

Development Management Sub Committee

Wednesday 19 May 2021

**Application for Listed Building Consent 19/06158/LBC
at 41 And 43 Lanark Road, Edinburgh, EH14 1TL.
Internal and external alterations to buildings (in retrospect).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The internal alterations and the majority of the external alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings. However, the UPVC windows do not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they do not preserve the character and setting of the listed buildings and diminish the special interest of the listed building.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN03, NSG, NSLBCA, HES, HESINT, HESUSE,

Report

Application for Listed Building Consent 19/06158/LBC at 41 And 43 Lanark Road, Edinburgh, EH14 1TL. Internal and external alterations to buildings (in retrospect).

Recommendations

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

Background

2.1 Site description

The site consists of a mid-nineteenth century two storey former public house constructed from whitewashed rubble stone. The site also encompasses a separate outbuilding situated within the rear courtyard area.

The main building can be accessed from the front door of the building or through a private side door which leads to a private courtyard to the rear with stairs leading up. The outbuilding to the rear is also accessed through this private side door and through the private courtyard.

The surrounding area has a mixed residential/commercial character encompassing flatted properties and various industrial and commercial uses.

The premises are a category B listed building (listing date: 12 December 1974, reference: LB30121).

2.2 Site History

28 November 2018 - Planning permission granted for change of use from public house and ancillary property to residential property and alterations to existing residential property (as amended) (Application number: 18/07895/FUL).

28 November 2018 - Listed building consent granted for alterations for change of use from public house to residential property and alterations to existing residential flat above (as amended) (Application number: 18/07896/LBC).

3 September 2019 - Listed building consent granted for new window and door arrangement at rear outshoot and formation of new gas meter housing by removal of existing window (Application number: 19/03213/LBC).

28 January 2020 - Application pending for change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect) (Application number:19/06157/FUL).

Main report

3.1 Description of the Proposal

The application is for listed building consent for internal and external alterations associated with the change of use from public house and residential property to form short-term holiday/commercial visitor accommodation (SCVA), (in retrospect).

Internally, the existing, largely non original partition walls have been removed and new walls have been installed. Externally, 2 large new rooflights have been installed to the rear, a new, small roof terrace has been installed and the windows of the main building and the outbuilding have been replaced with windows which are of a sash and case style but which are constructed from UPVC.

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.

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 proposal will preserve the character and setting of the listed building and its special interest;
- b) representations raised have been addressed.

a) Character and Setting of 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 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."

LDP Policy Env 4 (Listed Buildings - Alterations and 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.

Use and adaptation

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *"for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well-being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term"*

"A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk"

The property was previously utilised as a public house with residential accommodation above and the outbuilding to the rear utilised as ancillary storage for the pub with accommodation above. The pub has however been closed for a number of years. A suitable use for the property must now be found.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

Interior

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *"Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use"*.

The building had previously been subject to a high degree of intervention in the past when it had been utilised as a public house. The ground floor was mainly open plan whilst a modern layout was also present in the upstairs level which was utilised for residential purposes. Overall the interior was in a poor state of repair limiting the historical fabric that could have been retained.

The works which have been carried out have been done relatively sensitively, with all kitchen units being kept away from windows. It is noted that a dividing wall has been constructed between a window at the front elevation of the property. However, the dividing wall is very narrow, it is sited to an upper level window and is disguised to a degree by the central glazing bar of the sash and case style windows. On balance, the interior works are acceptable.

Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *"Alterations and repairs to roofs should protect the character of the listed building. The contribution of the roof to that character should therefore be understood before considering how to alter the building"*

"Some areas of a roof will generally be more sensitive to change than others: alterations to subsidiary elevations are likely to have less visual impact on the character of a building".

"The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care".

The Council's Listed Buildings and Conservation Area guidance (LBCA) states that *"roof lights are almost always the preferred solution instead of dormers, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, roof lights should be of conservation type and should be of an appropriate scale and proportion. The proposed number of roof lights will also be a deciding factor"*.

Two large rooflights have been installed to the rear roof of the main listed building. It is noted that the roof already had a historic rooflight present. Whilst it is acknowledged that the rooflights are large, they are dark framed to blend in with the slate of the roof and have a dividing bar to break up the element of glass present. They are also on a relatively private elevation and are therefore not overly noticeable. The roof at the principal elevation of the property remains untouched.

The rooflights are not sited on a principal or prominent roof slope and are acceptable.

There is a small outshot to the rear of the main building. This outshot has been subject to a high degree of alteration in the past including recent planning permission (19/03213/LBC) for the installation of a new window and door as part of its conversion into a plant room. Previously this outshot had a small element of mono pitched roof. This has been removed and replaced with a roof terrace. The new terrace is small and has black metal safety railings present around it.

The element of roof which has been removed had very little contribution to the character of the building. The element of roof was small, not of special interest and was on a secondary elevation. The roof terrace is acceptable.

Windows and doors

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Windows states that *"Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. Softwood is traditionally used, now often treated to improve durability"*

It is noted that the plans approved under a previous application for listed building consent at the site (18/07895/LBC) showed that the existing largely timber windows were going to be replaced with timber windows on a like for like replacement, albeit with slim line double glazing. However, whilst the new windows in the property are of a traditional sash and case style, they are actually formed from Upvc.

The new Upvc windows are not acceptable within this B listed building and this element of the works is contrary to LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance. A condition has been applied to the consent stating that the new Upvc windows are not approved and that they should be removed and replaced with suitable timber sash and case windows within 6 months of the application being determined.

Setting

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *"setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance."*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes".

LDP 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.

The alterations to the building, apart from the Upvc windows which are unacceptable, will not impact upon the way the building is understood, appreciated or experienced.

Historic Environment Scotland was consulted as part of the assessment of the application. It confirmed that it had no objections.

The majority of the works which have been carried out to the buildings generally complies with Historic Environment Scotland's Guidance Notes on Managing Change in the Historic Environment, LDP policy Env 4 and associated supplementary guidance. However, the Upvc windows do not comply LDP policy Env 4, Historic Environment

Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance.

b) Representations

- No condition report for the previous windows. No details of materials proposed for new windows. - This is addressed in section 3.3 a
- Loss of existing building fabric- This is addressed in section 3.3 a.

Conclusion

The internal alterations and the majority of the external alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings. However, the Upvc windows do not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they do not preserve the character and setting of the listed buildings and diminish the special interest of the listed building.

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

3.4 Conditions/Reasons:

Conditions: -

1. Notwithstanding the listed building consent hereby granted, consent is not given for the UPVC windows which are currently present within the B listed building. The UPVC windows shall be removed and shall be replaced with suitable sash and case timber windows, within 6 months of the consent being granted. Details of the replacement timber sash and case windows shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.

Reasons: -

1. To protect the special interest of the listed building.

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 meets 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

One representation was received in relation to the application. The points raised are addressed in section 3.3 of this report.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 27 December 2019

Drawing numbers/Scheme 01,02,03,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 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 Non-Statutory Guidelines

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

Relevant Government Guidance on Historic Environment.

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

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

Appendix 1

Application for Listed Building Consent 19/06158/LBC At 41 And 43 Lanark Road, Edinburgh, EH14 1TL Internal and external alterations to buildings (in retrospect).

Consultations

Archaeologist

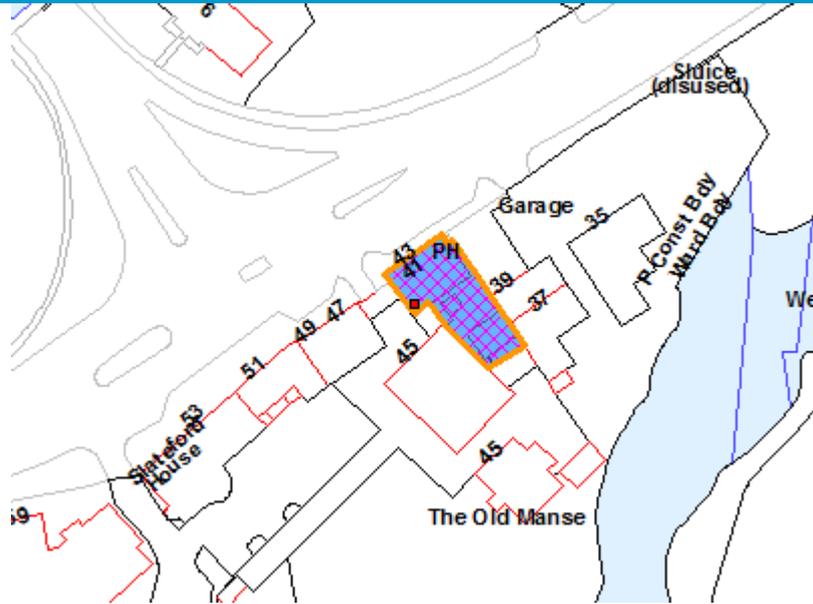
Further to your consultation request I would like to make the following comments and recommendations concerning this application for change of use from public house and residential property to form service apartments (in retrospect)

This historic form public house was the subject to a programme of historic recording during its conversion from a public house in 2019 by Headland Archaeology. Given both the level of archaeological work already undertaken and the retrospective nature of this application it is expected (in this instance) that that no further archaeological impacts will occur.

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

Location Plan



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