

Development Management Sub Committee

Wednesday 14 September 2016

**Application for Planning Permission 16/03662/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 3 (Food and Drink) and Class 7/Hotel uses,
proposed alterations and ancillary works. (as amended)**

Item number	4.2(a)
Report number	
Wards	A11 - City Centre

Summary

The application complies with the development plan and non-statutory guidance. The proposed uses are acceptable and the proposals represent a significant restoration project that helps enhance the character and appearance of the conservation area as well as the character of the listed building. The proposals do not generate any concerns regarding transportation or neighbouring amenity.

Links

<u>Policies and guidance for this application</u>	LPC, CITCA1, CITR1, CITR12, CITEM1, CITEM5, CITE3, CITE4, CITE6, CITE1, NSG, NSBUS, NSLBCA,
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Report

Application for Planning Permission 16/03662/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 3 (Food and Drink) and Class 7/Hotel uses, proposed alterations and ancillary works. (as amended)

Recommendations

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

Background

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 building is a category B listed building and was listed on 27 January 1992 (LB Ref: 30027). 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 Andrews 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 1902-04 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 1902-1904. 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 1902-1904.

The site is bounded by James Craig Walk to the north east and south east, beyond which lies the existing St. James Centre and vacant former office building, St Andrews House. To the south and west lies the General Registrar buildings and associated garden, beyond this lies the wider Register Lanes area and banking premises owned by the Royal Bank of Scotland. To the north west is the tenement building at 23-26 St James Square, and retail/commercial uses on Multrees Walk.

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 - planning permission application (ref: 14/05147/FUL) pending consideration for 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.

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).

1 May 2015 - Planning permission for 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 (Ref: 14/05147/FUL) pending determination.

1 May 2015 - Listed building consent application granted for internal and external alterations and ancillary works (Ref: 14/05148/LBC).

22 July 2016 - Listed building consent for internal and external alterations and ancillary works pending determination (Ref: 16/03663/LBC).

Main report

3.1 Description Of The Proposal

The application proposes the change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and/or Class 3 (Food and Drink) and Hotel/Class 7 uses, proposed alterations and ancillary works.

The change of use at ground and lower ground floors would accommodate six commercial units. It is proposed that these units could be used for Class 1 (Shops), Class 2 (Financial, professional & other services) and/or Class 3 (Food & drink) uses.

The change of use of the upper floors to hotel use would create 46 hotel rooms and one breakfast room. This would be operated by the same operator of the central hotel of the St James development and would be serviced via a proposed underground service link to the main Edinburgh St James scheme.

Externally, the design proposes the reinstatement of a slated mansard roof including taking down and rebuilding the original chimney stacks to their original height. The proposal would also see the formation of dormer windows to the rear elevation. Contemporary entrance stairs are proposed. The existing non-original windows would be replaced and the original fenestration pattern restored. It is proposed to include discrete means of ventilation to windows on the rear elevation that would service the commercial units at ground and lower ground floor.

A new lift core and removal of the turnpike stair in no. 28 is proposed in order to achieve a layout which is capable of operating as a hotel.

Scheme 1

The proposals have been amended to remove the street lighting that was proposed at upper levels on the building.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 have any equalities or human rights impacts; and
- g) representations raised have been addressed.

a) Principle of Development

The application property is located in the Central Area with the Edinburgh City Local Plan (ECLP). 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 a 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 vitality of the shopping streets, providing retail and other services. As part of the wider St James proposals, the restoration project will add to the proposed public realm proposals and help provide an attractive pedestrian environment.

The use of the upper floors would provide additional accommodation for the main hotel development in the St James development with an underground service link between buildings. This ancillary use is acceptable in terms of ECLP policy Emp 5.

The class 3 use is acceptable in this location subject to the comments of Environmental Protection.

The proposals also comply with ECLP Policy Ca 1 - The Central Area, 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.

The proposals are acceptable in principle.

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 significant 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 proposed communal lift results in a significant over run to the rear of the building. This would be clad in lead and located between two of the built up chimney stacks. It would only be seen in views from the Register Lanes and would not have a significant impact on the character or appearance of the conservation area with the scheme still representing a conservation gain.

Other external alterations are minor in nature having no adverse impact on the character or 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 and accord with ECLP policy Env 1.

Edinburgh World Heritage states that they *welcome the renovation and reuse of the building. This should be broadly supportive of OUV.*

d) Residential Amenity

There are no objections raised by Environmental Protection with regards this application subject to the conditions attached. Some of the requested conditions are not included because they relate to matters which can be more effectively controlled through environmental legislation and licensing. Environmental Protection continues to be concerned about the overall air quality impact of the wider St James proposals but recognises that this development does not affect car parking numbers. The noise and odour impacts associated with this application are acceptable.

e) Road safety and transport

There are no issues relating to road safety subject to the informatives attached. Tram contributions are to be secured through the wider St James development proposals.

f) 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.

Impact on equalities and human rights are acceptable.

g) Representations

No representations were received.

Conclusion

Overall, the proposed uses are acceptable and represent a significant restoration scheme. The proposals would help enhance the character and appearance of the conservation area as well as the special character of the listed building. There are no issues relating to neighbouring 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.
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. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. ESJ - AMA - Z8 - ZZ - DR - A - 1007 rev P03 status S2 dated 21 July 2016 shall be implemented.
4. A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development.
5. Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. Separate applications for road opening permits may be required.
3. The details of materials, extent of adoptable areas, layout and design to be approved prior to construction.
4. 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

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

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 29 July 2016. No letters of representation were received.

Background reading/external references

- 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

22 July 2016

Drawing numbers/Scheme

1-7, 8A, 9-31, 22A-34A, 35, 36A and 37-48,

Scheme 2

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Links - Policies

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 Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

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

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

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.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

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.

Appendix 1

Application for Planning Permission 16/03662/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 3 (Food and Drink) and Class 7/Hotel uses, proposed alterations and ancillary works. (as amended)

Consultations

Historic Environment Scotland

Historic Environment Scotland has 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:

As with the previous application we welcome the conservation-based treatment of the only remaining side of St James's Square laid out by James Craig in the 1770s. The replacement of the early C20th sheer-storey extension with a mansard roof and the restoration of the original doorpieces, platts and stairs, is particularly welcome.

As the heritage statement makes clear the internal floor-plans and features have been much altered and contain little of interest.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations regarding this application for change of use from Student Accommodation to class 1 (shops), class 2 (financial, professional and other services) and /or class 3 (food and drink), class 7 /Hotel uses, proposed alterations and ancillary works.

This B-listed building lies at the core of the UNESCO World Heritage Georgian New Town, representing the last significant survival of the James Square designed by James Craig in c.1780. Designed originally as tenements for Walter Ferguson WS, the building was converted in to offices for HM Commissioners of Works in 1898.

This application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Historic Environment Scotland's Policy Statement (HESPS) 2016 and also CEC's Edinburgh City Local Plan policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The works will require significant internal alterations to this Georgian B-listed building however these are as having a low archaeological impact/significance. It is recommended however that a programme archaeological historic building survey (level 2 annotated plans/elevations, photographic and written survey) of the existing building is undertaken prior to and during any alterations and ancillary works, in order to provide a permanent record of this important historic structure and understand its development history from James Craig Design through to Late Victorian Government Offices.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis, publication) 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.

Edinburgh World Heritage

We welcome the renovation and reuse of the building. This should be broadly supportive of OUV.

Transportation

No objections to the 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;

Environmental Protection

This full detailed applicant now proposes for a change of use and other associated amendments to convert the application building into a hotel above two floors of commercial uses, with the ability to incorporate catering.

Environmental Protection still maintains its concern regarding local air quality impacts the overall neighboring larger outline proposal may have. However this specific application does not impact the car parking numbers and will connect directly into the consented combined heat and power plant all located outside this application boundary. These were Environmental Protection main issues therefore we can only reiterate our concerns regarding the consented outline application but not object to this proposal.

The applicant has provided details on the proposed commercial kitchen extract. This confirms that ducting for all proposed class 3 uses will terminate at chimney pot level. Environmental Protection will recommend a condition is attached to any consent to ensure amenity is protected and a specific condition attached.

Environmental Protection maintains the previous consultation reports concern regarding the overall committed development and its impacts on local air quality. However having assessed the specific amenity matters in regards to this specific application Environmental Protection are satisfied that noise and odour impacts will be acceptable. This is only if the relevant conditions are carried forward from the consented outline application (08/03361/OUT). Environmental Protection understand that this is a separate application however to ensure consistency we will be recommending the same conditions as agreed for the outline consented development. An additional condition is recommend regarding the ventilation requirements.

Additional condition

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. ESJ - AMA - Z8 - ZZ - DR - A - 1007 rev P03 status S2 dated 21 July 2016 shall be implemented.

Relevant conditions as per the consented outline application 08/03361/OUT

The following conditions are recommended as pertaining to the entire development site, including all proposed commercial uses;

Prior to the commencement of construction works on site:

a. A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b. Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Planning Authority.

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

The following conditions are recommended specifically for Class 3 Food and Drink, Class 7 Hotel and Class 11 Assembly and Leisure Uses

Commercial kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level (or other appropriate exhaust point previously agreed by the Planning Authority) to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 meters per second.

The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

