

# Development Management Sub Committee

**Wednesday 24 September 2014**

**Application for Listed Building Consent 14/01051/LBC  
At 142 Lothian Road, Edinburgh, EH3 9BQ  
Partial demolition and replacement of later extensions with  
new mixed-use development (as amended).**

<b>Item number</b>	5.3(b)
<b>Report number</b>	
<b>Wards</b>	A09 - Fountainbridge/Craiglockhart

## Summary

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The proposals would not have a considerable adverse impact on the special architectural and historic interest of the listed building and its setting.

## Outcome of previous Committee

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This application was previously considered by Committee on 27.08.2014

Conditions of Approval - This application was recommended for refusal. The Committee decided to approve the application and it is returning to Committee to agree the conditions of consent as set out in the addendum in section 3 of the report.

## Links

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[Policies and guidance for this application](#)      LPC, CITE3, CITE4, NSG, NSLBCA,

# Report

## **Application for Listed Building Consent 14/01051/LBC At 142 Lothian Road, Edinburgh, EH3 9BQ Partial demolition and replacement of later extensions with new mixed-use development (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site relates to a 0.49 ha area on the north-east corner of Fountainbridge and Semple Street that is currently the site of the later 5 storey extension to a B listed 5 storey art deco building dating from 1936 known as Lothian House, and includes a 2 and 3 storey section of the building on Semple Street.

Lothian House fronts onto Lothian Road and returns around corners at Morrison Street and Fountainbridge. Originally it was a development of offices, retail and cinema with modernist detailing, located on the west side of Lothian Road, although now the original cinema has been replaced by a modern one. The architect for the original 1935 building was Stewart Kaye. The original building turns the corner of Lothian Road and Fountainbridge and continues for 7 bays.

The extension under consideration was built in 1955 and designed by the in-house architects for FW Woolworth and Co. but it continues the detailing set out in the original Kaye design. It extends westward on the south end of the building along Fountainbridge and continues for 4 bays along Semple Street where it meets 9 Semple Street, a 2-3 storey building, which is also within the application site. 9 Semple Street dates from 1936 with additional storeys and bays added to connect it to the building running along Fountainbridge c.1955.

The Semple Street portion of the site is distinguished by being unlike the design set out on the original building that faces Lothian Road and the Fountainbridge extension and representing a more pedestrian and secondary elevation. The Fountainbridge extension on the other hand continues, in almost all respect, the design of the original Stewart Kaye building as presented on the principal front elevation of Lothian Road. The original Lothian House is now residential at upper levels but the extension in question at upper levels has been vacant for a number of years. At ground floor levels the building is still occupied in a retail use.

Lothian House, including the Fountainbridge extension and the section on Semple Street, is a Category B (listed on 19.03.1993, ref. 30289). The site does not lie within a conservation area and is immediately outwith the World Heritage Site (WHS).

The western boundary of the WHS runs along the front of Lothian House, on Lothian Road, and returns eastwards along Fountainbridge. The West End Conservation Area is located to the east of the site on the opposite side of Lothian Road from Lothian House.

## **2.2 Site History**

09/02/2004 - consent granted for ground floor retail space: 5 storey office above, basement plant, parking and alterations to the frontage of Lothian House (04/04240/FUL/LBC).

17.02.2012 - consent granted for a ground floor retail space: 5 storey office above, basement plant, parking and alterations to the frontage of Lothian House. (11/03480/LBC) This was in re-submittal of the 2004 scheme because the consent had lapsed.

These consents (04/04240/LBC and 11/03480/LBC) were for the retention of the façade on Fountainbridge and the replacement of 9 Semple Street with an entirely new building. The retention of the façade on Fountainbridge provided for the erection of new office accommodation behind.

13.08.2013 - application lodged and 'pending decision' for Section 42 application to vary condition 1 of planning permission 04/04240/FUL to extend the time period for commencement from 5 years to 8 years for a ground floor retail space with five storeys of offices above, basement plant and parking.

25.09.2013 - Proposal of Application Notice lodged for the demolition of existing building, erection of replacement new mixed-use building comprising retail, offices, plant, basement parking and associated works (13/03816/PAN).

There is a planning application that is concurrent to this Listed Building Consent application (14/01056/FUL) for the partial demolition of the existing building, erection of a replacement new mixed use extension comprising retail, offices, plant, basement parking and associated works, that is to be determined in tandem with this listed building consent application.

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal is for the demolition of the later extension to Lothian House that runs west along Fountainbridge and its replacement with an office building with retail at ground floor level. It will occupy the site currently occupied by the Lothian House extension and the building on Semple Street.

The proposed new building will be 6 storeys high with a basement and plant space at roof level. There will cycle parking and car parking for 8 cars at basement level, accessed from the area to the rear of Semple Street.

The proposed building is contemporary in design, incorporating a grid pattern on its primary elevations, with a projecting section of the grid framework rising above the wall head level on Fountainbridge.

The proposed materials on the frontage are facing stone on the frontage, with bronze inset panels adjacent to the windows. The window frames are in aluminium. The shop fronts are contemporary in form, comprising mostly of glazing. A more simple, lightweight construction, composed largely of curtain walling, with anodised metal cladding is proposed to the rear.

The original scheme submitted with this application, included the use of white polished concrete rather than natural stone on the front elevations. The proposed projecting section of the grid structure at eaves level extended across the Fountainbridge elevation as well as the Semple Street elevation.

### Supporting Statements

Three supporting statements have been submitted:

- The Heritage Report documents the history of Lothian House;
- The Supporting Planning Statement presents the policy context and financial case for demolition; and
- The Design and Access statement explains the design concept behind the new-build.

These are available via the Planning and Building Standards on-line services.

### **3.2 Determining Issues**

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.

### **3.3 Assessment**

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

- a) the proposals have an adverse impact on the character of the listed building;
- b) the proposals have an adverse impact on the setting of the listed building;
- c) there are any material considerations which would outweigh the conclusions arrived at above; and
- d) comments raised have been addressed.

a) The Impact of the Proposal on the Listed Building

The proposals are to demolish the later extension to Lothian House which extends the listed building along Fountainbridge and to demolish 9 Semple Street. It will be replaced by a new build office building. The previous consent retained the Fountainbridge elevation whilst allowing the demolition of 9 Semple Street.

The Heritage Report indicates that 9 Semple Street was originally built as a single storey extension to accommodate additional floor space for the shop and storeroom. The Fountainbridge extension provided new shop frontage and showroom space on the ground floor with stock room and offices above. Entry to the offices was through a chamfered corner on Semple Street and Fountainbridge. The shopfront on the main Lothian Road elevation was redesigned at the same time as the Fountainbridge extension was built. Two of the distinctive Pilkington Jackson panels that are a feature of the Lothian Road elevation are repeated over the corner entrance elevation on Fountainbridge and Semple Street.

Lothian House is a monumental, classically designed building with modernist art deco details. It occupies a large part of the block that is framed by Lothian Road, Fountainbridge and Morrison Street. Lothian House is an iconic and significant presence on Lothian Road and contributes very positively to a streetscape that is in many other respects poor. It is unique in Edinburgh in terms of its scale and design. The Fountainbridge extension, although built approximately twenty years after the Lothian Road element of the building, is a visual continuation of the original Stewart Kaye design and completes the building by adding to its mass and monumentality and within the existing design vocabulary established on the Lothian Road elevation.

It is the contention of the applicant that the extension is not part of the original design conception, is of inferior quality and is not deserving of retention. However the Heritage Report states that it was likely that Stewart Kaye intended the building to continue along Fountainbridge. The argument that the reason why the building was not continued at the same time as the rest of Lothian House was because the Second World War interrupted construction is valid, and it is not a reflection of it being an inferior add-on. The applicants contend that the somewhat plainer design is inferior to that of the principal elevation on Lothian Road. However, the Fountainbridge elevation is a side elevation and as such played a secondary role to the monumental and formal front elevation on Lothian Road. In that context, the design is a well conceived elevation that is an appropriate response to the Lothian Road section of the building, terminating it sensitively on the Semple Street elevation and presenting an appropriate addition to the urban fabric and reinforcing the urban block.

It is important to note that it has only recently come to light that the Fountainbridge elevation was not part of the original Stewart Kaye design. This is an indication of how successful and appropriate the Fountainbridge elevation is. The fact that it so closely follows the design set out by the Lothian Road elevation is reflective of the close proximity in time of its construction to the date of the original building. The Fountainbridge elevation represents an appropriate and well executed response to the original building and is a valuable contributor to the street.

The extension is of merit and the proposal to demolish it and to replace it with a modern structure would be of detriment to the understanding of the history of Lothian House, the special architectural and historic interest of the listed building and the character of the street.

The proposed loss of the Fountainbridge extension would diminish the historic interest of the listed building as the extension represents part of the narrative and history of the building and is a logical extension of the 1930s design established on Lothian Road. The loss of this part of the building would diminish the architectural interest of the building as it would diminish its monumentality that is so much a part of its character. It would also rob the building of what is a successful and extremely well integrated section of the building.

The building at 9 Semple Street is of less interest and the principle of its loss has been established in the previous applications 04/04240/LBC and 11/03480/LBC.

The previous consent (11/03480/LBC) accepted the retention of the façade with the loss of the floor plate and structure behind. It is accepted that the interior of the building is not of great interest but the retention of the façade would be the most appropriate elevational response to the context and would best preserve the character of the listed building.

The demolition of the Fountainbridge extension would be detrimental to the character of the listed building although the loss of 9 Semple Street would not adversely affect the character of the listed building and its demolition is acceptable.

b) The Impact of the Proposal on the Setting of the Listed Building

It is proposed to replace the existing 1950s extension to Lothian House and 9 Semple Street with a modern office building. The building would be higher than the existing section of the building and higher than the scheme consented in 2012. The upper floor would step back but would extend up above the height of the original building on the corner of Semple Street.

The amended proposed design of the new build is of a sandstone and bronze clad modern building that will be more in keeping with the office buildings in Fountainbridge than Lothian House. Although the design acknowledges Lothian House in terms of stone cladding and the continuation basic horizontal elements, it offers a proposal where the solid to void ratio and the rhythm of each bay is not sympathetic to the pattern established by the existing building. THE architectural approach of a strongly expressed frame with extensive glazing is at odds with the robust quality of Lothian House and as a result dilutes the presence of Lothian House. The applicants contend that a 'pastiche' approach is neither desirable or appropriate. However the proposed new build bears more relation to the character of the recent commercial development within the wider Fountainbridge area than it does to Lothian House. Lothian House is a monumental building that has a presence beyond the Lothian Road street elevation. The Fountainbridge elevation visually completes the building, and to lose it would to diminish its bulk and essential monumentality. The proposed replacement structure would diminish the monumentality of the listed building and would be of detriment to its setting.

The existing elevation on Fountainbridge represents the best possible design to extend the building and is appropriate to the setting of the main subject of listing which is Lothian House. It is a reflection of the proximity of dates in construction and is part of the narrative of the building representing a seamless addition to complement the building and townscape of the area.

The existing extension represents the best possible design to extend the building and the proposed replacement would present a structure that is at odds with the design of Lothian House and is more in character with the new buildings in Fountainbridge. The proposed replacement structure would adversely affect the setting of the listed building.

c) Any other Material Considerations

The proposed demolition of a section of the listed building that is Lothian House is not being assessed under the Scottish Historic Environment Policy (SHEP) tests for demolition as the application only relates to part of the listed building as opposed to an entire listed building. Therefore the applicant does not have to meet test d) which requires evidence that the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. However, the applicant has still submitted in the Planning Statement an argument that the financial case for the consented scheme is not as viable as the one that is presented with an entirely new building.

The applicant argues that the consented scheme which retains the Fountainbridge elevation does not provide the kind of modern office space that is required by potential commercial tenants, as constraints on the internal layout would be imposed by the need to retain the façade with its existing window openings. This argument is contained in the Supporting Planning Statement. The Council's Estates Services concur with the applicant that an entirely new building with no element of façade retention would be more desirable for the majority of tenants and would be easier to let, especially in this location. However, it emphasises that the applicant has only submitted a qualitative argument and has not backed this up with a quantitative assessment and there has been no exploration of alternative uses. It is also the case that the existing consent, with the façade retention does provide high quality office space, although it may not be of the most desirable Grade A office space.

It is the view of the planning authority that the applicant has not provided a sufficient level of quantitative evaluation and an exploration of possible alternative uses of a façade retention scheme that would enable them to be convinced that the financial argument for demolishing part of the listed building were compelling enough to outweigh the loss of part of a unique and significant listed building.

There are no material considerations which outweigh the conclusions of sections a) and b) above.

## Public Comments

### **Material representations -**

- Issues of process - the Heritage Statement has provided useful information about the history of the building and has been explored in 2.3a)
- Impact on the listed building - this has been assessed in 2.3a). Comments relating to the use of the SHEP tests for demolition are addressed in 2.3c)
- Design and materials - this is addressed in 2.3b). The revised scheme proposes a sandstone cladding system as opposed to pre-cast concrete and has amended the elevation. This addresses some of the concerns raised on this matter.

### **Non-material representations -**

Comments that are non-material to the assessment of this listed building consent application relate to flooding and residential amenity and are assessed under the concurrent planning application (14/01056/FUL).

### **Community Council Comments -**

- Issues of process - whether the developer has addressed the community's concerns is not a consideration for the assessment of this application.
- Impact on the listed building - these points are covered in 2.3a)
- Design and materials - these points are covered in 2.3b)

## CONCLUSIONS

In conclusion, it is assessed that the existing section of the façade of Lothian House that is proposed to be demolished on Fountainbridge is of architectural merit and historic interest and that its loss would be of detriment to the listed building and to its setting. The financial arguments presented do not outweigh the detrimental effect that would be caused by the loss of the building. Furthermore, to give undue weight to the financial case for the replacement of this part of the building would not be appropriate as it has not been proven that the retention of the facade is invisible. This would not be consistent with the approach taken by the department in assessing such proposals.

The proposals do not comply with the development plan or non-statutory guidance and would have a considerable adverse impact on the special architectural and historic interest of the listed building and its setting. There are no material considerations which outweigh this conclusion.



## **Addendum to Assessment**

The application was considered at the Development Management Sub-Committee on 27 August 2014.

Committee was of the opinion that the loss of part of the listed building would have no adverse impact on the character of the building or its setting.

Committee indicated it was minded to grant the application and continued the application for conditions of approval to be drafted.

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

### **3.4 Conditions/reasons/informatives**

1. The application shall be notified to the Scottish Ministers prior to determination.
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. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.
4. The Royal Commission on the Ancient and Historical Monuments of Scotland shall be given access to the site, at any reasonable time in a period of at least three months from the date of this consent, for the purposes of recording the building, structure or other item of interest.

### **Reasons:-**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the interests of archaeological heritage.

## **Informatives**

It should be noted that:

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

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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**5.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

A full assessment of equalities and human rights issues is contained in the concurrent planning application (14/01056/FUL).

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

The demolition of a building to be replaced by another is inherently unsustainable as the embodied energy contained in the existing structure will not be outweighed by a more energy efficient structure that might replace it.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

The concurrent planning application (14/01056/FUL) has been the subject of a PAN (13/03816/PAN) and the Community Council and other bodies have been consulted.

### **8.2 Publicity summary of representations and Community Council comments**

The application was first advertised on 28th March 2014. There are four letters of representation, one from a neighbour and one from the Tollcross Community Council and one each from the Cockburn Association and the Architectural Heritage Society of Scotland.

Three of the letters of representation are objections while the letter from the Cockburn Association is a letter of comment. All letters make comments which are material to the determination of this listed building consent application.

## **Material Representations -**

Material objections relate to:

### Issues of process:

- The appointment of the heritage consultant and the submission of a Heritage Report came late in the design process and did not inform the design.

### Impact on the character of the listed building:

- Although the loss of the Semple Street block is acceptable, the loss of a wing of Lothian House is not;
- The new build will have a detrimental impact on the setting of the listed building;
- Loss of example of post war architecture;
- The 20 year gap between the construction of the main element of Lothian House is more result of the outbreak of war after the first build than evidence that the extension is of lesser merit;
- The existing extension is an appropriate response to the listed building and is well executed;
- The existing extension is of greater merit, higher quality and greater integrity than its proposed replacement; and
- The application property is a building in its own right and as such the SHEP tests for demolition should apply.

### Design and materials:

- It itself the design is acceptable but not at the expense of the loss of part of the listed building.

The letter of comment from the Cockburn Association welcomes the redevelopment of this redundant section of the block but suggests that sandstone would be a more appropriate material than white concrete.

## **Non-material Representations -**

Comments that are non-material to the determination of this listed building consent application relate to flooding and residential amenity. These are assessed in the concurrent planning application (14/01056/FUL).

## **Community Council Comments -**

The Tollcross Community Council object to the proposals on the following grounds:

Issues of process:

- The developers have not listened to community views expressed during the consultation process.

Impact on listed building:

- The existing listed building has value and the element in question should be protected;
- The existing element of Lothian House on Fountainbridge contributes positively to the streetscape and is appropriate to the rest of the listed structure: and
- The façade of this element of the listed building could have been preserved.
- The proposed design for the replacement is inappropriate in terms of design, mass, scale, height and materials. It is unsympathetic to both Lothian House and the surrounding buildings.

The comments concerning the proposed uses are assessed as part of the concurrent planning application (14/01056/FUL). They are not relevant to the determination of this Listed Building Consent application, other than with regards to the consideration of the economic case put forward.

A full assessment of the representations can be found in the main report in the Assessment section.

## Background reading / external references

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- To view details of the application go to
- Planning and Building Standards online services

### Statutory Development Plan Provision

The application site is identified as being in the Central Area in the Edinburgh City Local Plan, where the principal of providing comprehensively designed schemes, which maximise the site's potential in accordance with any relevant guidance and incorporate a mix of uses appropriate to the site's location are required under policy Ca1 of Edinburgh City Local Plan.

The frontage of the site on Fountainbridge lies on the boundary of the West Tollcross Development Brief (approved by Committee in January 2006).

### Date registered

19 March 2014

### Drawing numbers/Scheme

1-6, 7a, 8, 9a-11a, 12, 13a -14a, 15-18, 19a-23a, 24-30, 31a-32a,

Scheme 2

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## **Links - Policies**

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### **Relevant Policies:**

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

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.

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

# Appendix 1

## **Application for Listed Building Consent 14/01051/LBC At 142 Lothian Road, Edinburgh, EH3 9BQ Partial demolition and replacement of later extensions with new mixed-use development. (as amended)**

### **Consultations**

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#### **Historic Scotland**

*Thank you for your consultation dated 26 March which we received on 26 March.*

*We have considered the proposal for the partial demolition and replacement of later extensions to Lothian House with a new mixed-use development. This would see the removal of the five storey 1955-6 Woolworth's extension, added to Stewart Kaye's 1935-6 Lothian House. An earlier scheme, renewed in 2012, did propose façade retention, with elements to Semple Street removed.*

*The investigation into the history of the site and analysis of significance of the Woolworth addition, contained in the Heritage Report, has been extremely valuable for assessing the impact of this development. It has been clearly demonstrated that the Woolworth's extension is not the work of Kaye, and importantly no evidence has been found to show development in the 1950's was following any overall Masterplan by Kaye for the former Port Hopetoun canal basin site. Development of the site does appear to have been more piecemeal following the construction of Lothian House itself and this has continued with more recent developments, including the demolition and redevelopment of the cinema site on Morrison Street. The cinema itself was a later addition of 1938 to Lothian House by Kaye.*

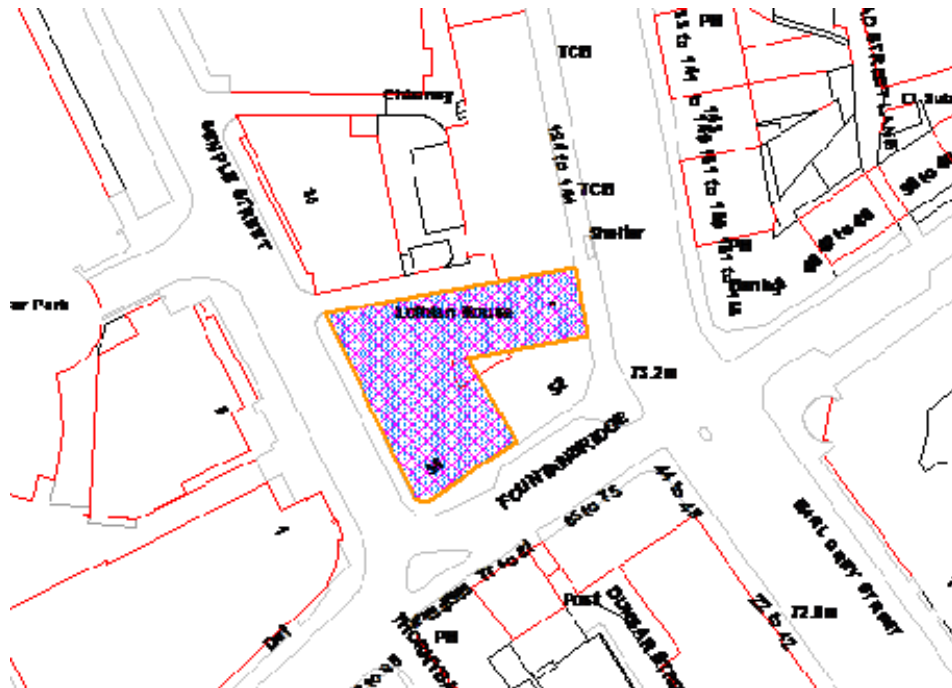
*The architectural approach to the 1950's work, by Woolworth's in-house architects, and uniquely at this site, was to replicate the façade treatment of Lothian House. In general we agree with the Heritage Report that the 1950's work has less intrinsic interest and worth than Lothian House itself, which of course is the main focus of the listing. However, we still see some value in the design approach adopted by Woolworth's, and note the quality of the replication. With this in mind it is difficult to imagine a more appropriate extension to Kaye's work, and thus a design approach that retains the façade (as consented) would ideally remain our preferable approach. Having said this, we recognise that given this is a lesser part of Lothian House the impact of removal is unlikely to diminish the value of the original Kaye building significantly.*

*Having said this, we recognise that given this is a lesser part of Lothian House the impact of removal is unlikely to diminish the value of the original Kaye building significantly.*

As consent is also required for the replacement extension, we have also considered the impact of the replacement structure on Lothian House. We are content that the design, this time a modern and contrasting approach, will have little visual impact on the main elevation along Lothian Road and where seen (View 2 by Michael Laird Architects) will not dominate or significantly detract from Lothian House. In closer views along Fountainbridge and Semple Street it will be more prominent, but here it will be seen more against similar contemporary developments to the west and north rather than Lothian House itself.

## Location Plan

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