

# Development Management Sub Committee

Wednesday 29 April 2015

**Application for Planning Permission 14/05147/FUL  
At 27, 29, 31 James Craig Walk, Edinburgh, EH1 3BA  
Change of use from student accommodation to Class 1  
(Shops), Class 2 (Financial, professional & other services)  
and/or Class 4 (Business) uses and residential apartments,  
proposed alterations and ancillary works.**

<b>Item number</b>	7.3 (a)
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The application complies with the Development Plan and Edinburgh Planning Guidance. The proposed use is acceptable in the location, the proposals represent a significant conservation gain both in terms of the character and appearance of the conservation area and the character and setting of the listed building. In addition, there would be no adverse impact on residential amenity or road safety.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, CITCA1, CITR1, CITEM1, CITE3, CITE4, CITE6, NSG, NSBUS, NSLBCA, NSGD02, CRPNEW,
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# Report

## **Application for Planning Permission 14/05147/FUL At 27, 29, 31 James Craig Walk, Edinburgh, EH1 3BA Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and/or Class 4 (Business) uses and residential apartments, proposed alterations and ancillary works.**

### **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**

27 - 31 James Craig Walk is a five-storey tenement block located on the west side of the site of the now demolished St James Square in Edinburgh. The structure sits on a south east to north west line with James Craig Walk, a pedestrian walkway linking Leith Street and Elder Street passing along its front elevation. To the rear of the building are the gardens of Register House. Opposite the site is the St James Centre, the rear of the Thistle Hotel and New St Andrew's House.

Originally built as tenements, commencing in around 1775 to James Craig's design, the building has been much altered externally and internally to suit its changing functions. Firstly, in 1902-4 the Sasine Office extension to Register House was built and merged with 27-31 James Craig Walk, which was converted from homes to offices. In the early 1970s further change occurred with the demolition of St James Square. Finally in 2002 the building was converted from offices to student accommodation which remains its current use.

The front elevation of 27 -31 James Craig Walk is made up of five storeys over 17 bays. It steps up slightly along its length from north west to south east and the ground floor has a band course running above it as this was originally the basement level. Two pairs of modern doors provide access from street level and a ramp provides access at the north west end of the building. The first, second and third storeys have large timber sash and case windows while the attic storey vertical wall is an obvious later alteration from 1902, having replaced the original mansard, and sits uncomfortably on top of the building.

The north west elevation, largely rebuilt in 1902-4 is a 3 bay end elevation with a prominent central spiral stair.

The rear of the building is L-shaped with the section to the rear of number 27 extending further beyond the rest of the elevation. The rear of number 27 has been heavily modified much like the north west elevation with the introduction of large sash windows and a small extension was added here in 1902-4. This section rises a storey higher than the rest of the building, providing access to the flat roof that extends from number 29 to number 31. The remainder of the rear elevation extending from 29-31 comprises regular two over two sash and case windows along its length, introduced in 1902-4.

The building is a category B listed building and was listed on 27 January 1992 (LB Ref: 30027). The building is located within the World Heritage Site.

This application site is located within the New Town Conservation Area.

## **2.2 Site History**

12 December 2014 - listed building consent application (ref: 14/05148/LBC) pending consideration for internal, external alterations and ancillary works.

### Other Relevant History

29 April 2009 - outline planning permission (ref: 08/03361/OUT) was granted for the redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses (including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh.

23 May 2014 - application for approval of matters specified in condition 23 (ii) of planning permission 08/03361/OUT (ref: 14/02070/AMC) is pending consideration.

9 October 2014 - The St James Quarter Edinburgh (Number Two) Compulsory Purchase Order 2014 was made. This site forms part of the Compulsory Purchase.

19 December 2014 - application for approval of matters specified 23 (i), (iii), (vii), (ix), (x), (xi), (xvi) and (xvii) of Planning Permission 08/03361/OUT relating to number of residential/commercial/business units, design of external features and materials, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, and hard and soft landscaping details (ref: 14/05263/AMC) is pending consideration.

24 February 2015 - The St James Quarter Edinburgh (Number Two) Compulsory Purchase Order - Under consideration of the Scottish Government's Department of Planning and Environmental Appeals (DPEA reference CPO-EDB-005).

## Main report

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### 3.1 Description Of The Proposal

The proposals for 27-31 James Craig Walk are to convert the block into a combination of residential and commercial use, comprising commercial units on the lower ground and ground floors and flats on the remaining floors. The proposed alterations comprise:

- The raising of the street level and reinstatement of railings and scale and platt stairs to porticos at the restored street level. This work would facilitate the restoration of the front elevation to close to its original state. Scale and platt steps are proposed leading to portico entrances and the basement area would be reinstated.
- Removal of the 1902-4 attic storey and replacement with a reinstated mansard roof;
- Conversion of the lower ground floor and ground floor into commercial units; and
- Conversion of the first, second and third floor into residential flats.

Twenty flats are proposed in total. There are 2 no. 1 bed flats, 12 no. 2 bed flats and 6 no. 3 bed flats. These range from 60 square metres to 134 square metres in floor area. There are 6 commercial units, 3 each on the lower and upper ground floors. These range between 122 square metres and 202 square metres.

### 3.2 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?

### 3.3 Assessment

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

- a) The use is acceptable in this location;

- b) the proposals preserve or enhance the character and appearance of the conservation area or the setting of the listed building;
- c) the proposals impact on the outstanding universal value of the World Heritage Site;
- d) the proposals will result in an unreasonable loss to neighbouring amenity;
- e) the proposals will have any traffic or road safety issues;
- f) the proposals take into consideration the requirement of affordable housing provision;
- g) the proposals have any equalities or human rights impacts; and
- h) representations raised have been addressed.

a) Principle of the Development

The application property is located in the Central Area with the Edinburgh City Local Plan. The site is identified as being part of the City Centre Retail Core. The proposals would provide high quality, commercially attractive retail units helping to strengthen the role of the city as regional shopping centre whilst safeguarding the historic character and appearance of the city. The proposals as part of the St James development proposals will reinforce the retail vitality of the shopping streets. In addition, the upper floors are proposed for residential use which will enhance the character of this part of the city, turning the upper floors to the original use of the building. As part of the wider St James proposals, the restoration project will add to the public realm proposals and help provide an attractive pedestrian environment.

The proposals also comply with Policy Ca 1 - The Central Area, of the Local Plan, providing a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area. As a key component of the proposed new civic space of the St James Quarter, the proposal will add to the vitality of this development and is important to the success of the development as a whole, contributing to the sense of place.

In addition, the proposals comply with policy Emp 1 of the local plan which supports office development within mixed use schemes where these add to the vitality of the retail offer.

b) Conservation Area and Listed Building

The New Town Conservation Area Character Appraisal outlines the special character and appearance of the conservation area. It outlines that *the New Town Conservation Area is typified by formal plan layouts, spacious stone built terraces, broad streets and an overall elegance.*

The application property formed part of the historic St James Square, which was demolished in the early 1970s.

As one of two remaining buildings of the original square, it was built in 1775 to James Craig's design but has been much altered externally and internally to suit its changing functions. The proposal seeks to restore the building to as close to the original design as possible with some contemporary interventions to the roofscape and proposed entrance platts.

The conservation benefits of the proposal are significant. The modifications that have taken place over the course of time have had a significantly detrimental impact on both the character of the building and the character and appearance of the area. Changes to the context of the building, such as the level changes and new build surrounding it, as well as the demolition of the square, have also eroded its significance. However, it remains an important component of the historic environment and the proposals for a significant restoration scheme, incorporating the building into the wider St James proposals would see the building re-established as a vital part of the overall character of the area. The proposals not only enhance the character and setting of the listed building but also the character and appearance of the conservation area.

The proposed modifications to the building would be undertaken in a sensitive manner with much of the work being historic restoration. The new entrance steps are in a contemporary style and materials matching the style of the new St James Square proposed as part of the wider development. A more traditional approach and materials would be incongruous in the context of the new square and without the railings along the front, as would be found in a historic reinstatement. A contemporary take on this historic form adds to the overall proposals enhancing the character of the building, tying in to the new proposals for the St James development, re-engaging the building to the street and enhancing the character and appearance of the area in the process.

The proposal complies with policies Env 3, Env 4 and Env 6 of the Edinburgh City Local Plan.

#### c) World Heritage Site

The proposals would represent significant conservation gain in terms of the character and setting of the listed building and character and appearance of the conservation area. As such, the proposals would have a no impact on the Outstanding Universal Value of the World Heritage Site.

#### d) Residential Amenity

The application proposes a mixed use scheme with residential from first floor up. The uses are compatible and residential amenity in the new development would be protected through the requirements of building standards relating to noise.

It is proposed to locate residential refuse collection bins within 27 - 31 James Craig Walk as indicated on the drawings. This is in line with the Edinburgh Design Guidance and following consultation with Council's Waste Services, 9 no. 1280 litre bins are to be provided. These will be located to north west of the site at ground floor level, in a designated bin store. Access will be via the existing entrance on the north gable. Refuse collection will be made from Elder Street to the refuse location to the north of the building.

The proposal will increase the height of the building with the reinstatement of the original roof design. However, this increase in height will not have an impact on daylight given the nature and location of the building. In addition, privacy issues will not be worsened as the building is currently used for student accommodation and will become private residential.

The requirement for private open space cannot be met by the development but the amenity provided by parks such as Princes Street Gardens, Calton Hill and the nearby St Andrew Square Gardens, provide a level of amenity that offsets the deficiency in relation to the policy requirements for private open space.

Environmental Assessment has no objections to the proposals subject to a condition restricting opening hours. However, the condition is not appropriate in planning terms and as such has not been attached to the consent.

The proposals will have no adverse impact on existing residential amenity and provide adequate amenity for new residents.

#### e) Traffic and Road Safety

Vehicular access will be provided from Elder Street to the north of James Craig Walk. Controlled bollards are to be located to the north of the building. Emergency and maintenance access only will be possible to St James Square. There are currently no car parking spaces on site for 27 - 31 James Craig Walk. New car parking will be provided with dedicated spaces for each residence within the new underground car park proposed within the new shopping centre development. James Craig Walk will provide a clear access route of c.5.8m north of the development and a c.3.7m route from St James Square to Leith Street. Vehicular Access to these areas will be restricted to pedestrians and cyclists only. Emergency service vehicles will be able to park adjacent to the stepped entrances and can access the building frontage.

Transportation has no objection to the proposals subject to the recommended conditions and informatives.

#### f) Affordable Housing

As part of the outline planning permission (ref: 08/03361/OUT) there is a legal agreement for affordable housing. This required an off site provision of 25% of the dwelling numbers provided on site. A site at Beaverbank Place will meet this need and has capacity for an additional 5 dwellings as required as part of this proposal.

#### g) Equalities and Human Rights

A Design and Access Statement was submitted by the applicant. This indicates that access to all levels of the proposals will be provided by internal lifts accessed from the basement area to the square. Access for people with disabilities will be required to meet with current building standards.

#### h) Representations

- External alterations - this is addressed in section 3.3b);

- Impact on neighbouring residents - this is addressed in section 3.3c);
- Access to St James Square for residents and emergency services - this is addressed in section 3.3c); and
- Waste - this is addressed in section 3.3).

### Conclusion

In conclusion, the proposal complies with the development plan and relevant non-statutory guidelines, is appropriate in its location, enhances the character and appearance of the conservation area and would not prejudice residential amenity or road safety. There are no material considerations that outweigh this conclusion.

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

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

#### **Conditions: -**

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.

#### **Reasons:-**

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

#### **Informatives**

It should be noted that:

1. A suitable legal agreement shall be prepared setting out the requirements for affordable housing. The requirements for affordable housing shall be met by the site at 29 Beaverbank Place to be provided for affordable housing in relation to planning permission 08/03361/OUT provided that the 41 dwellings proposed are all approved affordable housing tenures and that no more than 143 dwellings are provided on the St James Centre site to which the 08/03361/OUT permission relates. In the event this is not possible, a commuted sum will be required for any affordable units which cannot be provided on-site at 29 Beaverbank Place and this shall be calculated in accordance with the requirements of planning guidance on Developer Contributions and Affordable Housing.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.

4. 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.
5. Separate applications for road opening permits may be required.
6. The details of materials, extent of adoptable areas, layout and design to be approved prior to construction.
7. The proposed steps and associated works are likely to require stopping up orders, redetermination orders and road construction consent as necessary. It is understood that these are being progressed as part of the wider St.James Centre application.

## **Financial impact**

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

There are no financial implications to the Council. The application site is subject to the St James Compulsory Purchase order. This has been reported to Planning Committee and the City of Edinburgh 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:**

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**

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

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 19.12.2014. Eleven letters of representation were received.

One of these letters was in support of the application, one was a comment and nine were letters of objection including a representation of comment from the New Town and Broughton Community Council. The letters of representation raised the following material issues:

- Waste;
- External alterations;
- Impact on neighbouring residents; and
- Access to St James Square for residents and emergency services.

New Town and Broughton Community Council are generally supportive of the proposed change of use and restoration proposals but would prefer the use at ground floor and basement to be restricted to class 1 and 2. They welcome the efforts to reinstate the original proportions of the building as well other external modifications and welcome the public realm improvements.

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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The application property is located in the Central Area in the Edinburgh City Local Plan.

### **Date registered**

15 December 2014

### **Drawing numbers/Scheme**

1-43,

Scheme 1

## **David R. Leslie**

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## **Links - Policies**

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### **Relevant Policies:**

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

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

Policy Ret 1 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

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.

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

## **Relevant Non-Statutory Guidelines**

**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.

**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** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 14/05147/FUL At 27, 29, 31 James Craig Walk, Edinburgh, EH1 3BA Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and/or Class 4 (Business) uses and residential apartments, proposed alterations and ancillary works.**

### **Consultations**

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#### **Archaeology**

The site lies at the core of Edinburgh's 18th century New Town, a UNESCO World Heritage site. These surviving B-listed tenements constructed after 1775, formed part of the original design for James Craig's James Square largely swept away in the 1970's in order to construct the St James Centre. As such these tenements are an important survival of the original New 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) policies 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.

In terms of the potential impact upon the fabric of these historic Georgian tenements given the extensive alterations that have occurred (detailed in the applications Heritage Statement by Nicholas Meny) it is considered that the scheme will have generally a low-moderate impact. Indeed the proposals to 'restore' the original appearance to the front of tenements are to be welcomed. That's said the stripping out and demolition works proposed to the interior may provide important evidence as to the original construction and interior design of these buildings and changes through to the early 20th century. As such it is considered essential that a programme of historic building survey (level 2; photographic and written survey, phased plans/annotated elevations) is undertaken during prior to and during demolition/alteration works to provide a record of this historic structure. This will build upon and augment the work already undertaken by Nicholas Meny undertaken as part of this planning application.

It is recommended that the following condition be attached to the consent, if granted, to ensure that this 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 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.

## **Transport**

No objection to the proposed application subject to the following being included as conditions or informatives as appropriate:

1. The proposed steps and associated works are likely to require stopping up orders, redetermination orders and road construction consent as necessary. It is understood that these are being progressed as part of the wider St.James Centre application;
2. The details of materials, extent of adoptable areas, layout and design to be approved prior to construction;
3. Separate applications for road opening permits may be required.

Note:

- It is understood that contributions to the Edinburgh Tram are being secured through the wider St. James Centre application;
- The applicant should be advised that student accommodation is not eligible for residential parking permits.

## **Environmental Assessment**

The applicant proposes to develop any, of a mix of, commercial uses (Class Use 1, 2 or 4) at ground floor and basement level and residential properties at first floor level and above.

There is the potential for some types of commercial operations, feasible under the proposed Class Uses, to adversely affect the amenity of residents living directly above. For example noise from a launderette or betting office is likely to be audible in the flat above with normal building construction, due to extreme noise associated with these activities. This can particularly be the case in the evening or at night when the general background noise level is lower.

In this respect a condition is recommended on any planning permission given to ensure that the commercial operations are restricted to day time operations only.

In conclusion, Environmental Assessment recommends the application be approved subject to the following condition to protect residential amenity;  
The hours of operation of Class 1, 2 or 4 shall be restricted to between 0700 hours and 1900 hours.

## **Affordable Housing**

### **1. Introduction**

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

-The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

-This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

### **2. Affordable Housing Requirement**

This proposal is for 20 residential homes and as such the AHP will apply. There will be a requirement for 5 homes of approved affordable tenures.

The application site is within the red line boundary of the 08/03361/OUT outline planning permission for the redevelopment of the St James Centre and for which there is a legal agreement in place for affordable housing to be provided off-site. The current application forms part of the overall redevelopment of the St James Quarter and is being carried out by the same developer.

As such this department would accept that the affordable housing requirement for this proposal may be provided off-site within the same site identified and agreed for the affordable housing provision for St James Quarter. Providing that the AHP requirement for both St James Quarter and this proposal can be delivered on the said site, this department would be supportive of an off-site arrangement. However, in the event that the full requirement of both sites cannot be met on the identified and agreed site, then an appropriate commuted sum would be payable for any units which were unable to be delivered following this approach.

