

Development Management Sub Committee

Wednesday 14 August 2019

Application for Listed Building Consent 19/02004/LBC

At 36 - 39 Market Street, Edinburgh, EH1 1DF

Externally: form new entrance in fully glazed central opening retaining existing features; reinstate windows blanked off by previous occupants [excluding some to North facade]; alter frontage to single storey link [between 36-39 & 45] & install external roof mounted services.

Internally: form access linking 36-39 to 45, create central plant room, remove floor to create double height gallery to east; over two floors to west, form gallery stores, workshop, public WCs & staff accommodation.

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed works will preserve the special architectural and historic interest of the Category B listed building.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The proposal would preserve and enhance the special character or appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal.

Links

[Policies and guidance for this application](#)

LEN01, LEN04, LEN06, LEN09, CRPOLD, HEPS, HESCON, HESEXF, HESINT, HESSHP, NSBUS, HESWIN, HESUSE,

Report

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Recommendations

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

Background

2.1 Site description

Nos. 36-39 Market Street form part of a terrace of two storey structures lining the northern edge of Market Street, with the existing Fruitmarket Gallery situated immediately to the east and Waverley Station lying to the rear.

The building forms part of the Category B group listing including 31, 32-35 & 36-39 Market Street (inclusive) LB reference:- 52353, Date of listing:- 22 June 2015. The building was previously listed at category A as part of Waverley Station becoming separately listed at category B in 2015. The rear of the building incorporates part of the massive 'N' steel truss beneath the building and remains part of the Category A listing of Waverley Station (LB Reference: 30270, Date of Listing: 12 November 1991, Date description amended: 22/06/2015).

The listing description for 32-35 and 36-39 Market Street identifies a 2-storey and basement 14-bay flat-roofed cream sandstone ashlar building. Ground-floor openings have set-back margins, and are mostly round-headed. One 3-centre-arched cart entry and 2 shop fronts with wooden fascia. First floor windows raised margins and moulded, modillioned sills. Large 4-pane timber in sash and case windows to Market Street elevation with timber casement windows to north elevation and some 4-pane windows, some blocked. Moulded cornice, and tube and stanchion railings to roof edge. Cast iron riveted stanchion 'Phoenix' columns (circular in plan and in star pattern, some still exposed, are evident at ground floor. The buildings were extensively remodelled to the interior as leisure and office accommodation from the late 1970s onwards but have retained their original footprint.

The listing description also notes that good surviving warehouse buildings associated with stations are increasingly rare and the buildings in Market Street have been given an unusual amount of architectural treatment to reflect their context in the centre of Edinburgh. Their construction is unusually based on bridge engineering techniques to allow for the buildings to be cantilevered out over railway ground below and to ensure absolute stability. While these buildings are no longer functionally related to the station their exterior form has not substantially changed and they are a good survival, representing the historical commercial architecture associated with Scotland's largest city station and the former site of Edinburgh's historic fruit market.

Further to the listing description, a Conservation Statement, has been prepared on behalf of the applicant. This identifies that the external appearance of both north and south facades of 36-39 Market Street vary, due to being made up of a combination of structures. The original 1890 fruit warehouse extended from Waverley Bridge, up to and including half of what now constitutes the approximate midpoint of the property 36-39 Market Street. The full range of former warehouses that exist today includes extensions formed in 1931. All extensions east of the original late 19th Century fruit warehouse (building range 32-36 & 45 Market Street) which form the site for these proposals, were erected around the same time (circa 1931) given they both share the same massive riveted steel girder supporting the north facades. These warehouses had direct links to the station and the goods trains which were loaded directly from the warehouse down to station level by way of goods lifts (now removed).

The building occupies a visually prominent location in the Waverley Valley and the Edinburgh World Heritage Site at the northern edges of the Old Town Conservation Area. Market Street is defined by some pronounced changes in level, with topography and built form rising sharply to the south to form the Old Town ridge. A further pronounced level change occurs immediately to the north, with Waverley Station and operational railway tracks situated below. North Bridge crosses Market Street and the Waverley Valley approximately 100 metres to the east of the application site.

The building lies immediately to the west of the southern pedestrian entrance to Waverley Station.

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

2.2 Site History

Application Site

The building was originally developed circa. 1931 as a wholesale fruit and vegetable warehouse, this use continuing until 1972. The building subsequently operated as a nightclub since from the late 1970's, this use ceasing in March 2017. This primarily occupied the ground floor with associated plant and office space situated at first floor level. A soft strip-out of fittings associated with the former nightclub was undertaken Spring 2019.

Adjacent Sites

20 July 2018 - Planning permission granted for proposed Change of Use from Office and Retail to Hostel and Public House, including external alterations at 32-38 Market Street and alterations at 9-13 Market Street (Application reference:- 18/01444/FUL).

20 July 2018 - Permission granted for conversion from Office and Retail to Hostel and Public House including external and internal alterations at 32-38 Market Street (Application reference:- 18/01517/LBC).

08 October 2018 - Permission granted for illuminated menu, illuminated amenity board and window vinyls on 32 and 36-39 Market Street (Application reference:- 18/04359/ADV).

24 April 2019 - Application lodged for external and internal works relating to the existing gallery at 45 Market Street. External works include alterations to the main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station. Application to be determined. (Application reference:- 19/02007/FUL).

Main report

3.1 Description Of The Proposal

Scheme 2

The proposed conversion of the category B listed, 36-39 Market Street comprises part of a project to both expand and refurbish the existing Fruitmarket Gallery at 45 Market Street.

The building conversion will include the formation of a new double height gallery space, with visitor toilets, production workshop and storage space at ground floor level. A new internal access ramp will form a connection between the existing gallery to the east, this also addressing a number of changes in floor level within the listed building. Production offices for the gallery including staff facilities will occupy the western part of the first floor.

External alterations to the building will include:-

Front elevation

Alterations to existing two shop frontages (windows currently blocked off) associated with former fruit warehouses, and dating from the 1930's. These works will include the formation of a new entrance with existing columns being retained. New stall risers will be formed with powder coated cills and painted ply cladding below. The original projecting bases to the columns and stall risers will be re-instated and clad in painted timber. The existing fascia will be retained and repainted.

Existing door and fanlight (not original) to be removed and replaced with fully glazed fixed window, installed flush with recessed arched ashlar.

Signage panels and painted ply panels covering ground floor windows (x 2) to be removed and replaced with single glazed casement windows.

Louvred ventilation panels (x 2) covering first floor windows to be removed and replaced with single glazed casement windows.

Frontage to the existing, single storey structure (linking Nos 36-39 and 45 Market Street) to be replaced, this feature a replacement concealed door and parapet of increased height to partially conceal roof plant.

Existing timber sash and case windows (x 6) to first floor level (2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Mechanical ventilation units to be installed midpoint on the flat roof. The top of the highest unit will not rise above the existing parapet balustrade.

Rear elevation

Existing timber sash and case windows to ground floor level (x 3) and first floor level (x7) (predominantly 2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Single storey link structure

Flat roof area to include a mechanical handling unit, vent ducts (x 3) and boiler flue (150mm diameter) this being affixed to the east elevation of the listed building and terminating 1 metre above the roof parapet to the main building.

Internally, this space will be converted to plant room and lobby area linking the existing gallery and proposed extension.

Internal alterations

A soft strip-out of non-load bearing partitioning, fitting and redundant plant associated with the former nightclub was undertaken Spring 2019. This has allowed original parts of the listed building to be exposed, thus further informing the design detail of the proposals.

Removal of 1st floor across the full depth of the building (approximately 15 metres depth x 17 metres maximum width) to create double height gallery and circulation space (ramped access) to the eastern section of the building. A sub dividing wall, would separate the gallery space and ramped access to the street façade, with continuous opening shutter doors at current first floor level.

The stripped back interior of the building comprises primarily brick finishes, some painted, with exposed steel joists. The steel truss is also visible on the northern side of the building. These surfaces would remain largely exposed with limited re-decoration. Ceiling mounted radiant panels would be attached to the double height ceiling. A winch hoist affixed to the 1st floor ceiling to be retained in-situ. This machinery was associated with previous use as a wholesale fruit and vegetable market.

Slapping to the eastern end wall, to form doorway link with the single storey link structure and the existing gallery at 45 Market Street.

Subdivision of ground floor to the western section of the building, to form entrance lobby and ramped access, toilets, workshop and storage areas.

Alterations to the existing first floor offices and staff accommodation at No. 36 Market Street. Sub-dividing wall between offices to be removed via slapping formed without damage to the original cornice which is to be retained.

Formation of lift access adjacent to the existing staircase leading from existing entrance at No. 36 Market Street with removal of internal wall to existing ground floor entrance lobby

Scheme 1

As above. The original scheme was submitted prior to internal soft strip out of the listed building which has revealed details of the original shopfronts. Further design development, relating to the shopfront elements and rooftop plant with further minor design refinement to some of the proposed internal changes has been undertaken as part of the Scheme 2 proposals.

Supporting Information

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

- Design Statement - 23 April 2019;
- Design Statement - Supporting Information, 22 July 2019;
- Conservation Statement; and
- Noise Impact Assessment.

These documents can 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:

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 is possesses. For the purpose of this issue, preserve, in relation to the building, means preserve in either 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.

- a) the proposals will harm the architectural or historic interest of the listed building;
and
- b) the proposals will adversely affect the special character or appearance of the conservation area.

a) Architectural and historic interest of the listed building

The Historic Environment Policy for Scotland (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.

LDP Policy Env 4 - Listed Buildings - Alteration and Extensions states that proposals to alter or extend listed buildings will be permitted where those alterations are justified; would not result in unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

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

Former Shop Frontages

The shop frontages to the Market Street elevation originally related to the former warehouse use and represent a key element of the listed building's character. The previous use of the building as a nightclub resulted in the window openings being blocked off with the shopfront detail subject to a level of external alteration. However, the recent internal soft strip out of the building interior has uncovered the detail of the original shopfronts dating from the 1930's.

The proposed retention of historic shopfront features incorporated into a remodelled contemporary design approach is considered acceptable, would relate sensitively to the building façade and provide a new element of active frontage to the street. The proposed alterations to the shopfronts would not diminish the historic and architectural interest of the listed building and would accord with HEPS and current Council guidance.

Windows and Door Openings

The original timber sash and case window frames to both the front and rear elevations will be restored and re-painted. A number of the window and door openings previously blocked up as a consequence of the previous use, will be reinstated as functioning windows.

The proposed changes to the windows and doors will not diminish the architectural and historic interest of the listed building would be in line with HEPS and current Council guidance.

Rooftop Plant

Mechanical ventilation units are to be installed midpoint on the main flat roof. This equipment has been positioned to minimise visual impact from the street, and the maximum height of the unit will not rise above the existing parapet balustrade. This equipment may be evident in views from North Bridge. To mitigate any adverse visual effects, it is recommended that all rooftop plant equipment be painted in a single co-ordinated colour finish. This detail can be controlled through condition.

Single Storey Link Structure

This structure comprises a modern flat roofed extension, situated between 36-39 Market Street and the existing gallery, previously serving as a cellar and store for the former nightclub. Although this is not identified as part of the listing description, the proposed changes including the replacement of the existing facade to the street are minor and will not adversely affect the special architectural and historic interest of the listed building.

Internal Alterations

Various modern fixtures, including non-load bearing partitioning, fittings and redundant plant associated with the former nightclub have recently been removed. These works have allowed original features of the listed building, including structural elements, to be fully exposed and informed the design development of the proposals. These works did not require listed building consent to be obtained.

The stripped back interior comprises primarily brick finishes, some painted, with exposed steel joists. The massive steel truss, which supports the buildings beneath is also visible internally on the northern side of the building.

The proposed creation of a new double height space to create a double height gallery and circulation space (ramped access) would require the existing floor to be removed. However, this intervention would not result in the loss of highly significant historic fabric and would allow the raw interior of the original warehouse to be revealed including the exposed steel structure and brick facing. The insertion of a sub dividing wall between the proposed gallery space and ramped access, with opening shutters above would respect the industrial character of the building and spatial qualities of the interior, with the shutters allowing for light penetration and visual connection through the building.

The proposed retention of the redundant winch hoist machinery to the ceiling would be considered as a positive step, this feature being associated with the historic use of the building.

The subdivision of the ground floor to the western end of the building would not impact upon the industrial character or the spatial qualities which will be realised through the remodelled interior.

The alterations to the existing first floor offices at No. 36 Market Street and the formation of a lift access adjacent to the existing staircase are not considered to adversely affect the character of the listed building interior. The staircase and stairwell are plainly detailed and the enclosure of the existing stairwell will not result in the loss of historic fabric. The sub-dividing wall between offices which is identified for removal via a slapping, will allow the original cornice to be retained.

In relation to LDP Policy Env 4 - Listed Buildings - Alterations and Extensions, the proposed alterations to the listed building are justified and there will be no unnecessary damage to historic structures or diminution of its interest and would be in line with HEPS and current Council guidance. The proposed changes, particularly the opening up of the former shopfronts have sought to acknowledge the architectural composition of the existing gallery lying to the east.

Historic Environment Scotland (HES) have assessed the proposal for historic environment interests and consider that the proposals affect the listed building. The Planning Authority should seek further advice regarding unscheduled archaeology and category B and C listed buildings. HES do not have any comments to make on the proposals.

The City Archaeology Officer has commented on the proposals and welcomed that the proposals seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger gallery. Impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. The proposal would therefore address relevant requirements of LDP Policy Env 9 - Development of Sites of Archaeological Significance. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken Andrew PK Wright.

It is recommended that a condition be applied to ensure that a programme of archaeological works is undertaken. This would include an historic building survey, analysis and reporting. A further level of analysis and survey has recently undertaken by the applicants following the soft strip out. However, such a condition will be applied to ensure this requirement is formalised as part of the project.

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.

The proposal would represent both an innovative and viable re-use of the listed building and the development of a new public facility.

b) Impact on the Old Town Conservation Area

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas 'are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty and designate such areas.

The Old Town Conservation Area Character Appraisal refers to:-

The plan of the Old Town has retained much of its ancient pattern and distinctive character. It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied character.

The Character Appraisal also identifies elements of character with landmark buildings, architectural detailing, shopfronts, materials and uses considered relevant to the application proposal.

LDP Policy Env 6, Conservation Areas states that Development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The Fruitmarket Gallery, listed building and adjoining listed terrace occupy a visually prominent location in the Waverley Valley, sitting beneath North Bridge, which straddles the valley between Old and New Towns to form a dramatic approach. The existing Gallery also serves as a local landmark, both within its immediate context and the Old Town Conservation Area.

The proposed design approach in respect of proposed material finishes, the retention of shopfronts and would be consistent with the key features identified in the Conservation Area Character Appraisal. The proposal demonstrates high standards of design and will utilise materials appropriate to the historic environment.

The proposed alterations to the listed building are relatively small scale in nature and will not adversely affect the special character and appearance of the Old Town Conservation Area, and are consistent with the relevant character appraisal and the requirements of LDP Policy Env 6 - Conservation Areas.

Conclusion

The proposed works will preserve the special architectural and historic interest of the Category B listed building.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The proposal would preserve and enhance the special character or appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of works, details of the proposed colour finish for all roof top plant shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme. All such equipment is to be finished in a single coordinated colour finish.

3. Prior to the commencement of works, details of all proposed external colour finishes to be including window frames, doors, the shopfront and new external facing to the single storey link structure shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. 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.
2. 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.
3. This application is for Listed Building Consent only. This consent does not negate the requirement for further permissions to be sought, e.g. advertisement consent, should new elements of signage or advertising be proposed to the building.

Financial impact

4.1 The financial impact has been assessed as follows:

The application proposals are not subject to a legal agreement.

The Council owns the lease for 36-39 Market Street.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

Extensive pre-application discussions have taken place in relation to this project since 2013, these involving the applicant, respective design teams and Historic Environment Scotland. The applicant has also held informal discussions with the Cockburn Association.

Initial proposals for the redevelopment of the Gallery were considered by the Edinburgh Urban Design Panel on 27 August 2014. However, the scope of the project has changed considerably since that time, with the principal focus for expansion now being placed on the conversion of the former nightclub at 36-39 Market Street.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

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 site is designated as City Centre in the Edinburgh Local Development Plan.

Old Town Conservation Area, Edinburgh World Heritage Site and Local Nature Conservation Site (LNCS) designations are also applicable.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02A - 07A,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Links - Policies

Relevant Policies:

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

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.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance 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

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures of listed buildings.

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: Shopfronts and Signs sets out Government guidance on the principles that apply to altering historic shopfronts and signs.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows 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 19/02004/LBC

At 36 - 39 Market Street, Edinburgh, EH1 1DF

Externally: form new entrance in fully glazed central opening retaining existing features; reinstate windows blanked off by previous occupants [excluding some to North facade]; alter frontage to single storey link [between 36-39 & 45] & install external roof mounted services. Internally: form access linking 36-39 to 45, create central plant room, remove floor to create double height gallery to east; over two floors to west, form gallery stores, workshop, public WCs & staff accommodation.

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications the change of Use to former nightclub [36-39] to extend Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various alterations to and reinstatement of original windows & shopfront, install roof mounted plant. Internal alterations: removal of 1st floor to create double height gallery to east section of property and on west, over two floors, toilets, stores & workshop located to west, with staff accommodation above plus internal slappings to single storey link connect two properties forming one venue.

The application concerns a listed (B) former fruit-warehouses located on the southern boundary of Waverley Station. The building was first designed in 1889 and constructed soon after as part of a wider scheme, with the building extended eastwards in 1931 along with the construction of the neighbouring No45 Market Street. The Edinburgh Fruitmarket vacated the site in 1972.

Accordingly, buildings have been identified as of historic and archaeological significance. Accordingly, this application must be considered under terms 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) Policy ENV4, 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.

It is welcomed that proposals seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger Gallery. Having assessed such impacts it is considered that such impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken by Andrew PK Wright.

It is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

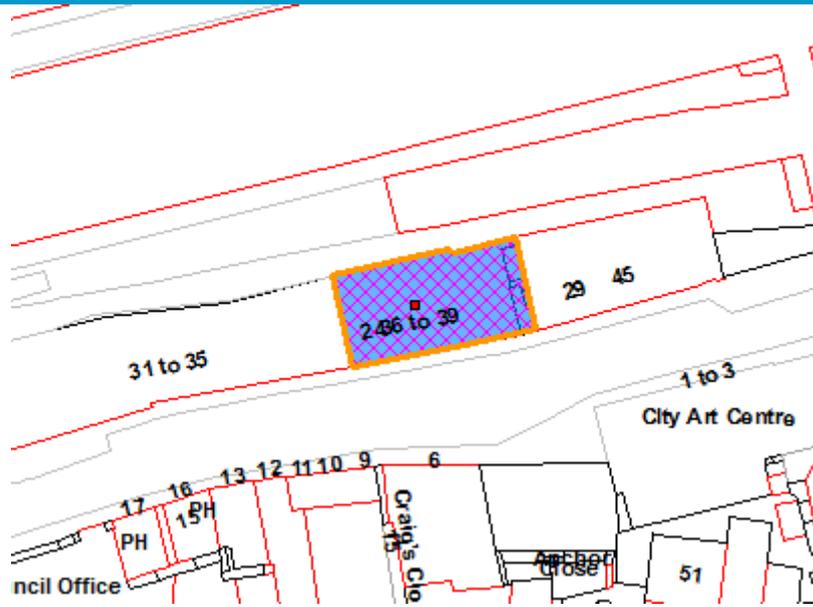
HES comment

Our Advice

Having reviewed the proposals, we consider the extension of the Fruitmarket Gallery (unlisted) into the adjacent 36-39 Market Street (B-listed) would bring about the positive reuse of the building. While the internal alterations are extensive and includes the creation of a double-height gallery space, the information we have seen suggests the interior is very utilitarian in character and lacks (being a 1930s extension) the distinctive cast-iron riveted stanchion 'Phoenix' columns seen in the earlier 1890s warehouses. We therefore can see no issue from our perspective that would prevent the application from progressing.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object 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/conservation area consent, together with related policy guidance.

Location Plan



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