

# Development Management Sub Committee

Wednesday 29 January 2014

**Application for Planning Permission 13/03993/FUL  
At 10 - 11 Riddle's Court, 322 Lawnmarket, Edinburgh  
External alterations and the insertion of a lift shaft and  
creation of a plant room through roof extensions (as  
amended)**

Item number	9.1(a)
Report number	
Wards	A11 - City Centre

## Links

[Policies and guidance for this application](#) LPC, CITE4, CITE6, NSG, NSLBCA, NSHOU,

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# Executive summary

## **Application for Planning Permission 13/03993/FUL At 10 - 11 Riddle's Court, 322 Lawnmarket, Edinburgh External alterations and the insertion of a lift shaft and creation of a plant room through roof extensions (as amended)**

### Summary

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The proposals comply with development plan policies and non-statutory guidelines. The physical alterations, on balance, preserve the character and appearance of the conservation area, and do not impact on the setting of the listed buildings. The overall works will ensure the restoration and long-term survival of the listed building. There is no loss of amenity to neighbouring residents.

The issues related to potential closure of the 6VT cafe do not require planning permission and relate largely to the leasing of the property.

### Recommendations

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### Financial impact

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Both the main building and the basement cafe are leased by the Council. The lease of the main building which is currently short-term will convert to a 99 year lease on completion of the restoration project.

The lease to 6VT cafe is renewable annually in April. The existing cafe have first option on re-occupying the basement following renovation but the applicant is permitted to include the cafe within their lease should 6 VT not take up this option.

The Estates section is actively involved in finding a new home for the cafe for the duration of the works, since the works will necessitate closure of their existing facility.

### Equalities impact

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The application has been assessed and has no impact in terms of equalities or human rights.

## Sustainability impact

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This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## Consultation and engagement

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### Pre-Application Process

Pre-application discussions took place on this application.

### Publicity summary of representations and Community Council comments

The application was advertised on 8th October 2013.

49 representations were received. 46 were in objection and 3 in comment, the latter being from the Quaker Meeting House, and the Cockburn Association.

### Material objections

The inappropriate form and design of the two new-build elements: the plant enclosure and the lift enclosure/glazed feature on the south block.

### Non-material objections

46 objections regarding the loss of the 6 VT youth cafe and its vital social role.

### Community Council comments

None.

## Background reading / external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Application for Planning Permission 13/03993/FUL At 10 - 11 Riddle's Court, 322 Lawnmarket, Edinburgh External alterations and the insertion of a lift shaft and creation of a plant room through roof extensions (as amended)**

### **1. Background**

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#### **1.1 Site description**

The property is a complex of buildings lying between Victoria Terrace and the Lawnmarket centred upon two inner courtyards of very distinct character. Superficially the buildings date back to 1590 but interiors indicate sections of far greater antiquity. The south side of the building was remodelled in the 1860s as part of the creation of Victoria Street/ Victoria Terrace. The building appears to have been reduced in height at that time to fit in with the streetscape created. The building was notably upgraded and altered under the guidance of Patrick Geddes in the late 19th century and several features specifically relate to this alteration. In more recent years the building was restored and altered in 1958 and again in 1969. The building is listed category A, and was listed on 14.12.1970 (Ref.29242). The building is in Council ownership and is leased out to more than one tenant.

The building is currently in a very poor state of repair (requiring more than £1 million of works) and is on the Buildings at Risk register. The project is recognised as a valuable conservation project and will be part funded by Historic Scotland and the Heritage Lottery Fund (both of whom support the proposals) under the over-arching control of the Scottish Building Preservation Trust, who are the occupants of the majority of the building and the applicant.

The building is surrounded by other listed buildings. Those on the Lawnmarket are all category A and include annex buildings to the National Library immediately to the east. To the west lie buildings on Upper Bow (mainly category B) which lead down to the Quaker Meeting House at the junction of Victoria Terrace and Upper Bow. As seen from the south the buildings sit on Victoria Terrace, the upper walkway which also serves as the roof of the Victoria Street commercial properties below, again all of which are listed category B.

The building lies in the World Heritage Site.

This property is located within the Old Town Conservation Area.

#### **1.2 Site History**

A parallel application for listed building consent has been made (13/03994/LBC).

## 2. Main report

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### 2.1 Description Of The Proposal

The application proposes a series of alterations in combination with several areas of restorative works (the latter largely not requiring planning permission but being a main focus of the project).

Physical alterations requiring planning permission are:-

- addition of a metal-clad plant enclosure on the flat roof of the central block;
- restoration of a chimney on the north face of the southern block;
- creation of a metal-clad lift enclosure behind the extended chimney;
- creation of a glazed feature on the north face of the southern block between the lift enclosure and a historic gable feature, facing the southern courtyard; and
- creation of a door from an existing window on the east side of the southern courtyard.

Lift access is required to the upper floor due to DDA regulations and non-compliance would prohibit disabled persons from working in the premises.

### Previous Scheme

The original proposal had a more angular glazed feature rising straight from the wallhead of the southern courtyard.

Supporting documents include a Design and Access Statement and a Heritage Report and Justification Statement. Documents are available to view on the Planning and Building Standards online services.

### 2.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

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.

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?

### 2.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the works impact on existing uses;
- b) the works preserve or enhance the character and appearance of the conservation area;
- c) the works impact on the special architectural or historic interest of the listed building or its setting;
- d) the additions cause any loss of privacy or daylight to neighbouring residents;
- e) the proposal has any equalities or human rights impacts; and
- f) the representations raise issues to be addressed.

#### a) Impact on Existing Uses

Whilst there are many objections to the loss of the existing cafe, the application includes no change in use to the basement area, which will remain a cafe on completion of the works. Whether the 6 VT cafe chooses to renew their lease or not is a matter for their own decision. The temporary closure of the cafe in order to permit construction works is not a reason to resist the granting of planning permission.

#### b) Impact on the Conservation Area

##### *Old Town Conservation Area Character Appraisal*

*"The spatial structure of the Old Town is a microcosm of urban development, reflecting the multiple layering of built heritage and responding to the drama of the site's topography and setting" "A wealth of hidden, enclosed spaces characterised by their individuality. These are mainly accessible to the pedestrian only through curved arches, gates and narrow closes."*

This section of the Lawnmarket is characterised by small courtyards standing behind a wall of tenements on the Royal Mile, accessed through narrow closes. As seen from the south, Victoria Street is characterised by bold town-planning, cutting through the medieval street pattern to form a unified plinth of shops on its north side, capped by a second road (Victoria Terrace) with a sweep of 19th century frontages looking down to the street below. The roofscape is characterised by a complex roofscape which has evolved over centuries. This has multiple layers and is typified by a predominance of slate, but many examples of older pantiles and more modern interventions in metal and by flat roofs amongst the pitches.

The new roofscape continues to fit with this overall character. The addition of a door in the inner courtyard also adds to character.

The appearance of this section of the conservation area is limited due to its enclosed location. Apart from the south side (which is unaltered in this application) the buildings are only visible from within very small private courtyards, with restricted upward views.

All new external works are confined to the inner courtyard areas and are not visible from neither the Royal Mile/Lawnmarket nor from Victoria Street/Terrace.

On the central block there is currently a flat roof. The building here has been truncated in the past and was formerly of greater height. The principle of adding a structure here is acceptable and the location and form are such that the additional plantroom is not seen from the outer more public courtyard.

The alterations at roof level on the southmost block are visible from the southern courtyard (a restricted and private view though often left open for public access) but not from any truly public area. These works are partially restorative and the reconstructed chimney serves to visually screen the bulk of the lift enclosure behind. The glazed alterations at the adjacent wallhead have been amended to be less visible from the private courtyard. The works alter the appearance of the inner courtyard at roof level, but the modern intervention may be partially offset against the adjacent restoration. This alteration is therefore considered acceptable.

It is acknowledged that the lift is essential to the operation of the altered building. The applicant has stressed the need for this section in terms of the overall replanning of the interior.

The new door in the southern courtyard has an acceptable effect on the appearance of the conservation area.

The overall and net effect on the character and appearance of the conservation area is minimal and acceptable.

### c) Impact on Listed Buildings and their Setting

The listed building centres on the two inner courtyards of considerable historic character.

The effects on the interior of the listed building are considered in detail in the parallel application for listed building consent (Ref. 13/03994/LBC).

Externally the most significant alteration is the addition of a plant enclosure on the central block. This stands on a current flat roof. The building has been truncated in the past and was formerly of greater height. The principle of adding a structure here is acceptable as the area is not part of the original form or character of the building. The feature has no effect on the character of the building.

The alterations on the southern block are visible from the southern courtyard and affect an area of 17th century roof (possibly rebuilt in the late 19th century but containing original structural elements). As seen from the courtyard the restored chimney screens most of the new lift enclosure plus this feature acts as a counterpoint to the new glazed feature added.

Externally, the addition of the lift enclosure and its glazed lobby does have a localised negative impact on one area of the roof. Lift access is required to the upper floor in order to comply with DDA requirements to this, the administration level. Without this the scheme as a whole is non-compliant. Whilst this can be construed as a negative effect upon the character of the listed building, this is an essential element needed to meet the requirement to provide disabled access to all levels, including this upper level. This fact, alongside the fact that the works form part of a wider repair and restoration package, allow the conclusion that the alteration is considered acceptable. It is noted that Historic Scotland has no objections to the works and, as stated earlier, are part-funding the scheme.

In terms of setting the buildings are laid out around two small courtyards, from which (especially in the inner/southern courtyard) they have considerable historic character. Only the south elevation of the building is fully visible from a public street, but on this

side the building has been remodelled to adopt a 19th century aesthetic, merging it with Victoria Street/Victoria Terrace.

There is no change to the southern side of the building and so setting from Victoria Street/Victoria Terrace is unaltered.

Due to the restricted visibility of the alterations the effect upon setting of any adjacent listed buildings (as seen from the courtyards) is also minimal.

The works preserve the listed building, its setting and the setting of adjacent listed buildings.

#### d) Impact on Residential Amenity

The only adjacent residential property lies immediately to the north of the north courtyard, facing the Lawnmarket and backing onto the site.

The only new element facing this residential property is the plant enclosure on top of the central block. The leading edge of this plant room was adjusted such that there is no effect in terms of daylight guidelines upon any property to the north. A condition is added to require painting of the plant to minimise glare and blend with the adjacent roofscape.

There are no new windows to this side and none of the works has any effect upon privacy.

#### e) Equalities and Human Rights

The proposal improves access across internal floors and would benefit use by people with special access requirements.

#### f) Public Comment

### **Material Representations**

-the form and design of the plant enclosure and glazed addition to the south - this is addressed in section b) of the Assessment.

### **Non-material Representations**

- the closure of the existing cafe -The issue of the closure of the existing cafe is not a planning issue. As it is a Council-owned building the issue of the existing lease is discussed in section a) of the Assessment and in the Finance section of this report.

### **Community Council Comments**

None.

### Conclusion

In conclusion, no change of use is involved in planning terms and the physical alterations, on balance, preserve the character and appearance of the conservation area, and do not impact on the setting of the listed buildings. The overall works will

ensure the restoration and long-term survival of the listed building. There is no loss of amenity to neighbouring residents. No other considerations outweigh this conclusion.

### **3. Recommendations**

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

#### **3.2 Conditions/reasons**

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

2. 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.

3. The plant enclosure shall be painted matt grey prior to the re-occupation of the premises. Exact colour to be agreed prior to works commencing.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.

2. In order to enable the Planning Authority to consider this/these matter/s in detail.

3. In order to reduce glare to neighbouring properties and in order to blend with the adjacent roofscape when viewed from higher levels.

#### **Informatives**

It should be noted that:

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

**Statutory Development  
Plan Provision**

The site lies within the Central Area and Old Town Conservation Area as shown in the Edinburgh City Local Plan.

**Date registered**

24 September 2013

**Drawing numbers/Scheme**

1-8,9a,10-12,13a,14-24,25a-27a,28,29a,30-33,

Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards

## Links - Policies

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

#### **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.

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# Appendix 1

## Consultations

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### Historic Scotland

*We have considered your consultation and have no comments to make on the proposals.*

### City Archaeologist

*Further to your consultation request I would like to make the following comments and recommendations concerning the above planning application for external alterations and the insertion of a lift shaft and creation of a plant room through roof extensions.*

*This A-listed courtyard group of buildings was probably constructed around 1590 as the town house for Edinburgh Baillie John McMorran and forms an integral part of the UNESCO World Heritage Site. The pre-application historic building recording and assessments undertaken by Andrew Wright and CFA Archaeology has provided a wealth of new evidence concerning the development of these tenements and demonstrate their outstanding importance as a rare survival of Edinburgh's post-medieval Old Town.*

*Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV4, ENV8 & 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.*

*Having read over the accompanying Historic Building Survey Report No. 2164 by CFA Archaeology and Heritage Report & Justification Statement by Andrew P K Wright, I concur with their general conclusions. Namely that the proposal scheme should be regarded as having on the whole a moderate archaeological/heritage impact both upon the historic fabric of this 17th century tenement and associated buried remains. That said the works will have localised significant impacts to the historic fabric of the building which will necessitate both a programme archaeological historic building survey (level 3: annotated phased plans/elevations, photographic and written survey, dendro-chronological survey) and conservation, to be undertaken both prior to the commencement of work and during alteration works to both the interior and exterior of the building. The scopes of these works are outlined within Sections 11 of CFA's report and section 6.5 of Andrew Wright's report. However more detailed specific mitigation strategies covering both these aspects will need to be agreed as part of the overall archaeological mitigation programme for the site.*

*In addition to the above building archaeology & conservation requirements, the proposals will require ground breaking works both internal and external. Accordingly it*

*is necessary that a programme of archaeological works is undertaken to fully excavate, record and analysis any significant buried remains affected by ground breaking works (including service works) undertaken both internally and externally with the results linked to the aforementioned building recording and conservation works. Given the significance of the results these must be fed into and improved/updated public interpretation of the site.*

*It is essential therefore that that the following condition is attached to this consent to ensure that the above programme of archaeological works is undertaken prior to/during construction.*

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

*The work would 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.*

## **Property**

*4-6 Victoria Terrace does not form part of SHBT however access to their premises may be required during the construction period and this will be agreed with the Council's tenants 6VT.*

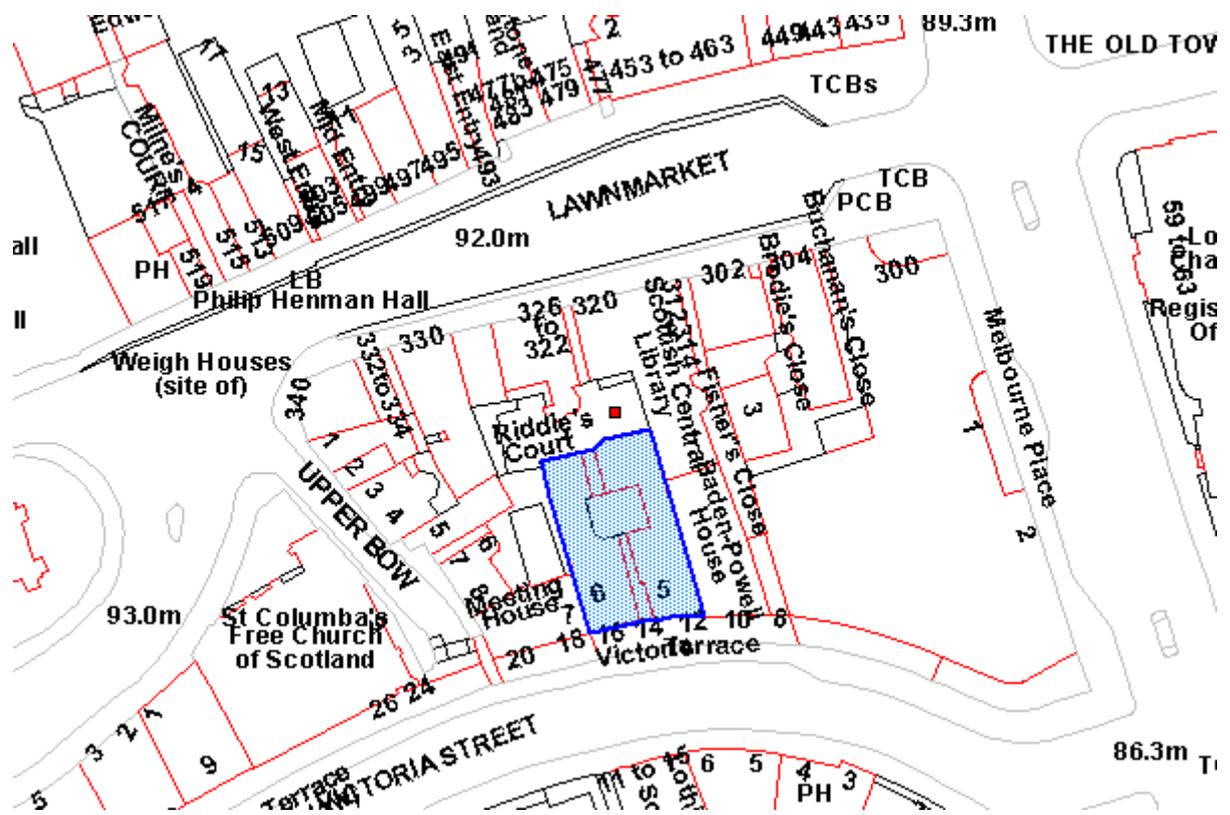
*SHBT and the Council will take all reasonable steps to ensure the Youth cafe suffers as little disruption as possible. There will inevitably be dust and disruption caused by the building works. Furthermore, 6VT will be consulted as the renovation proposals for Riddles Court are developed.*

*In the event that 6VT decide to relocate from 4-6 Victoria Terrace at some future date SHBT will have an option to include this property in their lease.*

## **Environmental Assessment**

*No comments.*

## Location Plan



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