

# Development Management Sub-Committee Report

**Wednesday 15 June 2022**

**Application for Listed Building Consent  
11A James' Court, 493 Lawnmarket, Edinburgh**

**Proposal: Proposed refurbishment of and extension to the existing retail/store unit at 11A James Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket.**

**Item – Committee Decision  
Application Number – 21/04238/LBC  
Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

The application has been referred to Development Management Sub-Committee because 28 objections and 17 letters of support have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Sub-Committee.

## **Recommendation**

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

## **Summary**

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, the Council's non-statutory guidance and HES Policy and guidance as it preserves the character and setting of the listed building and preserves the character and appearance of the conservation area.

## **SECTION A – Application Background**

### **Site Description**

The site lies to the north of the Lawnmarket, within James Court and forms part of a group listing for 497-499 Lawnmarket, 7 and 11 James Court The group is Category B listed and was listed on 14.12.1970 (LB ref 29235).

The site is a single storey building, which is in retail / storage use. The building is finished in white render, with a pitched slate roof. There is no connection between the building and the main tenement, the ground floor of which is also in retail use. The site is accessed independently from Lady Stairs Close.

The immediate area within James Court is characterised by tenemental buildings and hard landscaping. The wider surroundings have a mix of uses, being predominantly residential at the upper floors, with a variety of commercial ground floor uses.

A tenement building is situated to the east at 491-495 Lawnmarket, 3 and 5 James Court. The group is Category A listed and was listed on 14.12.1970 (LB ref 29234).

The site is within the Edinburgh World Heritage Site and the Old Town Conservation Area.

### **Description Of The Proposal**

The application proposes the refurbishment of and extension to the existing retail/store.

The retail use of the rear building would be retained, whilst also providing a small, ancillary coffee bar. The ground floor would be extended and a mezzanine level created, providing an internal floor area of 161sqm. An external seating area would be formed to the rear of the building and an enclosed, refuse and recycling store would also be created.

The existing roof would be increased in height with flat roof dormers added to the roof planes. The proposed materials are reused slate roofing and stonework. It is proposed to infill the existing windows with plain rendered panels.

### **Supporting Information**

Planning Statement  
Design Statement

### **Relevant Site History**

21/04237/FUL  
11A James' Court  
493 Lawnmarket  
Edinburgh  
EH1 2PB

Proposed refurbishment of and extension to the existing retail/store unit at 11A James Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket.

### **Other Relevant Site History**

No other relevant site history.

## Pre-Application process

Pre-application discussions took place on this application.

## Consultation Engagement

Historic Environment Scotland

Archaeology

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 11 February 2022; 27 August 2021;

**Site Notices Date(s):** 8 February 2022; 24 August 2021;

**Number of Contributors:** 45

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
  - a. harm a listed building or its setting? or
  - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change Setting
- Managing Change Extensions
- Managing Change Roofs
- Managing Change Interiors
- Managing Change External Walls

Although the roof would be increased in height, it would remain subservient to the main building. It would be connected to the main building by a lower pitched roof, which would be a sympathetic and modest addition. The proposal would preserve the character of the building and would not challenge or diminish the setting of the neighbouring listed buildings. The dormers would be appropriately designed and scaled features and would create an interesting visual juxtaposition with the rest of the building.

The vaulted basement would be retained and the render from the older north and west walls would be stripped off to expose the stonework. A new access would be formed into the courtyard area.

The internal alterations proposed are minor and respect the original architectural style. They would not result in the loss of any significant historic fabric.

The external seating area proposes the use of granite; this stone is not an appropriate finish, as sandstone is the predominant external material and the introduction of a small element of granite would create a disjointed and fussy addition, to the detriment of the character and setting of the adjoining buildings, it is recommended that a condition is added requiring a detailed specification of all proposed external materials.

### **Conclusion in relation to the listed building**

The proposals are acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the proposals preserve the character and setting of the listed buildings and comply with Council's non-statutory guidance and HES guidance.

**b) The proposals impact on the character or appearance of the conservation area?**

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

The proposal retains the single storey element of the existing building and creates a new mezzanine level by the formation of flat roofed dormers on the roof planes. These are contemporary in design but tie in with the character and appearance of the Old Town Conservation Area, where modern additions sit comfortably on elevations of buildings in the Old Town contributing to the evolving character of the area. The materials of slate and exposed stonework reflect the materials on surrounding buildings and provide a sense of unity. The proposed alterations would be architecturally compatible in design, scale and materials with the original building.

The formation of the seating area would extend the building's footprint into the court area to the north. However, it would be open and would not extend beyond the line of the outshot of the building to the east of the site. It would form a modest and unobtrusive addition to the square and would not adversely affect its spatial character. As set out above, granite is not an appropriate material for the external seating area, and a condition is attached requiring details of more suitable external materials to be submitted.

The proposed alterations would be architecturally compatible in design of the original building and its surrounding area. Subject to the above recommended condition, the materials are acceptable.

**Conclusion in relation to the conservation area**

The proposals are acceptable with regard to section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as they preserve and enhance the character and appearance of the conservation area.

**c) there are any other matters to consider?**

The following matters have been identified for consideration:

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

The application was advertised on 27th August 2021 and 44 comments were received: 27 objecting and 17 supporting. These included comments from the Cockburn Association, the Architectural Heritage Society of Scotland, Free Church of Scotland and the Old Town Community Council who have not requested to be a statutory consultee.

The application was re-advertised on 4th February 2022 and a further objection was received.

A summary of the representations is provided below:

### *Material Comments - Objecting:*

- loss of open area - this is assessed in section (b) of the assessment.
- impact on the character and appearance of the conservation area - this is assessed in section (b) of the assessment.
- loss of historic fabric - assessed in section (a) of the assessment.

### *Material Comments - Supporting:*

- the design sympathetic to surrounding buildings and enhance appearance of James Court - this is assessed in sections (a) and (b) of the assessment.

### *Non-material Considerations*

- excessive concentration of food and drink premises - this is assessed as part of the planning application 21/04238/FUL.
- neighbouring amenity - this is assessed as part of the planning application 21/04238/FUL.
- impact on outlook - this is assessed as part of the planning application 21/04238/FUL.
- the new cafe will improve recovery and regeneration of the area - this is assessed as part of the planning application 21/04238/FUL.

## **Conclusion in relation to other matters considered**

The proposal complies with the other matters considered.

### **d) Overall conclusion**

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, the Council's non-statutory guidance and HES Policy and guidance as it preserves the character and setting of the listed building and preserves the character and appearance of the conservation area.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions :-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required. Granite will not be used in the external seating area.

### Reasons: -

1. In order to safeguard the character and setting of the listed buildings and the character and appearance of the conservation area.

### 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.

### Background Reading/External References

To view details of the application, go to the Planning Portal

**Further Information - [Local Development Plan](#)**

**Date Registered: 10 August 2021**

### Drawing Numbers/Scheme

1A, 2A,, 3-7,8A 9-12

Scheme 2

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## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals

DATE: 1 September 2021

NAME: Archaeology

COMMENT: This court was constructed in the 1720s on the site of several medieval closes running northwards at right-angles from the medieval high street (Lawnmarket) necessitating their demolition. As has been proved elsewhere up and down the Royal mile, the 18th century redevelopment of the Royal Mile often retained the walls and cellars of the earlier tenements which can date back to the 16th century and in some cases possibly earlier.

Although the current out-building dates to the 20th century, it clearly utilises earlier walls principally its northern wall and western along the Close. The building is regarded as being of historic and archaeological significance and as the proposals will require works to the surviving historic building, it is essential that a detailed programme of archaeological work is undertaken during development to record this historic building and ensure conservation/preservation are undertaken. This is addressed in the planning application 21/04237/FUL.

DATE: 25 August 2021

The full consultation response can be viewed on the Planning & Building Standards Portal.

### Location Plan



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