

Development Management Sub-Committee Report

Wednesday 30 March 2022

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

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

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

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

SECTION A – Application Background

Site Description

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

The application site comprises of a single storey building to the north of a the six-storey tenement fronting 497-499 Lawnmarket. The site is currently in retail / storage use. There is no connection between the extension and the main tenement, the ground floor of which is also in retail use. The site is currently accessed independently from Lady Stairs Close.

The rear extension is finished in white render, with a pitched slate roof and is currently in poor condition. The immediately area within James Court is characterised by tenemental buildings and hard landscaping. The wider surroundings have a mix of uses, being predominantly residential at the upper floors, with a variety of commercial ground floor uses.

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

Description of the Proposal

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

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

The existing roof would be increased in height and dormers formed on the roof planes.

The proposed materials are reused slate roofing and stonework. It is proposed to infill the existing windows to match stone rubble wall.

Supporting Information

Planning Statement
Design Statement

Relevant Site History

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

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

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

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

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

Number of Contributors: 45

Section B - Assessment

Determining Issues

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

- *Having* due regard to HES Policy and guidance, do the proposals:
 - a. harm a listed building or its setting? or
 - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?

Assessment

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

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

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

- Managing Change Setting, Extending Listed Buildings, Roofs

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.

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- " identify the historic assets that might be affected;
- define the setting of each historic asset and
- assess the impact of any new development on this".

The proposal relates to a later rear extension to the six-storey tenement fronting onto the Lawnmarket. It is proposed to increase the height of the existing roof and form dormers on the roof planes. The new roof of the extension would remain subservient to the main building and its pitch and profile would preserve the character and historic interest of the building.

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

The new design is of appropriate design and quality, retaining the setting of the existing listed buildings.

The materials for the external seating area include granite which is not considered to be an appropriate finish in these circumstances, where sandstone is the predominant material. It is therefore recommended a condition is attached which requires details of materials to be approved before work is commenced on site.

Conclusion in relation to the listed building

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

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

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."

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

The proposal retains the single storey element of the existing building and creates a new mezzanine level by the formation of flat roofed dormers on the roof planes. These are contemporary in design but tie in with the character and appearance of the Old Town Conservation Area, where modern additions are present on the elevations of the surrounding buildings. The materials are high quality, reflecting the surrounding area.

The proposal would retain the setting of the surrounding area and would be a positive addition to it in terms of design. The choice of materials and positioning are compatible with the character of the existing buildings.

The open character of the courtyard would be retained by the modest scale of the extension and adjacent trees will remain in their present positions and will not be adversely affected by the proposals.

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

Conclusion in relation to the conservation area

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

c) there are any other matters to consider

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

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

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

A summary of the representations is provided below:

Material Comments - objecting:

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

Material Comments - Supporting:

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

Non-material Considerations

- excessive concentration of food and drink premises - this is assessed as part of the planning application 21/04238/FUL.
- neighbouring amenity - this is assessed as part of the planning application 21/04238/FUL.
- impact on outlook - this is assessed as part of the planning application 21/04238/FUL.

- the new cafe will improve recovery and regeneration of the area - this is assessed as part of the planning application 21/04238/FUL.

Conclusion in relation to other matters considered

The proposal complies with the other matters considered.

d) Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions: -

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

Reasons: -

1. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 10 August 2021

Drawing Numbers/Scheme

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

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Historic Environment Scotland

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

DATE: 2 March 2022

NAME: Archaeology

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

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

DATE: 2 March 2022

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420