

# Development Management Sub Committee

Wednesday 1 July 2016

**Application for Conservation Area Consent 15/05716/CON  
At 6, 8, 13, 15, 18-20, 21, 28 King's Stables Road , 2 Lady  
Wynd, Edinburgh  
Partial demolition required to re-develop site for mixed use  
development.**

<b>Item number</b>	4.1(c)
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The existing buildings, with the exception of the 1960s office building, make a positive contribution to the character and appearance of the conservation area. This is because they are a remnant of the historic land uses on and around the site and their materials, scale, form and layout are representative of its historic uses. However the historic industrial uses have ceased. This inactivity has a negative effect on the character and appearance of the conservation area and has contributed to the deterioration of the existing buildings. The value of their continued use as industrial/storage is low, whereas the public benefits of regenerating a neglected area and delivering a mixed use development that includes housing on the site are high and justify their demolition. On balance, the proposed demolition and redevelopment proposals are acceptable.

## Links

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[Policies and guidance for this application](#) LPC, CITE5, CITE2, OTH, CRPOLD,

# Report

## **Application for Conservation Area Consent 15/05716/CON At 6, 8, 13, 15, 18-20, 21, 28 King's Stables Road , 2 Lady Wynd, Edinburgh Partial demolition required to re-develop site for mixed use development.**

### **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 site comprises of a variety of building types and heights. These are grouped around a central courtyard that was the site of a Jousting tournament. It includes a former slaughterhouse now in use as a warehouse historically known as the Shambles; a five storey, 1960s office and storage building; a four storey tenement on King's Stables Road and mews building on King's Stables Lane to the south. A standalone building, a former warehouse now in use as a nightclub, is located at the west end of the site.

The site is located on the south side of King's Stables Road and covers an area of 0.73 hectares. Lady Wynd bounds the site to the east and is a pedestrian link to West Port. The buildings are predominately stone built under pitched, slate roofs.

A number of listed buildings are located outwith the site; including King's Bridge, a category A listed building (ref: 27943, dated 14 December 1970) which frames the approach to the site from the west. Portsburgh Square is a four storey building in a quadrangle form located to the south of the site and is a category C listed building (ref: 47896, dated 29 March 2001). To the east is a category C listed three-four storey tenement known as 1 Grassmarket / 2 King's Stables Road (ref: 28932, dated 4 October 1986). The Castle Rock, located to the north of the site, is a Special Landscape Area.

The site lies to the south of Johnston Terrace and the Castle. The site, seen as part of the Old Town's roofscape, is highly visible from these positions.

The wider area is mixed use with residential properties positioned to the south and east of the site. Argyll House, a dominant 1960s office building, bounds the site to the south and west. The Grassmarket is located to the east of the site.

The site is within the Edinburgh World Heritage Site.

The West End Conservation Area is located to the west.

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

## **2.2 Site History**

13 May 2010 - West Port / King's Stables Road Development Brief approved by Planning Committee.

21 February 2012 - 18-20 King's Stables Lane added to the Buildings at Risk Register. The Buildings at Risk Register identifies properties of architectural or historic merit that are considered to be at risk or under threat. They are usually listed buildings or unlisted buildings in a conservation area that meet one or more of the following criteria: vacant with no identified new use; neglected; structural problems; fire damage; unsecured; threatened with demolition.

22 April 2015 - proposal of application notice received for a mixed use development including flats, student accommodation, hotel and arts facility, involving new build, alteration and partial demolition of existing buildings (application number: 15/01936/PAN).

14 December 2015 - application for planning permission for a mixed use development comprising flats, student accommodation, hotel, arts facility and class 1, 2 and 3 uses, involving the erection of new buildings, alteration of existing buildings, partial demolition and change of use of ground floor of existing tenement building (application number: 15/05715/FUL). This is a concurrent application to the application for conservation area consent that is reported separately.

## **Main report**

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

The application proposes the demolition and partial demolition of the existing buildings and the redevelopment of the site for a mixed use development comprising of student housing, a hotel, residential flats, commercial units and an arts facility.

The merits of the redevelopment proposals are considered separately under the application for planning permission (application number: 15/05715/FUL).

#### Supporting documents

The following documents were submitted in support of the application:

- Archaeology Statement;
- Background Heritage Report;
- Heritage Statement;
- Design and Access Statement; and
- Planning Statement.

These documents are available on the Planning and Building Standards Online Services.

## 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.

## 3.3 Assessment

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

- a) the existing buildings make a positive contribution to the character of the conservation area;
- b) the replacement building enhances or preserves the character of the conservation area;
- c) any impact on equalities and human rights is acceptable;
- d) any public comments have been addressed.

### a) Existing buildings

The Old Town Conservation Area Character Appraisal identifies the essential spatial character and that this is a product of the topography and built form. It is a microcosm of urban development with multiple layers of built heritage. The essential architectural character is identified as the consistent and harmonious height and mass of buildings and the limited palette of building materials; stone and pitched slate roofs, provides unity. The character appraisal recognises a mix of uses, including important residential and tourism functions, are present and the importance of maintaining a productive balance between the interests of residents, business and visitors is maintained. With regard to new development the character appraisal directs new development to be sympathetic to the spatial pattern, scale and massing of the traditional four/five storey form, proportions, building lines and design of traditional buildings in the area. One of the characteristics of the Old Town is its continuous development with examples of every era of architecture throughout it since medieval time.

The proposal would result in the demolition of all the existing buildings, with the exception of the existing tenement on King's Stables Road and parts of the boundary walls on King's Stables Lane, Lady Wynd and Baird's Close which would be retained.

The 1960s office building has a negative impact on the conservation area because the dominant horizontal line of the flat roof disrupts the streetscape, it fails to follow the tenement's building line and its design is undistinguished. This building does not make a positive contribution to the conservation area and its loss is acceptable.

Historic Environment Scotland find the Shambles building and the former warehouse (28 King's Stables Road) make, on balance, a positive contribution to the conservation area and the courtyard mews buildings have a similar character. They are concerned about the considerable level of demolition on the site but do not object to the proposal.

The Shambles building has rubble stone facades that HES advise was first built by 1821 and later reduced. The outer walls of the courtyard buildings and the building on

the corner of Lady Wynd and King's Stables Lane incorporate parts of an early walled enclosure that was likely the site of a jousting tournament. The nightclub building is a standalone, mainly stone built building.

The buildings have been altered over time to suit their function and HES acknowledge they may not have architectural merit in their own right. As a group of buildings they are of historic significance, including as an archaeological record, but make a limited contribution to the character and appearance of the conservation area because their inactivity creates an unwelcome environment that detracts from the character and appearance of the conservation area.

As a group of buildings that make a positive contribution to the character of the area in respect of the historic interest, materials, scale and form, it is necessary to assess the merits of the demolition against policy Env 2: Listed Buildings - Demolition, that only supports demolition after considering the repair and maintenance in relation to its importance, the efforts to retain or adapt it and whether the public benefits from demolition outweigh the loss. This is echoed in paragraph 3.58 of Scottish Historic Environment Policy 2011.

Inactivity has led to the buildings deteriorating into a poor condition and the value of their continued use as industrial/storage is low, whereas the public benefits of regenerating a neglected area and delivering housing on the site are high and justify their demolition and comply with policies Env 2 and Env 6: Conservation Areas - Demolition of Buildings.

#### b) Replacement building

The proposed redevelopment of the site is considered in the concurrent application for planning permission which is being considered at this Committee meeting. It is recommended for approval because the proposed redevelopment proposals retain some of the elements that make a positive contribution to the character and appearance of the conservation area and accords with ECLP policy Env 5: Conservation Areas - Demolition of Buildings.

#### c) Equalities and human rights

The demolition of the existing buildings would not have an adverse impact on equalities or human rights.

#### d) Public comments

##### **Material comments in objection**

- redevelopment proposals not in keeping with the character and appearance of the conservation area - addressed in section 3.3b).

##### **Non-material comments in objection**

- overprovision of student accommodation;
- adversely affect residential amenity;
- position of the electricity substation;
- poor provision of housing;
- inadequate pre-application consultation;

- failure to positively respond to concerns raised by the Urban Design Panel;
- management and security of the courtyard;
- missed opportunity for the Council as landowner to direct development and strengthen the resident population of the Old Town; and
- out of keeping with the development brief;

## CONCLUSION

The existing buildings, with the exception of the 1960s office building, make a positive contribution to the character and appearance of the conservation area. This is because they are a remnant of the historic land uses on and around the site and their materials, scale, form and layout are representative of its historic uses. However the historic industrial uses have ceased and this inactivity has a negative impact on the character and appearance of the conservation area that has contributed to the deterioration of the existing buildings. The value of their continued use as industrial/storage is low, whereas the public benefits of regenerating a neglected area and delivering housing on the site are high and justify their demolition. On balance, the proposed demolition and redevelopment proposals are acceptable.

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

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

1. 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.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting and publication, interpretation & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Note: the work must be carried out by a professional archaeological organisation, either working to a brief prepared by City of Edinburgh Council's Archaeology Services (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.

#### **Reasons:-**

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.

## **Financial impact**

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

The Council is landowner of part of the site, the land excluding the nightclub building. The terms of the sale were reported to the Economy Committee on 13 February 2015 and ratified by the Finance and Resources Committee on 19 March 2015.

## **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:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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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 attracted 12 letters of objection, including objections from the Edinburgh Old Town Development Trust and the Grassmarket Residents Association.

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**

Edinburgh City Local Plan - Central Area and Old Town Conservation Area

**Date registered**

5 January 2016

**Drawing numbers/Scheme**

01-21,

**John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Elaine Watson, Planning officer  
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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Edinburgh City Local Plan.**

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

**Other Relevant policy guidance**

**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

# Appendix 1

## **Application for Conservation Area Consent 15/05716/CON At 6, 8, 13, 15, 18-20, 21, 28 King's Stables Road , 2 Lady Wynd, Edinburgh Partial demolition required to re-develop site for mixed use development.**

### **Consultations**

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#### **Historic Environment Scotland**

*Historic Environment Scotland have reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do not object.*

*While we do not object, we do, however, have the following comments which your Council should take into account in your decision:*

*The site concerned appears to have been largely developed in the early nineteenth century within an existing walled enclosure, of perhaps C17th or earlier date, which incorporated earlier development at its eastern end. At the western end of the enclosure and within the development site is the much altered rubble stone facades of the Shambles, a slaughterhouse, first built by 1821 and later truncated. It's retained façade to King's Stables Road contains many regular blocked openings including a central large arched pend. It was built to supply the existing tanning industries to the south, the lane here being known as Tanner Street in the latter eighteenth century. The various later buildings, some of interest, facing the internal courtyard incorporate parts of the early walled enclosure on the rear and side facades. At the western part of the site immediately across the lane (Baird's Close) is No.28 King's Stables Road (Silk nightclub). It is a standalone stone building, built by 1817 and later altered and extended.*

*We have previously commented on the planning permission consultation.*

*Firstly, we note the extent of demolition on the site appears to have increased significantly since pre-application discussions, and now concerns the entire site, with the exception of the proposed retained boundary walling, which may be medieval in date.*

*We welcome the retention of the historic boundary walling, but would hope that the existing historic and later openings could be reopened and reused, rather than the current intention to impose standardised openings through the walling. The historic C17th arched opening could also be restored, or made a feature, as part of the scheme.*

*We have concerns with the considerable level of demolition on the site. We agree with the heritage report that rates the post-war Nos. 17-20 King's Stables Road as making a negative contribution to the conservation area, but do not agree with a similar assessment for the former Shambles building and No.28 King's Stables Road. Although altered, we consider both these early-nineteenth century buildings currently make, on balance, a positive contribution to the conservation area. Several of the courtyard mews buildings have a similar character.*

*Essentially, the site contains a jumble of altered buildings dating from both the nineteenth and twentieth centuries together with a large courtyard - a rarity in the Old Town, and an echo of the open nature of the medieval enclosure. The character of these buildings may not be, in themselves, worthy of serious architectural note, but their contribution to the character and history of the Old Town Conservation area should not be underestimated. The Old Town itself is a mix of buildings, many of the nineteenth century, with several of the most successful interventions small-scale, following the 'conservative surgery' approach of Patrick Geddes. This palimpsest of building falls down with later comprehensive development sites like Argyle House. The redevelopment of a site like this has the opportunity to retain the best and insert high quality, distinctive and varied new buildings, like the Holyrood North development site. We would recommend a more sympathetic and considered approach that incorporated the characterful stone buildings on Kings Stables Road and even certain of the courtyard 'mews' buildings. The retention and incorporation of the left hand side stone frontage of No.28 within the scheme and the former Shambles building, or a truncated part of it, as a screen wall, (as proposed for the remainder of the rubble boundary walling), has the potential to retain the site's character and benefit the overall scheme. A more sympathetic or mixed approach is particularly important as the scheme is imposing a limited design palette across the site, notably on King's Stables Road.*

*Elsewhere, there are a good deal of historic setts within the courtyard and lanes - these should be retained and, where necessary, salvaged for reuse.*

*In conclusion we would urge a more careful scheme that retains more of the early stone buildings on the site. If your Council believes a case can be made for conservation area consent for demolition, we would urge a change in design style and materials between the blocks on King's Stables Road to prevent the building being read as one monolithic development, and to help introduce variety, a key feature of the conservation area. The use of pitched roof forms may also aid the development, particularly as it will be viewed from above.*

#### *Note*

*Historic Environment Scotland, HES, has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.*

*A decision not to provide detailed comments or not to object should not be taken as support for the proposals by HES, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.*

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic-scotland.gov.uk/managingchange>. Technical advice is available through our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

## **Archaeology**

*The site lies at the heart of Edinburgh's UNESCO World Heritage site, on the southern side of King's Stables Road first mentioned in David I's 1128 charter to found Holyrood Abbey as 'the way that leads to the Kirk of St Cuthbert'. The layout of the current site is seen in Rothiemay's 1647 plan of Edinburgh where the majority of the site is a large enclosed area with buildings occupying the eastern end of the site.*

*This may reflect its former use as the medieval tilting ground known as The Barrace known to be located to the west of the 14th century King's Stables in this location. These grounds were laid out by Edward III's garrison of Edinburgh Castle who held the castle between 1335 & 1341 though this may be a redevelopment of an earlier medieval version destroyed by Robert the Bruce in 1313. The associated chapel (Lady's Chapel) for the dead and injured from these jousts is recorded as being located adjacent to the NW corner of this site in Lady Wynd.*

*Currently the site comprises a mix of historic buildings surrounding a central yard plus a 1960's infill office development. A more detailed record of these structures is contained in the applications accompanying Archaeology and History Statements by CFA & Andrew PK Wright, however it is possible that elements of the southern stone boundary wall these buildings date back to at the least the early 19th century and perhaps earlier to the late-medieval / post-medieval buildings shown on Rothiemay's map.*

*In order to identify the potential and significance for unrecorded archaeological remains lying across the site a programme of archaeological field evaluation and historic building assessment is required to be undertaken prior to submission. This was undertaken by Headland in 2014 and CFA in 2015. The results indicated that over 3m of archaeological deposits survived dating back from the Industrial use of the Victorian period through to at least the early medieval period. These limited works complement the more detailed excavations carried out by Headland Archaeology for CEC during the 2007-8 redevelopment of the Grassmarket (James McMeeken 'Early Historic Settlement beneath the Grassmarket in Edinburgh', 2010, PSAS Vol. 140, 105-128). This work in summary revealed over 3m of archaeological deposits (lower deposits possibly water logged), including remains dating to the Early Bronze Age (c.2200-1950 BC), 6th-10th century Anglian occupation and medieval and later through to WW I.*

*Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV5, ENV6 & 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.*

## **Setting**

*It is clear that the scale of the proposed demolitions and new constructions will significantly alter the setting and character of this section of the World Heritage Site, by removing much of the surviving 19th century buildings. The affects of this impact has*

*been mitigated by the retention of the surviving boundary walls to Kings Stables Lane (Block E) and the New Arts facility planned for Block G.*

*However the loss of the c.1817 warehouse No 28 Kings Stables Road (Block H) is perhaps more significant provides an important setting to the adjacent A-listed Bridge and also an important historic backdrop when looking down Kings Stables Road from the North. As such the loss of this building could be considered as having a greater adverse impact than alluded to in Andrew PK Wright's assessment and one which could be therefore contra to CEC policy ENV5.*

#### *Historic Buildings*

*The proposed scheme proposes significant demolitions and alterations to a range of buildings (CFA /APK Wright's Blocks A-H). The loss of the 1960's office building (block B) is not considered to have a significant archaeological impact. However the remaining buildings occupying the site are considered to be of historic significance. A full historic breakdown is contained within the accompanying reports by CFA and Andrew PK Wright but in summary these structures principally date back to the 19th century with potential earlier fabric e.g. along Kings Stables Lane and on Lady's Wynd (Blocks E & G). The scale of loss and alterations to these former council buildings and the loss of the separate No.28 Kings Stables Road (Block H) must clearly be regarded as having significant adverse impacts. Of particular concern being the loss of No28 for the reasons stated above*

*That said the proposed impacts are in part mitigated by the retention of the historic walling along Kings Stables Road (Block E) and by the retention of historic fabric within the proposed new arts facility (Block G) on the corner of Lady Wynd and Kings Stables Road.*

*If granted it is essential therefore that a detailed (level 2-3) programme of historic building recording (annotated plans and elevations, photographic and written description and analysis) is undertaken of these historic buildings (A & C-H) prior to and during demolitions and alterations.*

*If approved, the above archaeological historic building surveys will build upon the historic building assessments already undertaken by Andrew PK Wright, CFA & Headland Archaeology.*

#### *Buried Archaeology*

*The two phases of archaeological evaluation on the site undertaken by Headland in 2014 and CFA in 2015 have established that the site has over 3m of archaeological deposits. The proposals will require significant ground breaking works, principally in regards to the demolition of the proposed buildings and proposed new constructions of hotel and arts facility and new buildings. Such works will therefore significantly impact upon these important urban archaeological remains, dating back from the turn of the 20th century to the early medieval period and potentially prehistory, including the 14th century Barrace (tilting ground), 18-19th century industrial remains of and the prehistoric burn which fed the Nor Loch.*

*It is recommended therefore that a programme of archaeological work is undertaken prior to and during development in order to fully record, excavate and analyse any significant archaeological remains affected.*

### *Interpretation & Public Engagement*

*The site has likely been occupied since early period and is known to occupy the site of former 14th century tilting grounds for Edinburgh Castle known as the Barrace and map possible incorporates part of the associated Lady's Chapel. Given this it is considered important that this rich heritage and results of the archaeological excavations are publically interpreted within the final development. This should be undertaken also in collaboration with a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) during development, the scope of which will be agreed with CECAS.*

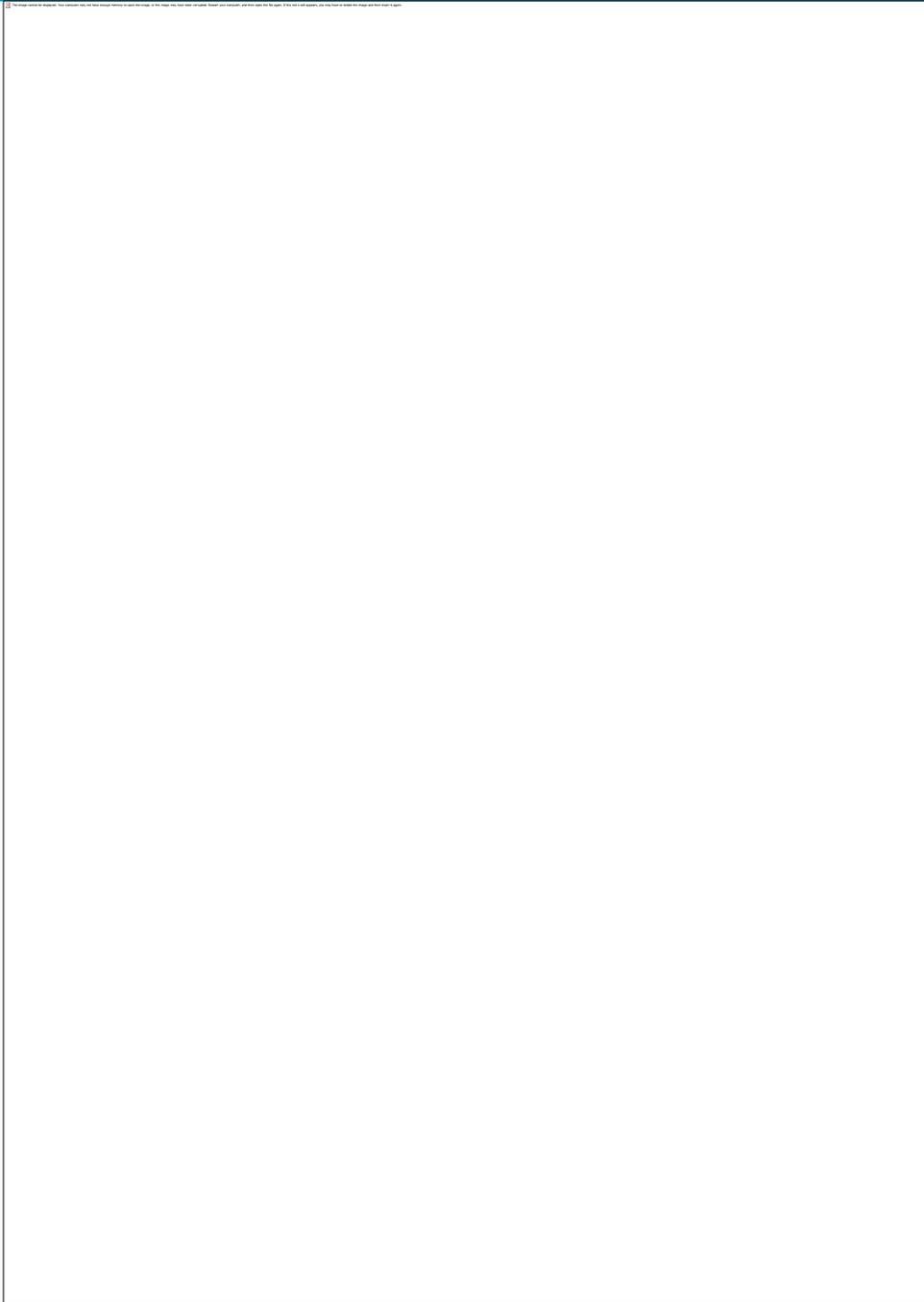
*In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting and publication, interpretation & public engagement) 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.*

## Location Plan

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