

Development Management Sub Committee

Wednesday 24 April 2019

**Application for Listed Building Consent 18/10119/LBC
At 1 Bath Street, Edinburgh,
Excavate pavement to provide basement lightwell with
balustrade and stair and internal alterations.**

Item number	4.3(b)
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The proposals have special regard to the desirability of preserving the building and its setting and do not adversely affect any features of special architectural and historic interest. The proposals do not harm the character or appearance of the conservation area.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN04, LEN06, NSG, NSLBCA, OTH, CRPPOR,
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Report

Application for Listed Building Consent 18/10119/LBC At 1 Bath Street, Edinburgh, Excavate pavement to provide basement lightwell with balustrade and stair and internal alterations.

Recommendations

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

Background

2.1 Site description

The site comprises the basement of the former Royal Hotel which was converted to flatted dwellings circa 2003. The building was constructed in the early 19th century with later alterations and additions.

The property is category C listed (reference 26715, 04/09/1995).

This application site is located within the Portobello Conservation Area.

2.2 Site History

9 July 1998 - Listed building consent granted to strip paint from exterior building and restore to original stone (application reference 98/01402/LBC).

25 June 2003 - Listed building consent granted for the conversion of hotel to form seven residential flats including internal alterations, formation of new entrance and windows on gable and new internal stair (as amended) (application reference 03/00129/LBC).

10 June 2009 - Listed building consent granted to excavate pavement to provide basement lightwell with balustrade and stair and internal alterations (application reference 09/00717/LBC).

5 June 2017 - Enforcement enquiry raised regarding the commencement of development after planning permission and listed building consent had lapsed. The enquiry was closed with no further action as the investigation found:

- No evidence of external works to the building; and
- Internal works carried out were not material operations.

Main report

3.1 Description Of The Proposal

It is proposed to convert the basement of the building from storage to an office.

External alterations to the building include the following:

- Excavation of the pavement to provide a basement lightwell with a balustrade and stair;
- The balustrade will be a dwarf squared rubble wall with smooth stone cope and cast iron railings with arrowhead detail; and
- Formation of one door and two windows by unblocking the existing openings. The windows will be sash and case to match the existing building. All to be constructed from timber with slimlite glazing.

Internally, one wall will be removed.

The proposed scheme is the same as the previous listed building consent granted in 2009 (application reference 09/00717/LBC).

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the proposal will impact on the character of the listed building;
- b) the proposal will detract from the character or appearance of the conservation area;
- c) any comments raised have been addressed.

a) Listed Building

Historic Environment Scotland's (HES) guidance notes Managing Change in the Historic Environment: Boundaries, External Walls and Interiors, sets out the principles that apply to altering historic buildings.

Policy Env 3 in the Edinburgh Local Plan (LDP) states that development affecting the setting of a listed building should not be detrimental to the architectural character or appearance of the building or its setting.

Policy Env 4 in the LDP states that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in an diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The building was originally constructed as a hotel in the early 19th century; it was converted in to residential flatted dwellings and the basement left for storage circa 2003. There is clear evidence to show the building has been altered. Within the basement there are existing window openings which have been blocked up and there are visible stone lintels on the north west (front) elevation.

The proposed alterations were previously granted listed building consent in 2009.

The proposal involves reinstating the openings to form two sash and case windows and a door. The windows will be detailed to match those on the existing building. The door will retain the width of the existing opening and will be detailed to match the windows. This alteration is sympathetic to the building and will not detract from the character of the listed building.

The excavation of the pavement to create a basement lightwell with a balustrade and stair will introduce a new addition to the listed building. It is acknowledged that this would not have been an original component in the design of front elevation. However, the design qualities of the dwarf wall and railings relate well to historic boundary treatments of this nature in terms of proportions, materials and detailing; the applicant has submitted a drawing showing a detailed section of the boundary treatment. This alteration will have a neutral impact on the building and will not detract from the character or appearance of the listed building or its setting.

The proposed internal alterations to reconfigure parts of the basement layout will not adversely affect any architectural features of importance and are acceptable.

In conclusion, the proposed alterations to the listed building will not result in the diminution of its interest or have a detrimental impact on the setting of the listed building. The proposal preserves the character of the listed building and its setting.

b) Conservation Area

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Policy Env 6 in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and is consistent with the relevant conservation character appraisal.

The site lies within the Portobello Conservation Area. The character appraisal emphasises the importance of the varied architectural forms, with many fine Georgian and Victorian historic buildings. Also, the building materials are traditional: stone, harling, slate, pantiles, timber windows and doors. Many of the buildings towards the north east of Bath Street are set back from the pavement and have a consistent boundary treatment made up of dwarf walls and arrowhead railings. However, the buildings towards the junction with Portobello High Street are generally not set back from the pavement.

The proposed railings in terms of materials and detailing will be in-keeping with both the character and appearance of the Portobello Conservation Area. Whilst the excavation of the pavement to form a basement entrance is not characteristic of the Portobello Conservation Area, in this context, the width of the pavement and the design of the alteration will result in a sympathetic addition. Overall, the proposal is consistent with the conservation area character appraisal. Therefore, the proposal will preserve the character and appearance of the conservation area.

c) Public Comment

Material Considerations

- Impact on the listed building - addressed in section 3.3(a) of the assessment;
- Impact on the conservation area - addressed in section 3.3(b) of the assessment;
- Technical details regarding the finishing - addressed in section 3.3(a) of the assessment; and
- No historic basement lightwells at the site - addressed in section 3.3(a) of the assessment.

Portobello Amenity Society has objected to the proposals on the following grounds:

- Impact on pedestrian safety - not relevant to the listed building application. Assessed in the planning application; and
- The use of a public pavement for private use - not relevant to the listed building application. Assessed in the planning application.

Non-Material Considerations

- Alterations to the building will have structural impacts - not relevant to planning applications. This would be addressed through the building warrant process;
- Increase in anti-social behaviour - not relevant to listed building consent applications;
- Title Deeds require approval from other owners - not relevant to planning applications. This would be a civil matter;
- Impact on property values - not relevant to planning process. This would be a private matter;

- Increase in fire risk - not relevant to planning applications. This would be addressed through the building warrant process;
- Only residential use should be allowed - not relevant to listed building consent applications;
- Impact on drainage - not relevant to planning applications. This would be addressed through the building warrant process;
- Impact on residential amenity - not relevant to the listed building application. Assessed in the planning application;
- Impact on parking - not relevant to the listed building application. Assessed in the planning application;
- The commercial use is inappropriate in this area - not relevant to the listed building application. Assessed in the planning application; and
- Neighbour notification not carried out correctly - neighbours are not notified of listed building applications. This application was advertised and a site notice was posted in accordance with regulations.

Conclusion

The proposals have special regard to the desirability of preserving the building and its setting and do not adversely affect any features of special architectural and historic interest. The proposals do not harm the character or appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions;-

1. New slim profile double glazed units to have a maximum cavity of 6mm.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, eg Planning Permission, have been obtained.

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:

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

Sustainability impact

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 4 January 2019 and 33 letters of representation were received, all objecting to the application. These included comments from the Portobello Amenity Society.

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

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Edinburgh Local Development Plan - Urban Area
The site is also located within the Portobello
Conservation Area.

Date registered

27 November 2018

Drawing numbers/Scheme

01-06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials.

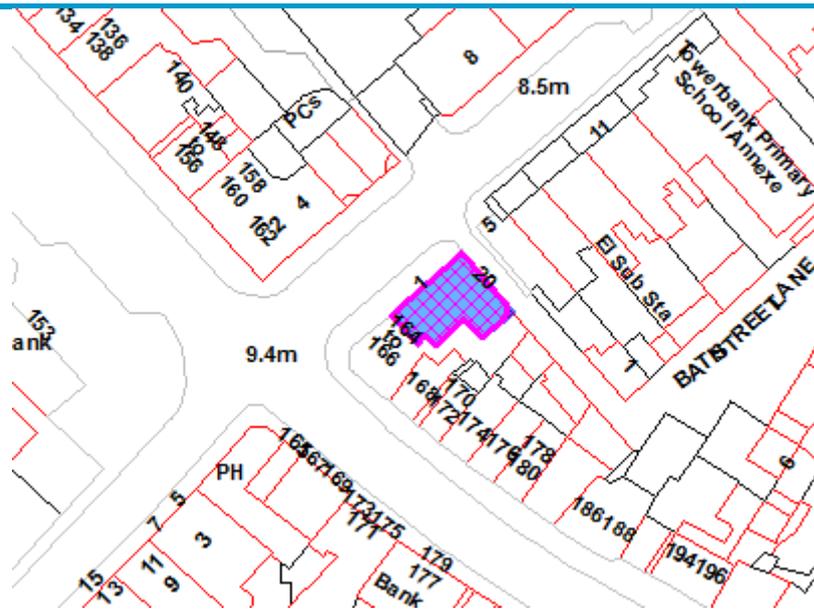
Appendix 1

**Application for Listed Building Consent 18/10119/LBC
At 1 Bath Street, Edinburgh,
Excavate pavement to provide basement lightwell with
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Consultations

No consultations undertaken.

Location Plan



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