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Planning and Architecture Division :
Planning Decisions



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Avison Young (UK) Limited

Our Ref: NAL-EDB-001
Planning Authority Ref: 20/02527/LBC
30 June 2021

Dear [REDACTED]

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND)
ACT 1997
THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
(NOTIFICATION OF APPLICATIONS) DIRECTION 2015
INTERNAL AND EXTERNAL ALTERATIONS, ERECTION OF SHOPFRONTS AND
ASSOCIATED WORKS - 27, 29 AND 31 JAMES CRAIG WALK, EDINBURGH**

1. This letter contains Scottish Ministers' decision on the above application submitted to the City of Edinburgh Council by Nuveen Real Estate.
2. The application was called-in for Scottish Ministers' determination on 22 December 2020. The application was considered by means of written submissions and an unaccompanied site inspection which took place on 25 March 2021, conducted by [REDACTED] a Reporter appointed for that purpose. A copy of the Reporter's report ("the report") is enclosed.

Background

3. There have been several Listed Building Consent and Planning Permissions issued since 2016. The previous amended LBC [19/04401/LBC internal and external alterations and ancillary works (revisions to listed building consent ref. 16/03663/LBC)] for 27, 29 and 31 James Craig Walk, Edinburgh was granted (without conditions) on 14 November 2019 and included changes to material specification; the

stair, platts and railing design; and internal layout and down-taking revisions. The current application is similar but has new aspects relating to the shop fronts.

Consideration by the Reporter

4. The Reporter's conclusions and recommendations are set out in Chapter 6 of the main report. The Reporter recommended that Listed Building Consent be granted without any conditions.

Scottish Ministers' Decision

5. Scottish Ministers have carefully considered all the evidence presented and the Reporter's conclusion and recommendation. For the reasons summarised below, Scottish Ministers agree with the Reporter that Listed Building Consent should be granted and adopt his reasoning for the purpose of their own decision. However, Ministers disagree with the Reporter that conditions should not be imposed. Ministers consider that conditions should be attached to this consent to ensure the specified details of the shopfronts to be installed on this listed building are adequately controlled through the appropriate legislation – under section 15(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Summary of Reporter's Findings

6. Ministers agree with the Reporter that the proposed shopfronts would not involve any irreversible harm to the existing principal façade of the building, would be attached only minimally, and would be capable of being removed and the façade of the building revealed in the future; that Edinburgh is competing with international opportunities and there is a risk of having unlet units in a prominent location within an area of major redevelopment; and the proposed shopfronts have to be seen in the context of the other changes proposed for the building and most of which represent positive heritage impact. Therefore, the Reporter recommends that Listed Building Consent should be granted in this exceptional circumstance. The Scottish Ministers agree with the Reporter's conclusion.

Conditions

7. Scottish Ministers disagree with the Reporter's conclusion that there is no need to duplicate the conditions for the same project covered by the previous planning permission, and that, together with the details already submitted, those conditions are sufficient. The Scottish Ministers consider that conditions are also required for the Listed Building Consent to ensure that the character of the listed building is safeguarded.

8. The Scottish Ministers consider that conditions are required in order to make the new aspects relating to the shopfronts contained in this Listed Building Consent acceptable.

Conclusion

9. Scottish Ministers agree with the Reporter that the proposals would not harm the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

10. Accordingly, for the reasons set out in the Reporter's report and as summarised above, Scottish Ministers hereby grant Listed Building Consent for internal and external alterations, erection of shopfronts and associated works to 27, 29 and 31 James Craig Walk, Edinburgh subject to the conditions set in Appendix 1 to this letter.

11. The decision of Scottish Ministers is final, subject to the right, conferred by Sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

12. A copy of this decision letter and the report has been sent to the City of Edinburgh Council and Historic Environment Scotland. Those parties who lodged representations will also receive a copy of this letter.

Yours sincerely,



APPENDIX 1

Listed Building Consent conditions:

1. A detailed specification of the timber shopfronts, including trade names and samples where appropriate, of all the proposed external materials and fixings shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reason: In order to safeguard the character of the listed building.

2. Details of the paint colour scheme of all shopfronts shall be submitted to and approved in writing by the Planning Authority and implemented prior to occupation of the corresponding commercial units.

Reason: In order to safeguard the character of the listed building.