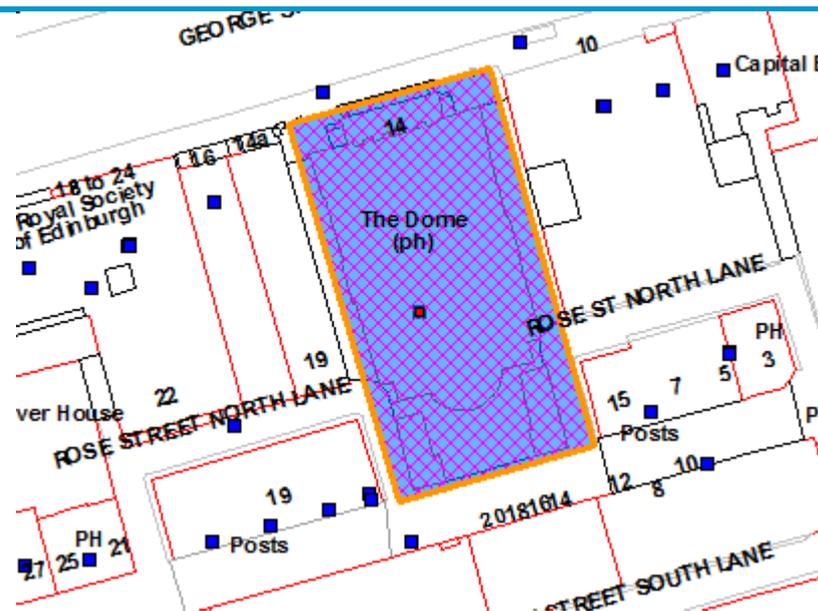
If you are minded to grant consent, with or without conditions, you are required under the terms of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment)(Scotland) Direction 2015 to notify Scottish Ministers.

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 through our Technical Conservation website at www.engineshed.org.

Location Plan



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