

Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Listed Building Consent
18-24 John's Lane, Edinburgh, EH6 7EU**

Proposal: Proposed alterations and change of use of existing derelict warehouse to form student housing development.

**Item – Committee Decision
Application Number – 23/06796/LBC
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as Leith Links Community Council requested to be consulted on the application as a statutory consultee and they have objected to the application. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no detrimental impacts on equalities or human rights. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a derelict two storey and attic warehouse, dating from the Georgian era, located on a narrow back lane. The property has been derelict for almost four decades. Sections of the building are supported by scaffold and the roof has been removed for safety reasons. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. Many windows are bricked up, especially on the west side. The building was listed category C on 5 March 1991 (LB reference: 27530).

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The site lies between Constitution Street to the west and John's Place to the east. The lane access to the site is off Queen Charlotte Street to the north. There are a mix of uses within the area, including residential and commercial. The surrounding area comprises mainly traditional buildings, with some modern infill buildings. Building heights range from single-storey up to four-storey. The site is within the Leith Links part of Leith Conservation Area. Leith Links Park is located nearby to the west of the site.

The structure, which is in a ruinous condition, has been on the Buildings at Risk Register since 2012.

Description of the Proposal

- (1) Alterations, including: (i) dismantling of the facade fronting John's Lane and a portion of the rear central gable fronting the rear courtyard; (ii) rebuilding of the central gable element and the end sections of the Johns Lane facade and the rebuilding of the apex of the central gable element of the rear courtyard elevation, all using the salvaged original stonework to match the architectural design, fenestration pattern and elevations approved under planning permissions 19/05184/FUL and listed building consent 19/01855/LBC); (iii) The erection of sections of replacement external walls on the John's Lane facade, which sections are set back from the existing original building line. These new walls will be of insulated cavity wall construction and clad externally with bronze coloured metal cladding. These new walls will rise above the original wallhead in the form of elongated box dormers within the reinstated pitched and slated roof. Above the box dormers will be rooflights incorporated into the roof slope; (iv) The installation cement cladding boards within the existing openings on the courtyard elevation; and. (v) the erection of an access ramp and a boundary wall and railings.

Since the application was validated, the proposal has been altered as follows:

- The front (John's Lane) fenestration has been altered.
- The box dormers on the John's Lane elevation have been reduced in size and the external cladding colour has been changed from a bronze colour to grey.

Supporting Information

- Design and Access, planning and conservation statement
- Daylight Study- Flood Risk Assessment
- Photographs of existing building

These documents are available to view on the Planning and Building Standards Online Service.

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology Services

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): 8 December 2023

Site Notices Date(s): 5 December 2023

Number of Contributors: 44

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 or its setting.

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

- Managing Change in the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states "proposals that keep buildings in use, or bring them back into use, should be supported as long as they do least possible harm". In addition, the guidance accepts that alterations, even if they are extensive, will be better than losing the building entirely.

The property has been derelict for several decades, is now ruinous, and is on the Buildings at Risk Register. Several past approvals (see History) have failed to materialise, and the building condition is critical. The degree of intervention granted in previous consents reflects the alterations required to bring the building back into use. This includes the taking down and rebuilding using the stone downtakings, of the John's Lane elevation of the building, replicating the positions and forms of the existing openings, and the erection of a number of large box wall head dormers on the front and rear elevations of the building.

HES Managing Change guidance on roofs states that the addition of new features such as dormers or rooflights to principal or prominent roof slopes should generally be avoided. Notwithstanding, in the previous application it was decided that the addition of dormers is necessitated by the scale of work required to the building as a whole. As the building was not originally designed with dormers, the use of lead-clad dormers was seen as a more honest intervention than cladding the dormers in slate. The form would be a clear-cut modern alteration. Whilst the existing roof character is lost, this loss is outweighed by the overall improvement to the building and the new use, which would secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

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In granting the previous applications the planning authority accepted that the John's Lane elevation is structurally unsound and it's taking down and rebuilding is necessary in order for the building to be brought back into use. The current proposal for the rebuilding in faced stonework of the gable element and end sections of the John's Lane elevation and the apex of the gable element of the courtyard elevation, is acceptable.

The previously consented scheme included the reconstruction of the John's Lane elevation like-for-like in natural stonework. The current proposal is to erect a replacement facade either side of the reconstructed gable element but recessed back from the existing facade position and using modern construction and materials. This intervention does not seek to replicate the existing, but instead, is assertively different to the existing. The finishing colour of the new external walls up to wallhead height, contrasts with the finishing colour of the wallhead dormers above, thus ensuring that the original wallhead height of the building is still visually discernible. The recessing of the front facade facilitates the formation of a ramp access to the entrance to the building and also the erection of a low boundary wall. The proposals, although significant interventions, will secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

The proposed infilling of openings on the courtyard elevation of the building is acceptable in principle. However, their infilling with cement boarded panels could result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material. Therefore, if planning permission is granted, in the interest of safeguarding the fabric of the listed building it should be made a condition of a grant of planning permission that the openings be infilled with a different and vapour permeable material(s) that permits a degree of moisture movement, that is technically compatible with the stonework of the building.

The building has no windows at present and historically appears to have had timber shutters rather than glazed openings. There is therefore no objection to the style of window proposed. A condition is added to clarify that windows should be of timber.

The interior of the building is of no architectural or historic merit and its subdivision has no adverse impact upon character.

Overall, the proposed alterations to the building, although radical, are justified because they will bring about the beneficial reuse of the building, which is in a poor condition.

Conclusion in relation to the listed building

The proposals do not conflict with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals harm the character or appearance of the 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."

Leith Conservation Area Character Appraisal recognises that Leith now has a mix of old and new buildings, including many warehouse conversions. Warehouse buildings are an important part of the area's character.

The derelict building has the potential to make a positive contribution to the conservation area if brought back to a new use. Continued dereliction risks total loss as the building continues to deteriorate.

The proposed scheme will retain some of the essential stone elements and the industrial background to the building will remain visible. The location is both visually isolated and on a cul-de-sac. For this reason, the impact of the proposals on the appearance of the conservation area is contained. The proposals would not harm the character and appearance of Leith Conservation Area.

Conclusion in relation to the conservation area

The proposals do not conflict with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Archaeology

The City Archaeologist recommends controls to mitigate impact on archaeology. These controls can be secured by a condition on a grant of the conterminous application of listed building consent.

There are any other material considerations which must be addressed?

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 comments have been received in relation to human rights.

Public representations

Forty-three representations have been received, including 40 objections, 2 support comments and 1 neutral comment. A summary of the matters raised is provided below:

material considerations

- Loss of historic fabric.
- Rational for demolition of front façade unsubstantiated.
- Alterations inappropriate to an harmful to the character and appearance of listed building.

non-material considerations

- Exacerbates existing parking congestion.
- Detrimental impact on neighbouring business operating within a property accessed off John's Lane.
- Inadequate space on John's Lane for presentation of bins.
- Inadequate emergency vehicles and service vehicle access and manoeuvring space.
- Accommodation will be used for to house people with addictions.
- Schools in the catchment area are at full capacity.
- Affordable housing should take priority.
- Not close to universities and colleges and thus active travel times are too long.
- Potentially better possible uses for the land, including social housing.
- Swift boxes should be included in scheme.
- Rental cost for students is unaffordable.
- New residences would not be afforded adequate residential amenity.
- Site forms part of larger masterplan site and remainder of masterplan site should be developed as soon as possible.
- Would exacerbate already overly densely populated area.
- Existing problems of anti-social behaviour.
- Over-provision of student accommodation in the City.
- Noise and dust.
- Incompatible with residential character of the area.
- Inadequate amenities and community facilities, healthcare facilities to support increased demand.
- Profiteering by the developer.
- Harm to balance of community.
- Use would detrimental social impact.
- Building has been deliberately neglected and allowed to deteriorate.
- Operational noise.
- Exists a lack of supply of housing across the city.
- Will reduce pressure on demand for mainstream residential housing stock by students.
- Proposed use is a good use of the site.

The matters raised are addressed above and/or in the report on the conterminous applications.

Community Council

Leith Links Community Council requested to be statutory consultee. They were consulted on the application and objected to it. A summary of LLCC's concerns are as follows:

- Discrepancies between application description and application drawings.
- Inaccurate statements made in Design and Access Statement.
- There is extant permissions for conversion of the building to mainstream flats.
- Building is inaccessible by emergency vehicles.
- Insufficient/inadequate waste management.
- Overly dense development.
- Future occupants would not be afforded adequate residential amenity.
- Lack of amenities and facilities within the building.
- Located too far away from universities and colleges.
- Increased concentration of student population in locality.
- The accommodation could be utilised as temporary homeless accommodation in the future.

The matters raised are addressed above and/or in the report on the conterminous application.

Conclusion in relation to other matters considered.

The proposals do not raise any concerns in relation to other material considerations identified.

Overall conclusion

The proposed alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There are no detrimental impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. No demolition or development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (historic building recording, demolition mitigation, preservation excavation, public engagement, analysis & reporting and publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials and colours shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. A full-size sample panel(s) of no less than 1.5m x 1.5m of all facade components should be erected at a location agreed with the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.
3. The doors and the frames and glazing bars of the windows installed in the building shall be of timber construction and painted a colour to be approved in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.
4. Notwithstanding that specified on application drawings, the existing openings that are to be blocked up shall not be blocked up with cement board cladding, but instead, they shall be blocked up with a vapour permeable material(s) that permits a degree of moisture movement, in accordance with a detailed written specification, and, if considered necessary by the planning authority, a material sample, to be submitted for the prior written approval of the planning authority.

Reasons

1. Reason: to protect the archaeological interest within the site.
2. Reason: to protect the character and appearance of the listed building and the conservation area.
3. Reason: to protect the character and appearance of the listed building and the conservation area.
4. In the interests of safeguarding the listed building. Given that cement is impermeable it is probable that its use would result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material.

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.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 14 November 2023

Drawing Numbers/Scheme

01, 02A, 02B, 04, 05, 06, 07

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
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Summary of Consultation Responses

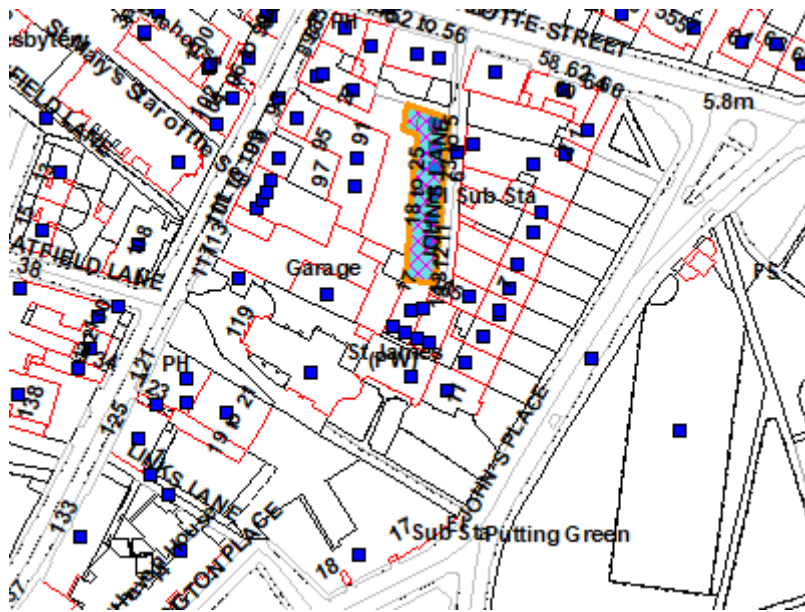
NAME: Archaeology Services

COMMENT: No objection. A condition is recommended.

DATE: 6 February 2024

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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