

Development Management Sub Committee

Wednesday 18 December 2019

Application for Listed Building Consent 18/09879/LBC at Land at East Market Street, Edinburgh. Internal and external alterations and ancillary works (as Amended).

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed works will preserve the special architectural and historic interest of the Category C listed building. The proposed conversion will provide a sustainable and complementary re-use of the listed building. The proposal would preserve and enhance the special character and appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal. The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building and the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LEN03, LEN04, CRPOLD,

Report

Application for Listed Building Consent 18/09879/LBC at Land at East Market Street Edinburgh. Internal and external alterations and ancillary works (As Amended).

Recommendations

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

Background

2.1 Site description

The site is approximately 0.13 hectares and is located within the City Centre, adjacent to the East Market Street and Cranston Street junction. To the north, across East Market Street lies the car park associated with Edinburgh Waverley train station, with the City of Edinburgh Council Headquarters lying to the east.

The site is currently vacant and incorporates five category C listed Victorian arches (LB reference: LB49085). To the south of the site lies B listed tenements on Cranston Street (LB reference: LB29192) and B listed tenements on Jeffrey Street (LB reference: LB29189). The tenements on Cranston Street is five storeys and comprises a mix of residential properties at the upper floors and commercial and community facilities at the ground floor of Cranston Street and Jeffrey Street.

To the east on the other side of Cranston Street lies a restaurant and two hotels, which form part of the wider New Waverley development. Within the remaining arches along East Market Street to the west of the site, there are several small retail, restaurant, café and office uses. The Old Town of Edinburgh lies to the south comprising a mix of uses, with retail and cafe uses at street level along Jeffrey Street, the Royal Mile and St Marys Street, with generally residential properties above.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

The site and wider New Waverley area is subject to a detailed and comprehensive planning history comprising circa 50 various permissions relating to two separate and distinct rounds of applications. This includes detailed applications, listed building consents and conservation area consents, and are summarised as follows:-

Masterplan area

October 2006 - The Caltongate Masterplan for the wider Caltongate site was approved. The recent developments by Adagio, Premier Inn Hub and Jeffrey Street Arches form part of the implementation of the masterplan.

Application site

August 2008 - planning permission was granted for the conversion of the listed arches 19-24 and the erection of buildings for use as offices, retail (class 1), restaurant/bar and leisure (class11), access, open space, landscaping and associated works. External alterations and change of use of arches (1-18) for food and drink purposes (class3) and alternative use for retail (class1) and/or business (class 4) purposes. Realignment and alterations to Cranston Street. External alterations to 5a-9 Cranston Street and change of use to residential and offices, and alternative use of ground floor (9 Cranston Street) for retail (class 1), financial and professional service (class 2) and/or business (class4) purposes. (Application reference number: 07/01241/FUL)

August 2008 - Redevelopment and erection of buildings for residential flats, offices, alternative office and/or community facility, and retail (Class 1) use, access and servicing area. Realignment and alterations of Cranston Street (as amended). (Application reference number: 07/01288/FUL)

January 2014 - planning permission and listed building consent was granted for the conversion of all the arches, erection of a pavilion building on this site, accessible from the Jeffrey Street level and the development of three hotels currently in operation comprising Premier Inn, Hub by Premier Inn and the Adagio Aparthotel (application reference 13/03407/FUL and LBC reference 13/03405/LBC). Partly complete, with the exception of the remaining five arches subject of this application.

Main report

3.1 Description of the Proposal

The application proposes the redevelopment and conversion of five existing arches and change of use to provide sui generis distillery with Class 11 (assembly and leisure) visitor centre, Class 1 (retail), Class 3 (food and drink) and sui generis bar/tasting rooms, with associated works including landscaping, public realm and means of access.

The proposals will be very similar in scale to the approved 2014 scheme and will accommodate a variety of uses within a new, two storey structure of approximately 1,275 square metres which includes the conversion of five existing C listed arches, with a smaller pavilion roof top building proposed at the second-floor level.

Scheme two

Several amendments have been made to scheme one during the assessment of the proposals. The main changes relate to:-

- Amendments to the façade details, including the colour and type of materials;
- Amendments to the service arrangements;
- Amendments to the public realm materials along Jeffrey Street and Cranston Street;
- Amendments to the design and function of the roof terrace;
- Replacement of the wall along Jeffrey Street with railings; and
- Reconfiguration of the steps between Cranston Street and Jeffrey Street.

The spaces within Edinburgh Gin's new distillery and visitor centre comprise of four elements; the still house, visitor experience, ancillary accommodation and a roof top pavilion and terrace. The stills would be located within both the double height space of the new building and the second arch, which will be visible through the glazed curtain walling from East Market Street. The existing wooden doors will be removed and the arches opened up. The still backup areas (tanks, plant, stores, etc.) are located within the first arch to facilitate access and deliveries from East Market Street. Although visitors will have access to the still house, the positioning of the main still storage area within the first arch ensures the distillery team have direct access to the backup areas. Segregating the public tour route from the back of house stills avoids any potential health and safety conflicts.

New public realm would be created at street level accessible from East Market Street and at roof level accessible from Jeffrey Street. The proposed development will extend the Old Town material palette of Caithness Stone around the entire building façade along Cranston Street and East Market Street and up to the main entrance. Granite is proposed for the two steps and bench located at the entrance. The transition between the Edinburgh Gin site and the adopted footway is proposed to be delineated by 100mm radius stainless steel marker studs. A new public stair is proposed to link Jeffrey Street and Cranston Street.

The revised roof terrace would create both an external space for use by Edinburgh Gin visitors and space for the public. The primary access to the private roof terrace is from the internal stairs and lift, and primary access to the public roof terrace is proposed from Jeffrey Street. The roof terrace layout creates a variety of spaces for visitors to enjoy views to Calton Hill, North Bridge and the Balmoral Hotel.

The existing Jeffrey Street stone wall borders the roof terrace space. The existing stone wall is proposed to be carefully taken down to street level and rebuilt using railings to a height of 1.8m from Jeffrey Street footway level. The existing wall height is 1.2m. The proposed increase in height is to improve the security of the roof terrace, whilst also retaining visibility through the railings. Each access point has a set of double leaf metal gates which are proposed to be the same height as the Jeffrey Street wall set back from the footway. New stone wall returns are proposed to house the gates.

The application proposes to use dark grey terracotta profiled rain screen cladding and glazed curtain walling for the upper areas of the building, and a random rubble sandstone base course.

Supporting information

The following documents were submitted in support of the application:-

- Design and Access Statement;
- Landscaping Design Statement;
- Townscape and Visual Impact Assessment;
- Planning Statement;
- Transport Statement;
- Daylight, Sunlight and Privacy Assessment;
- Noise Impact Assessment;
- Odour Impact Assessment; and
- Sustainability S1 Form.

These documents can all be viewed on the Planning and Building Standards Online Service.

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 impact on the special architectural character or historic interest of the listed building, including its setting, is acceptable;
- b) The proposal will preserve or enhance the character and appearance of the Old Town Conservation Area;
- c) Material representations have been addressed.

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, 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'.

Page 6 of the Historic Environment Policy for Scotland 2019 (HEPS) identifies that HEPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment and in relation to listed building consent.

a) The impact on the special architectural character or historic interest of the listed building including its setting

HEPS outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including 'Managing Change' under policies HEP2, HEP3 and HEP4.

The changes to the listed building are assessed as follows:-

Conversion of the five arches

Internally, there are no areas of significant architectural or historic interest within the currently vacant arches. For the most part, the internal form of the arches will remain unaltered, with the stonework and vaulted ceilings remaining exposed. Existing details, such as the high-level stone corbels and cast-iron drainage within each of the arches, are to be retained as a feature. Conservation work is proposed to the existing stonework using a specialist stone consultant. This will involve a stone-by-stone conditions survey of the existing stonework in order to identify any structural issues and any stone replacements.

Four of the five arches will be fully accessible to the public as part of the visitor experience. The design of the new mezzanine, floor plates and supporting structures have been developed so they are independent of the existing stonework, thus minimising any impact. The full volume of arch two is to be left open and exposed. This arch will be visible through the glazed curtain walling along East Market Street. In this regard, the proposals visually open up the arches, significantly enhancing the appearance of the listed structures with minimal intervention. The proposed development will not only bring the arches into sustainable use, but will also benefit from the structural and physical maintenance.

The conversion of the five arches is acceptable and does not diminish their historic interest.

Extension to the arches

HES Managing Change in the Historic Environment: Extensions guidance (Oct 2010) notes that key issues in extending a historic building require that they:-

- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation; and
- must be designed in a high-quality manner using appropriate materials.

The architectural style of the proposed new building is clearly modern but sensitively responds to its context through its form, finish, detailing and materials, complementing the 24 listed arches, their historic setting and their wider regeneration. An assessment of the proposed materials is set out further in Section 3.3b). Although the building will be built over the primary elevation of four arches, it incorporates them, allowing the arches and the Jeffery Street retaining wall to remain visible behind extensive glazed curtain walling on the East Market Street elevation. Their form will be retained and clearly read out-with the building, thus complementing the scale of the arches and character of the street. The new building will extend into the vacant land to the north of the arches to meet the curve of Cranston Street. The new building is appropriately scaled and will relate well to the curved geometry of the street and will not diminish the robust overall character of the arches. The proposed building will be smaller in scale than that the two previously approved schemes.

The extension to the arches is a positive addition, preserving and enhancing their historic integrity and setting.

a) Conclusion

The proposal represents both an innovative and viable re-use of the listed building and the development of a new public attraction. In summary, the proposed alterations to the listed building are justified and there will be no unnecessary damage to historic structures or diminution of its historic interest or setting. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

b) The impact on the character and appearance of the Old Town Conservation Area

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

The site is currently an underutilised gap site within the Old Town Conservation Area. The Character Appraisal sets out the key elements that contribute to the special historic and architectural character of the area. For new development, it encourages good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions and design of traditional buildings in the area. The essential characteristics of the Old Town Conservation Area are assessed below:

Plan form and building line

The proposed building continues the plan width of the tenement gable, the curve of Cranston Street and Jeffrey Street and extends this to meet East Market Street. This reflects the historic spatial pattern, creating a strong relationship between the different levels of Jeffrey Street and East Market Street. The proposed development will also provide a continuous hard urban edge directly abutting the footway of Cranston Street and Market Street, reflective of the character of the Old Town.

The topography of the Old Town creates a natural setting for the surviving original medieval street pattern and plan form of lang riggs and closes running off the spine of the Royal Mile. These tightly packed narrow closes make the Old Town highly permeable. The application proposes a new pedestrian access from Jeffrey Street to Cranston Street in the form of new public steps, adding to the permeability of the area and the opportunities for wayfinding. This is positive, reflecting the dense network of closes and wynds, characteristic of the Old Town Conservation Area and a proposal which is supported by the Caltongate Masterplan.

The combination of a new pedestrian access, strong building line and resolution of topography will result in a form which strengthens the spatial pattern of the Old Town.

Skyline and views

The wealth of important landmark buildings, including the Castle, the spires, towers and domes on the Old Town ridge and Arthur's Seat dominate a distinctive historic skyline, not just from the conservation area boundaries, but also in many more distant views and approaches to the city. The application is supported by a Townscape and Visual Impact Assessment, which includes a study area which is relatively compact due to the constrained nature of the site within the valley between the Old Town and Calton Hill. The proposed development will not impact on the historic skyline.

The proposed form and height of the building would allow views to be retained towards the Old Town and its characteristic layering of buildings. As well as views towards the Old Town, the character appraisal also identifies views from the Old Town towards the New Town, including the view towards St Andrews House as a key vista/panorama. This was also identified as an opportunity in the Caltongate Masterplan. The roof of the new building will form a new public space extending from Jeffrey Street, designed to facilitate an enhanced experience of the view.

Materials

The Old Town is characteristic of a limited palette of natural materials, mainly stone and slate. This provides a sense of unity. Dark grey horizontal profiled terracotta rain screen is proposed, which is neutral in appearance. This reflects the dark grey of the Scots slates, sitting comfortably alongside the surrounding stone context. The design of the façade also incorporates a random rubble sandstone base course to mirror the stone of the existing Jeffrey Street wall. This base course would form a continuation of this wall, forming a plinth wrapping around the base of the building, integrating the building into its Old Town context. Caithness Stone is proposed along the footways, which is also supported. The balance between traditional and contemporary high-quality building and public realm materials will enhance the Conservation Area. A condition is included which requires further details on the specification of the proposed materials.

Boundary treatment

Boundaries maintain the character and quality of the spaces in the Old Town, providing enclosure and definition to many pedestrian links, whilst also restricting views out of the spaces. The replacement of the existing stonewall along Jeffrey Street with taller metal railings is a positive form of enclosure along this street that contributes positively to the character of the area, whilst preserving and enhancing views north towards Calton Hill and St Andrews House.

Land use

The site was previously used as a storage facility for the Council, and thus, a negative use with an inactive frontage in an increasingly vibrant area. A breadth of facilities and attractions establish the Old Town as a cultural, leisure, entertainment and tourism centre of national importance. It is important in order to ensure a productive balance is maintained between the interests of residents, business, institutions and visitors. The continued existence of a creative mix of uses is an essential element in maintaining active streets and a vibrant town centre. In this regard, the proposed land use is in-keeping with the character of the conservation area, further enhanced by the re-use of the historic arches for the visiting public.

b) Conclusion

In summary, with reference to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposal does not impact adversely and significantly on key views and townscape character. It is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with a contemporary high-quality building designed to respond to its historic and modern urban environment. The proposal successfully responds to issues of spatial structure, permeability, townscape, architectural expression, heights, vistas, roofscape and materials in accordance with the principles of the Caltongate Masterplan. In this regard, the special character and appearance of the Old Town Conservation Area will be preserved and enhanced.

c) Material representations

- Concerned that the proposals are contrary to the Statement of Special Interest in the HES listing for these vaults, which states that when the land was ceded to the North British Railway Company in the 19th century it was on condition that any building on the site does not exceed in height the finished level of the carriageway of Jeffrey Street. Height of the new building is assessed in section 3.3e). There is no planning restriction on heights other than the guide heights indicated in the Caltongate Masterplan and consideration being given in a supporting Townscape and Visual Impact Assessment. The design of the new building has been informed by a view analysis.
- Adverse impact on the character of the listed buildings - Assessed in section 3.3a)
- Adverse impact on the character and appearance of the conservation area - Assessed in section 3.3b)

CONCLUSION

The proposed works will preserve the special architectural and historic interest of the Category C listed building. The proposed conversion will provide a sustainable and complementary re-use of the listed building. The proposal would preserve and enhance the special character and appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal. The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building and the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

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 above ground works is commenced on site. Prior to the commencement of above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.
2. A schedule of stone repairs shall be submitted to and approved in writing by the Planning Authority before work commences on site.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the interests of archaeological heritage.

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 is no financial impact.

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 considered 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

The application was advertised on 7 December 2018, allowing 21 days for comments. However, following submission of an additional supporting document, the application was re-advertised on 18 January 2019, allowing an additional 21 days for comments. The application also appeared in the Weekly List on 15 January 2019.

The proposals that formed scheme one received one letter of objection from the Architectural Heritage Society of Scotland. They were re-notified on scheme two on 25 October 2019, with 21 days allowed for comments. No additional comments received.

The comments received were considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3c).

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 application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

14 November 2018

Drawing numbers/Scheme

01-03, 04A-9A, 11A-14A, 15, 16A, 17, 18A-22A, 23-29,

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Links - Policies

Relevant Policies:

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.

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

Appendix 1

Application for Listed Building Consent 18/09879/LBC At Land At, East Market Street, Edinburgh Internal and external alterations and ancillary works (As Amended).

Consultations

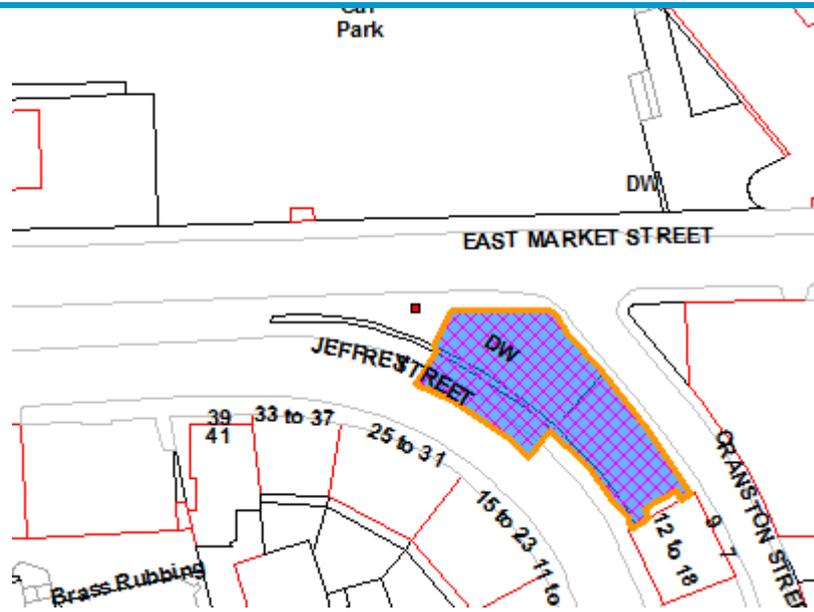
Archaeology - response dated 12/12/2018

The site lies at the centre of the UNESCO World Heritage, lying between the medieval burghs of the Old Town and Canongate established in the early 12th century. The C-listed arches were constructed in the mid-19th century when Market Street was inserted as such not only are the arches regarded as being of historic interest, but the site also occurs within an area of archaeological significance.

Therefore, this application must be considered therefore under Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV 4 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The listed historic vaults (Arches) were subject to a programme of archaeological recording in 2015 by AOC Archaeology. Given that the proposed scheme will not significantly affect the Arches historic fabric, no further historic building is deemed to be required based on current information. Accordingly it has been concluded that there are no archaeological constraints upon this listed building consent application.

Location Plan



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