

Development Management Sub Committee

Wednesday 24 October 2018

**Application for Planning Permission 18/03272/FUL
At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD
Change of use to hotel with ancillary bars, restaurants,
meeting rooms, retail and commercial units with associated
alterations and extensions (as amended).**

Item number	7.3(a)
Report number	
Wards	B11 - City Centre

Summary

The proposals comply with the Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed buildings and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant architectural remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEMP10, LEN06, LEN04, LEN01, LDES01, LDES12, LEN09, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSMDV, CRPNEW,
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Report

Application for Planning Permission 18/03272/FUL At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to two vacant adjoining buildings (a former bank and associated offices) on the east side of St Andrew Square at the south-west corner of the forecourt of Dundas House. The site is within the World Heritage Site.

Nos. 38-39 is a colossal three-storey, five-bay, ashlar sandstone, Imperial Roman style building by David Bryce, dating from 1846. The first and second floors are set back behind fluted Corinthian columns with statues topping the entablatures. The interior features an elaborately detailed cruciform banking hall with a central dome. The entrance hall with main stair and boardroom at first floor level are also finely detailed with compartmented ceilings. The building is category A listed (reference 29707, listed on 13 April 1965).

No. 37 is a three-storey and basement, classical style, ashlar sandstone former house by John Young, after James Craig, dating from 1781, with internal alterations and rear additions. The exterior features large Ionic columns to the ground and first floors and the interior is relatively plainly detailed with later alterations. The building is category A listed (reference 29706 listed on 13 April 1965).

Register Lane runs to the rear of Nos. 38-39 and the St Andrew Square tram stop is opposite no. 37. The surrounding area is in mixed, predominantly commercial, use including offices, serviced apartments, hotels, restaurants, bars and shops. This application site is located within the New Town Conservation Area.

2.2 Site History

14 March 1996 - listed building consent granted for internal alterations, external fabric repairs and replacement of air conditioning plant (application reference 96/00024/LBC).

Related Planning History

23 June 2016 - planning permission granted for mixed used development comprising change of use of former bank building to Classes 1, 2, 3, 11, public house and hot food take away uses at ground and basement levels, flats at first floor level and alterations including rooftop extension at Nos. 41-42 St Andrew Square (application reference 15/02786/FUL).

Main report

3.1 Description Of The Proposal

The application is for change of use to a 33-bedroom hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units.

The proposed external alterations are summarised as follows:

No. 37 St Andrew Square

- demolish the existing modern single-storey and basement structure and ashlar sandstone wall to the rear of no. 37;
- erect a traditional-form, three-storey, full width, ashlar sandstone faced extension to the rear of no. 37 with timber-framed, sash and case windows, a slate roof and zinc-clad dormers;
- erect a contemporary-style, single storey and basement structure, housing bedrooms, dining and kitchen spaces, to the rear of the new three-storey extension finished in bronze cladding panels with metal-framed windows;
- erect a new rubble sandstone wall with black painted steel railings above in front of the new single-storey extension;
- form two timber panelled entrance doors with external stone steps (one accessible entrance) from two existing ground level windows on the principal (west) elevation and convert the existing entrance door to a window;
- reduce the height of the five existing first floor windows on the west elevation to their original height and install timber-framed, six-over-six, sash and case windows in these openings and in the three remaining window openings at ground floor level;

Nos. 38-39 St Andrew Square

- erect a full-width, recessed roof extension with an external terrace on the front section of the building to house a bar with associated kitchen/store, WCs and access stairs, comprising a metal-framed glazed façade with a profiled single-ply membrane roof and slated rear pitch with zinc-surround windows;
- form a new opening for access to the basement in the existing sandstone wall at the rear of the banking hall on Register Place.

No car parking is proposed and a secure bicycle store for at least three bikes will be provided in the existing under-pavement cellars on St Andrew Square. Service vehicles will access the development from Register Place.

Scheme 1

The original scheme set the new rooftop extension further forward and proposed an alternative design for the glazed facade.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;
- Conservation Plan;
- Economic Impact Statement;
- Structural Condition Report;
- Structural Design Statement;
- Archaeological Desk-Based Assessment;
- Transport Statement;
- Air Quality Assessment;
- Energy and Sustainability Report; and
- Flood Risk Statement and Surface Water Management Statement.

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 proposal is acceptable in principle in this location;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the proposals preserve the character of the listed buildings;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals have an adverse impact on significant archaeological remains;
- f) the proposals are detrimental to residential amenity, road safety or infrastructure;
- g) any impacts on equalities or human rights are acceptable; and
- h) public comments have been addressed.

a) Principle

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (ELDP). Policy Emp 10 supports hotel development in the City Centre and there is no ELDP policy applicable to the loss of office use in the City Centre.

The proposed use, which includes ancillary restaurant/bar facilities and ground floor retail units, is compatible with the general mix of uses in the area and will not cause any significant disruption for residents in this busy city centre location.

This development will make a positive contribution to the major developments recently completed or under construction in and around St Andrew Square.

The development is therefore acceptable in principle.

b) Character and Appearance of Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the important feature of terminated vistas within the grid layouts and the long distance views across and out of the conservation area.*

The proposed hotel use is in keeping with the predominantly commercial character of the First New Town in which the site is located.

The external alterations proposed will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views. The scale, form, design and materials of the proposed extensions are in keeping with the regularity and geometric forms of buildings within the First New Town.

The character and appearance of St Andrew Square will be enhanced by bringing these important category A listed buildings back into a sustainable and viable use. The associated extensions and external alterations are sensitive to the historic environment and involve a degree of conservation gain.

The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

c) Character of Listed Buildings

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

No. 37 St Andrew Square

The elevations of this building date predominantly from the 1780s, with subsequent alterations. This building was originally designed as a mirror building to No. 35 St Andrew Square to form a framed entrance court to Dundas House. However, although the principal (west) elevation almost matches that of No. 35 with some later alterations, the side (north) elevation is relatively plainly detailed and only three-bay compared to the elaborately detailed six-bay elevation of the facing elevation of No. 35. The proposed removal of the existing flat-roofed, low-lying extension to the rear of No. 37, along with the existing over-scaled and non-original boundary wall and erection of a three-bay extension to match the general form and proportions of the equivalent part of No. 35 is a significant conservation gain. The proposed architectural detailing picks up on the key divisions and rhythms of the first three side bays of both buildings whilst being a distinctive 21st century addition. Given the fact that the side elevations of Nos. 35 and 37 do not match, a recreation of side elevation of No. 35 would be inappropriate. The demolition of part of the existing rear (east) elevation to connect the new extension successfully with the remainder of the building is an acceptable compromise, given that this elevation has been altered and is relatively utilitarian.

The proposed single-storey and basement, contemporary style extension to the rear of the new three-storey addition is a high-quality, complementary feature which will complete the side elevation without obscuring the banking hall windows of Nos. 38-39 to any significant extent. This elevation is visually disjointed at present and the proposed low-lying extension and rubble sandstone boundary wall with a simple metal railing above will provide a fitting terminal block.

The original door and window openings of the principal (west) elevation of the building have been altered in the past and the proposed arrangement will provide appropriately detailed entrance doors whilst incorporating an accessible entrance directly into the reception area of No. 37. This comprises a stone-faced stair that automatically recesses to enable entrance via a platform lift.

The reinstatement of the original window proportions and installation of sash and case windows to match the original six-over-six pattern is a conservation gain which will restore a significant element of the symmetrical detailing of Nos. 35 and 37.

Nos. 38-39 St Andrew Square

The proposed hotel includes a particular range of operational spaces, so appropriately designed side/rear and rooftop extensions have been proposed to minimise the level of interventions to the interiors of the listed buildings, in particular the fine interior of Nos. 38-39 which includes an elaborately detailed banking hall essentially in its original form.

The most contentious of these extensions is the proposed rooftop bar to which Historic Environment Scotland (HES) objected in its originally proposed form. However, HES has withdrawn this objection on the basis of the revised scheme submitted which proposes a slightly reduced footprint and amended facade. The applicant requires this rooftop bar as a prestigious facility for its members, although this alone does not justify the associated loss of original roof fabric and additional floor over a significant portion of this category A listed building. Rather, the acceptability of this extension has been assessed against the physical impact on the listed building and historic townscape, including a thorough analysis of the relative significance of each part of the building recorded in a detailed conservation plan and a townscape impact analysis which assesses the existing and proposed roofscape from key verified viewpoints.

The roof surfaces of Nos. 38-39 are categorised as being of moderate significance only, as the main surfaces are functional in design and concealed by parapets from views within St Andrew Square and from key views outwith the square. In addition, the front section of the roof has been punctured by seven later rooflights. The defining features of this roofscape are the six statues topping the entablatures of the columns which dominate the principal facade along with the heavy stone balustrade. That said, the silhouette of these skyline features has been compromised from certain viewpoints by the construction of the adjacent 1940s building at Nos. 41-42 St Andrew Square. On this basis, a rooftop extension is acceptable in principle in this particular location and will not set a precedent for similar extensions on other listed buildings within the New Town Conservation Area.

The revised footprint of the rooftop extension ensures that it will not be visible from key viewpoints which have been defined by Historic Environment Scotland as being close-up views of the building, in particular from the opposite side of the road at various points where noted photographs were taken in the 1860s, including a famous photograph titled and signed by David Bryce in 1865. In certain more distant views from within St Andrew Square and beyond, the glazed facade of the extension will be visible. However, the roofscape is not seen in isolation from these viewpoints and is visible within the wider townscape context, which includes larger and more substantial commercial buildings with notable rooftop elements. The glazed facade with visually lightweight framing has been refined to ensure that the impact of the extension on any of these further away viewpoints is minimal and will allow the key rooftop features of the stone statues and balustrade to remain dominant.

Any negative impact of the removal of part of the original roof is balanced by the addition of an architecturally quiet rooftop feature which will have no adverse impact on the historic townscape whilst satisfying the business model of the hotel. This alteration is also offset by significant conservation gain through the proposed three-storey extension to the rear of No. 37 which will complete the basic form of the entrance court to Dundas House as it was originally intended.

The proposed new opening for access to the basement in the existing sandstone boundary wall to Register Place is acceptable in terms of scale and detailing.

The proposed alterations and extensions are therefore justified and will cause no unnecessary damage to the building's historic structure or diminution of its interest, in compliance with LDP Policy Env 4.

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The development includes a rear extension which is in keeping with the scale of the existing buildings and the proposed rooftop extension is relatively small-scale. The proposals will therefore have no detrimental impact on the character of appearance of the Georgian New Town, nor its relationship with the medieval Old Town.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

e) Archaeological Remains

No. 37 St Andrew Square forms part of the original design/layout for the square by James Craig. A comprehensive history is detailed in the Heritage Statement and Archaeological Desk-Based Assessment which accompany and support this application.

The proposed plans retain the slab of the existing basement, with no below ground excavations planned. Discreet breakout of the existing basement slab is required in a number of locations to install new pad foundations and lift pits but these will sit at a fairly shallow level and should not disturb any previously undisturbed underlying strata.

However, a condition has been applied to ensure that an archaeological Watching Brief takes place during ground-breaking works, to allow investigation works should any excavations require to be deeper than anticipated.

f) Residential Amenity, Road Safety and Infrastructure

There are no existing residential properties in close proximity to the development, so no issues of overshadowing, privacy, noise, odours or disruption arise from the proposed commercial use or physical extensions.

Environmental Protection has raised concerns regarding noise from the proposed hotel, in particular, noise emitting from the rooftop extension which will house a bar with outside seating. There is existing planning permission for residential flats on the upper floors of the adjoining property at Nos. 41-42 St Andrew Square, although these flats are currently operating as serviced apartments. Environmental Protection has requested a noise impact assessment to gauge the impact of the proposed bars, restaurant and outside areas on the amenity of these potential residences. However, this is not necessary, given that significant soundproofing measures will be required to obtain a building warrant for the residential flats. The same applies to the proposed hotel and its ancillary uses.

Specific details on the commercial ventilation system and boiler output have been submitted which address Environmental Protection's concerns regarding a potential build-up of cooking odours to the rear of the property and nitrogen oxide emissions.

No car parking spaces are proposed which complies with the Council's 2017 parking standards in Zone 1 and a cycle parking store for at least three bikes will be provided in the under-pavement cellars at 37 St Andrew Square. The development is within close proximity of the tram stop and bus stops on St Andrew Square and within easy walking distance of Waverley Station.

Service vehicles, on average 23 per day, will access the development from Register Lane which is part of the service lane network between St Andrew Square and Princes Street.

No financial contribution towards the tram infrastructure is required as the existing office use would generate a higher sum than the proposed hotel use.

In terms of flood risk, the site is not at risk from flooding from any source and the development is for change of use and alterations to an existing building with no change in the impermeable surface area. Surface water drainage will be maintained as existing, with no change in the runoff rates.

There are no air quality constraints on the proposed development as confirmed by the submitted Air Quality Assessment.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure, in compliance with LDP Policies Des 12, Tra 2 and Tra 3.

g) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access to one of the main reception areas and throughout the buildings.

h) Public Comments

Material Objections

- the proposed glazed roof extension will spoil the design concept of the façade and involves an unacceptable loss of historic fabric - this has been addressed in section 3.3 b);
- the three-storey extension to No. 37 should follow the architectural style and detailing of the extension on 35 St Andrew Square -this has been addressed in section 3.3 b);
- the basement courtyards of No. 37 should be paved in natural stone flags rather than setts - this has been addressed in a condition requiring stone flags in this location.

General Comment

- the potential impact of the rooftop extension and terrace requires very careful consideration as these elements could detract from this key facade which is an important component of the square's overall sense of place - this has been addressed in section 3.3 b).

Supporting Comments

- the development will boost the economy of the city centre and support other commercial uses in the area;
- important listed buildings will be brought back into sustainable use;
- the proposals will complete the regeneration of the east side of St Andrew Square.

Conclusion

The proposals comply with the Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed buildings and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant architectural remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and 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. A programme of archaeological works, in the form of a Watching Brief during ground-breaking works, shall be undertaken to mitigate any potential impacts on archaeological remains. Details of this programme shall be submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
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. The basement forecourts of 37 St Andrew Square shall be surfaced in natural sandstone flags, notwithstanding the proposed setts shown on drawing No. 170274(D)303 - Site Plan as Proposed, prior to the hotel use being effected.

Reasons:-

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

2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the character of the statutorily listed building.

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. 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.
3. 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.
4. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the hotel to advise patrons of public transport.
5. The proposed site is on or adjacent to the operational Edinburgh Tram. It would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;

- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
- See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>.

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 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 20 July 2018. A total of eight representations were received comprising two objections - one from the Architectural Heritage Society of Scotland, one general comment from the Cockburn Association and five supporting comments.

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

The site is located within the City Centre as defined in the Edinburgh Local Development Plan.

Date registered

2 July 2018

Drawing numbers/Scheme

01 - 21, 22A, 23 - 33, 34A + 35 - 60,

Scheme 2

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 Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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.

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, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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 18/03272/FUL At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (as amended).

Consultations

Historic Environment Scotland

Scheme 2

We objected to this application in August because we considered the rooftop extension, as originally presented, would result in significant negative impacts on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

The rooftop extension has since been revised by reducing the footprint and providing an angled detail to the top part of the gazing. While on both plan and elevation drawing these changes appear more minor in nature, the accompanying visualisations do illustrate a more pronounced reduction in the extension's visibility in close-up views of the building. In certain more distant views the extension would still be seen as a sizable addition.

The rooftop extension, in its revised form, would therefore still bring negative impacts, including the removal of the original David Bryce roof. However, we consider the more severe visual impact have been significantly reduced in order that we can now withdraw our objection to the application. While we are removing our objection, the rest of the advice set out in our letter of 26 July still applies.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Scheme 1

We object to this application because we consider the rooftop extension in its current form would have a significant negative affect on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

We do not consider the proposals, including the rooftop extension, would have a significantly negative affect on the special interest of the Category A-listed No. 37 St Andrew Square, nor the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. We are therefore not objecting to the impact on these heritage assets.

We have also responded separately to the corresponding listed building consent (LBC) consultations. We would refer to these responses for more detailed comment on the alterations to both Category A-listed buildings.

The detail in this letter now largely focuses on Nos. 38-39 St Andrew Square and the impact of the rooftop extension. Nos. 38-39 St Andrew Square is a substantial 3-storey and 5-bay Victorian commercial bank (occupying the site of two former townhouses) designed in a Roman Imperial style to be a striking and prominent headquarters of The British Linen Company. It was designed by David Bryce in 1846 and survives largely intact, including the impressive banking hall.

These current proposals, incorporating both No. 37 and Nos. 38-39 St Andrew Square, would have the benefit in bringing back into use two highly significant and visible Category A-listed buildings. This would include retention as a single space the former banking hall at Nos. 38-39. We clearly recognise these benefits.

Looking at the rooftop extension, our initial pre-application advice (letter dated 23 March) was that an extension would have a negative (potentially significant) visual impact in certain views towards No. 38-39 from St Andrew Square. While the removal of the original 1846 David Bryce roof would also be a negative impact, it is the visual impact which we consider to be more significant.

The façade of Nos. 38-39 is dominated by six monumental free-standing Corinthian columns surmounted by a decorative entablature articulated to accommodate both the columns and the corresponding statues above, which help give the building its notable profile. The slate roof is shallow pitched in order not to intrude upon the building's main profile, and a stone balustrade, sitting behind the statues, helps to further hide the roof structure. In close-up views of Nos. 38-39 the balustrade is open to the sky. While in more distant views the roof does start to reveal itself behind the balustrade, the building was clearly not intended to be seen with accommodation above the balustrade. The likely visual appearance of the proposed extension from the ground is provided in a series of visualisations. We consider this shows a significant impact, especially in close-up views, upon the listed building.

The Heritage Statement recognises that the 'principle of a roof-top bar on this highly significant building, and location, is in itself difficult to reconcile...' We agree with this statement. We also note the Heritage Statement references the Historic Environment Policy Statement (HESPS; paragraph 3.47) which outlines what should be considered in cases where adverse impacts are proposed. This includes the exploration of options, which could include the reduction of the footprint of the extension to reduce the more severe impacts. We do not consider this has been fully explored.

In summary, we consider the impact of the rooftop extension in its current form represents a significant negative impact on the special interest of the listed building. We are also not convinced that the rooftop extension can be justified as part of the wider, and generally positive, re-use of both No. 37 and Nos. 38-39 St Andrew Square. While the arguments put forward in the Heritage Statement allow us to be sympathetic to some form of extension, we are not convinced that the solution presented with this application is the best option. We would be happy to re-assess our position in the light of an amended scheme reducing this impact, or the submission of further supporting information.

Edinburgh World Heritage

The buildings site in an extraordinary setting - part of a range of classical buildings spanning a 170-year period of the development of the idiom. We welcome the reuse of the buildings.

The development team has taken an approach clearly informed by conservation needs, with a solid assessment of the significance of the buildings and the site, which should then inform the development of the overall scheme. For the most part this has been followed through: the restoration of the frontage to St Andrew Square and the pavilion extension both have positive impacts on this part of the World Heritage Site. The rear extension is broadly classical, retaining the proportions and rhythm of No 37. Given the extraordinary quality of its surrounds, this feels as though an opportunity to further enhance the World Heritage Site with a scholarly classical extension has been slightly missed. The one negative aspect of the scheme is the form of the rooftop extension, which impacts the perception of the skyline. However, we concur with Historic Environment Scotland in that we do not feel that this, of itself, is of sufficient scale to negatively impact the outstanding universal value of the World Heritage Site.

Environmental Protection

Environmental Protection are not in a position to support this application. The applicant proposes changing the use of the old bank building into a hotel with ancillary bars, meeting rooms, retail and commercial units. The proposal will see a roof top extension which will house a bar with an outside seating area looking out over St Andrew Square. As far as we can establish the commercial flues serving the kitchens terminate at 2nd floor level to the rear of the property.

The main issue we have with the current proposal is that the noise impact assessment has only assessed noise from Plant which is important but it is not the main noise concern. The proposal is adjoining an existing residential property. The proposal includes bars, restaurants and outside drinking eating areas that are private and would not be controlled through the normal tables and chairs permit scheme used for tables and chairs on public spaces.

A noise impact assessment would need to demonstrate that the use of the bars, restaurant and outside areas would not adversely impact the amenity of the existing residential properties. This will require a significant amount of mitigation. As this is a detailed planning application we would require specific details on all required noise mitigation measures. This would need to include specific details on materials and other requirements such as ventilation systems if required to ensure windows remain shut to control noise breakout from the bar areas. The 'All Day Dining' area may have the ability to host large parties and weddings, which needs to be considered in any assessment.

We will require specific details on the commercial ventilation system including elevations showing the route the extract duct will take. The termination point must be above any openable windows within a 30m radius of the termination point. It appears on the plans that the proposed flue terminates at the 2nd floor level to the rear of the property. The rear of the property is slightly enclosed and if the weather permitted there could be a build-up of cooking odours to the rear of the property that would affect neighbouring businesses, residential uses and the applicants site.

The proposed boiler is a 600Kw low NOX boiler a boiler of this capacity would need a chimney height calculation under the Clean Air Act. However, as the boiler is replacing an old existing boiler that served the bank it is acceptable not to submit a chimney Height Calculation so far as the boiler remains no larger than 600Kw (cumulative output for all plant).

Therefore, as it stands we have insufficient information to be able to support the application in its current form.

Roads Authority

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

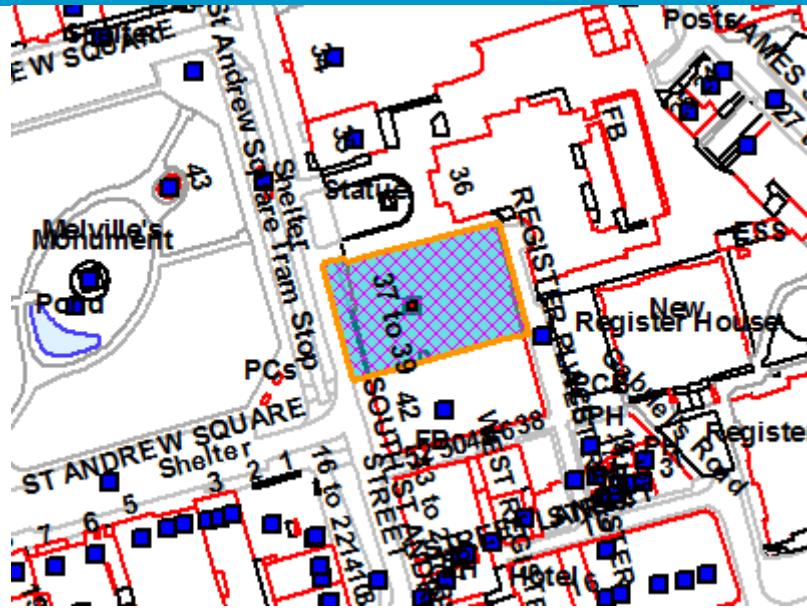
- 1. No tram contribution required (see Note a).*
- 2. The applicant proposes no parking provision and complies with the Council's 2017 parking standards in Zone 1 which permits no parking provision.*
- 3. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the hotel (Reason to advise patrons of public transport);*
- 4. The applicant proposes to service the proposed hotel from the existing loading bay east of Register Place. Additional loading bays exist on South Saint Andrew Street and Saint Andrew Square.*
- 5. The Council's 2017 Parking Standards require the applicant to provide 3 secure cycle parking within the proposed hotel.*

TRAMS - Important Note:

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
 - Any excavation within 3m of any pole supporting overhead lines;*
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
 - The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*
- See our full guidance on how to get permission to work near a tram way*
<http://edinburghtrams.com/community/working-around-trams>.

Location Plan



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