

# Notice of meeting and agenda

## Development Management Sub-Committee of the Planning Committee

**10:00am, Wednesday 24 April 2019**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Tuesday 23 April 2019** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## 3. Minutes

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- 3.1 None.

## 4. General Applications, Miscellaneous Business and Pre-Application Reports

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**The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1**

### **Pre- Applications**

- 4.1 Former Lothianburn Golf Club, 106 Biggar Road, Edinburgh EH10 7DU - Forthcoming application by Hillend Leisure Limited for Development for mountain bike trail centre, indoor and outdoor leisure, food and beverage, professional service suites, offices, retailing, short stay visitor accommodation and associated site access, parking, landscaping and other works – application no 19/00764/PAN – report by the Chief Planning Officer (circulated)
- 4.2 94 Ocean Drive, Edinburgh (At Land 143 Metres Southeast Of) – Forthcoming application by S1 Developments Ltd for Residential use with amenity space

along with the provision for ground floor commercial units – application no 19/00414/PAN – report by the Chief Planning Officer (circulated)

### **Applications**

- 4.3(a) 1 Bath Street, Edinburgh – Change of use from storage to Class 2 office and excavate pavement to provide basement lightwell with balustrade and stair - application no 18/10118/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.3(b) 1 Bath Street, Edinburgh - Excavate pavement to provide basement lightwell with balustrade and stair and internal alterations – application no 18/10119/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.4 23 Corbiehill Road Edinburgh, EH4 5EB – Erection of dwelling – application no 18/04346/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.5 9-11 Corstorphine Road, Edinburgh, EH12 6DB – Redevelopment of existing houses at 9 and 11 to create 2 new semi-detached houses with accommodation on 3 floors – application no 18/00315/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.6 79A Dickson Street, Edinburgh, EH6 8QH - Proposed five storey residential development comprising 7 flats (as amended) – application no 18/00009/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.7 Flat 1, 1 High Waterfield Edinburgh - New replacement patio doors within existing window openings – application no 19/00350/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.8 199 Fountainbridge, Edinburgh (At Site 60 Metres South Of) - Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage – application no 18/09769/AMC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 4.9 Granton Harbour, West Harbour Road, Edinburgh - Granton Harbour plots 29 and 35: Housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and

open space (AS AMENDED) – application no 17/05306/AMC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.10 198 Great Junction Street, Edinburgh, EH6 5LW - Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension – application no 18/09563/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.11 4 Huly Hill Road, Newbridge, EH28 8PH - Change of use from industrial unit to leisure use at 4 Huly Hill Road Newbridge EH28 8PH – application no 18/10593/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.12 2 Joppa Road, Edinburgh, EH15 2EU - Advertisement of the following types: Fascia sign, hoarding (in retrospect) – application no 19/00237/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.13 13 Lister Square, Edinburgh, EH3 9GL - Formation of hotel (Class 7) with minor external alterations, at ground floor level (Unit 4) – application no 18/02464/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.14 5 Millar Place, Edinburgh, EH10 5HJ - Demolition of existing office premises, and erection of new office with two flatted dwellings above – application no 19/00860/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.15 144 Newhaven Road, Edinburgh, EH6 4PZ - Partial change of use of the property from residential to a private car sales business for up to 8 cars – application no 19/00377/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.16 177 Portobello High Street, Edinburgh, EH15 1EU - Alterations in connection to facilitating a new class 3 use on the ground floor, including the installation of two ventilation pipes on the rear elevation and the installation of a suspended ceiling with associated acoustic measures (as amended) – application no 18/10256/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.17 Stopping Up Order – Water of Leith Walkway, West Bowling Green Street, Edinburgh – application no PO/18/03 – report by the Chief Planning Officer (circulated)

It is recommended that the Stopping Up Order be **CONFIRMED**.

- 4.18 5 - 7 Thorntree Street, Edinburgh, EH6 8PY - Erection of 3, two storey, flat-roofed, two bedroom houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens – application no 19/00799/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

## 5. Returning Applications

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**These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 5.1 None.

## 6. Applications for Hearing

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**The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.**

- 6.1(a) 35 – 36 St Andrew Square, Edinburgh, EH2 2AD - application no 18/04657/FUL, 18/07730/LBC & 18/07127/LBC – Protocol Note by the Head of Strategy and Communications (circulated)

- 6.1(b) 35 - 36 St Andrew Square, Edinburgh, EH2 2AD - Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works. (See Cover Letter for full statutory description) (amended) – application no 18/04657/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 6.1(c) 35 - 36 St Andrew Square, Edinburgh, EH2 2AD - Proposed demolitions, alterations, remodelling and erection of extension to the listed building – application no 18/07730/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 6.1(d) 35 St Andrew Square, Edinburgh, EH2 2AD - Demolition of boundary wall, modern basement kitchen, rear extension, and outbuilding within existing rear garden; regrading of land, erection of new boundary features and public realm – application no 18/07127/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

## 7. Applications for Detailed Presentation

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**The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.**

- 7.1 8 Bainfield Drive, Edinburgh (At Land 34 Metres South East Of) - Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge – application no 18/08091/FUL – report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

## **8. Returning Applications Following Site Visit**

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**These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 8.1 None.

### **Laurence Rockey**

Head of Strategy and Communications

## **Committee Members**

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Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

## **Information about the Development Management Sub-Committee**

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The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

## **Further information**

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A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court,

4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4240, email [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/meetings](http://www.edinburgh.gov.uk/meetings) .

## **Webcasting of Council Meetings**

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Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

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Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

# Development Management Sub Committee

**Wednesday 24 April 2019**

**Report for forthcoming application by**

**Hillend Leisure Limited. for Proposal of Application Notice**

**19/00764/PAN**

**At Former Lothianburn Golf Club, 106 Biggar Road,  
Edinburgh**

**Development for mountain bike trail centre, indoor and outdoor leisure, food and beverage, professional service suites, offices, retailing, short stay visitor accommodation and associated site access, parking, landscaping and other works.**

	4.1
<b>Item number</b>	
<b>Report number</b>	
<b>Wards</b>	B08 - Colinton/Fairmilehead

## **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for "Development for mountain bike trail centre, indoor and outdoor leisure, food and beverage, professional service suites, offices, retailing, short stay visitor accommodation and associated site access, parking, landscaping and other works."

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicant submitted a Proposal of Application Notice (19/00764/PAN) on 14 February 2019.



## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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**1.1** It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

## **Background**

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### **2.1 Site description**

The site is located in the south of Edinburgh in the Pentland Hills Regional Park. The A702 is on the east of the site and Hillend Country Park and Ski Centre lie to the south. Swanston Burn runs along the west of the site.

The site is approximately 42 hectares in area and is part of the former Lothianburn Golf Course. It includes the clubhouse, steeply undulating natural landscaping and ancient woodland. The ancient woodland was planted in a T shape and measures approximately 3.58ha, it is subject to a management plan. The clubhouse is temporarily used for offices.

On the south of the site, beyond the access to the ski centre, the application lies within Midlothian Council boundary.

This application site is located within the Swanston Conservation Area.

### **2.2 Site History**

16 August 2005 - An application for planning permission to construct car park and widen access road to remove parking from A702 trunk road was withdrawn (application reference 05/01376/FUL).

21 February 2006 - Planning permission was granted to construct car park and widen access road to remove parking from A702 trunk road (application reference 05/03897/FUL).

13 August 2014 - An application for erection of (camping) pods on former golf course (leisure purposes) withdrawn (application reference 14/01565/FUL).

29 January 2015 - A Proposal of Application of Notification of Development was submitted for development of mountain bike trails and other activities. To support the publicly accessible trails, there would be a mix of other activities, including ropes course, zip-lines, alpine roller luge, gardens, camping and overnight lodges (application reference 15/00169/PAN).

## **Main report**

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

The applicant has advised that they intend to bring forward an application to create mountain bike trails within the 38 hectare site. The application would be for planning permission in principle.

The main access to the site is proposed from the A702 Biggar Road where new car parking is proposed.

The mountain biking activity is proposed of up to 12km of Mountain Bike Trails set in to the landscape. The proposal aims to have links to the Pentland Hills Regional Park trails and horse riding. Other leisure attractions including a zip line and luge are proposed.

The activity would be supported by a range of ancillary facilities within a hub complex approximately 2 hectares in size accommodating leisure buildings, professional services buildings and food and beverage buildings. Overnight accommodation is proposed in the form of camping and holiday lodges.

### **3.2 Key Issues**

The key considerations against which the eventual application will be assessed include whether:

**a) the development would be acceptable in principle having regard to the development plan;**

The site lies within the Pentland Hills Regional Park. The site is designated as green belt and open space in the Local Development Plan. The western section of the site lies within the Swanston Conservation Area.

Out-with the site boundary to the southwest, is a designated Local Nature Conservation site.

The proposal will be considered in relation to the relevant policies of the Local Development Plan with regards to Green Belt and Openspace, Pentlands Hills Regional Park, Special Landscape Areas and Entertainment and Leisure Developments.

**b) the design and layout are compatible with the character of the area; and does the proposal comply with the design policies of the Local Development Plan;**

Landscape quality and the design aspects of green belt policy are key considerations in the forthcoming development of the site, as is the relationship of the proposals to the conservation area and its setting/ backdrop.

The layout and design of the proposed development will be assessed in line with the requirements of Local Development Plan Design policies.

A Design and Access statement and a Landscape Visual Impact Assessment (LVIA) should accompany the application, and may form part of the EIA.

**c) access arrangements are acceptable in terms of road safety and public transport accessibility;**

The applicant should work in consultation with Transport Scotland, City of Edinburgh Council and Midlothian Council. The proposals should have regard to transport policies in the Local Development Plan and prioritise sustainable active travel. Cumulative impacts of traffic flows from the adjoining Hillend ski centre development will be required. Consideration will be given to the impact on local road traffic flows and accessibility by public transport. Pedestrian safety will be assessed. The application will be supported by transport information.

**d) there are any other environmental factors that require consideration;**

The applicant will be required to submit sufficient information to demonstrate that the site is capable of accommodating the development, that there will be minimal adverse impact on ecology and biodiversity, and that there is sufficient infrastructure capacity to accommodate the development.

The application will be screened for an Environmental Impact Assessment.

In order to assess the environmental impacts of the proposal, the following information will be required in support of a forthcoming application:

- Planning Policy Statement;
- Design and Access Statement;
- Sustainability Statement (S1 form);
- Pre-application consultation report;
- Transport Information;
- Archaeology Assessment;
- Noise Impact Assessment;
- Air Quality Impact Assessment;
- Tree Survey;
- Flood Risk Assessment and Surface Water Management Plan;
- Habitat and Protection Species Survey; and
- Landscape Visual Impact Assessment.

### **3.3 Assessment**

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

## **Financial impact**

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### **4.1 The forthcoming application may be subject to a legal agreement.**

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

## **Sustainability impact**

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7.1 A sustainability statement will need to be submitted with the application.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

The community engagement will form part of the pre-application process and is required to be undertaken by the applicant. A summary of this consultation with the community will be submitted with the application via a Pre-Application Consultation (PAC) report.

The PAN identifies notification of the Fairmilehead Community Council (Edinburgh) and Damhead and District Community Council (Midlothian).

The applicant has also notified Local Ward Councillors for Edinburgh and Midlothian Councils, relevant MP/ MSPs, Pentland Hills Regional Park and Friends of the Pentlands.

The PAN identifies a drop in event held at Swanston Golf Club, 111 Swanston Road, Edinburgh on 5 March 2019 between 14:00hrs and 19:00 hrs. This was advertised in the Edinburgh Evening News in advance of the meeting.

### **8.2 Publicity summary of representations and Community Council comments**

No representations were received for this consultation.

## **Background reading/external references**

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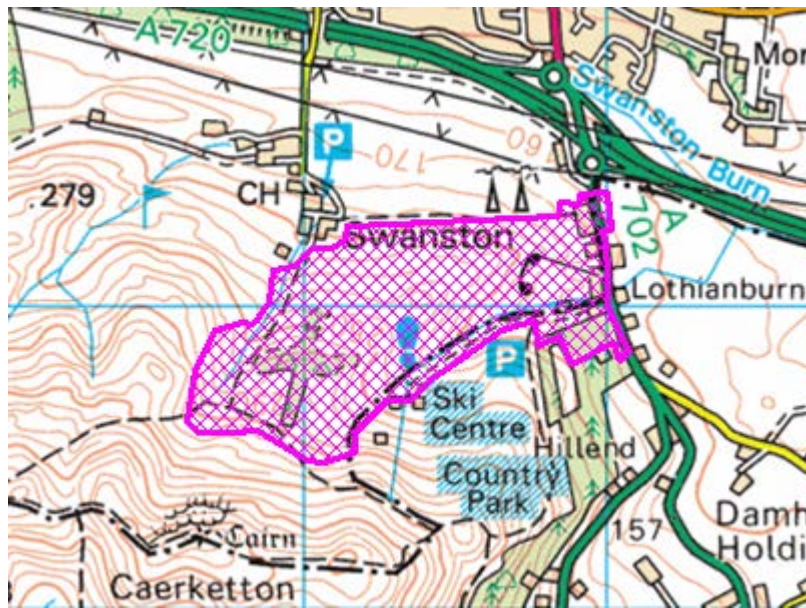
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer  
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## Location Plan

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# Development Management Sub Committee

**Wednesday 24 April 2019**

**Report for forthcoming application by**

**S1 Developments Ltd for Proposal of Application Notice**

**19/00414/PAN**

**At Land 143 Metres Southeast Of 94, Ocean Drive,  
Edinburgh**

**Residential use with amenity space along with the  
provision for ground floor commercial units.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	B13 - Leith

## Summary

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The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for planning permission for residential led development and to ask the Committee to note the key issues and advise of any other issues it wants to be considered as part of the planning application process.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 31 January 2019 (Reference: 19/00414/PAN).

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**



## **Recommendations**

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1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

## **Background**

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### **2.1 Site description**

The application relates to a one hectare site which is located on an area of land between Albert Dock to the north and Victoria Dock to the south with Ocean Drive forming the southern boundary.

The site opposite (Waterfront Plaza) has consent for a residential development which is currently under construction. The Ocean Point office development and Ocean Terminal are located to the west. The site is currently vacant brownfield land.

There is currently no vehicular access to the site. A replacement quay wall is currently under construction on the northern section of the site.

### **2.2 Site History**

5 July 2002 - planning permission granted for two 16 storey residential blocks (application reference 01/02765/FUL).

15 January 2018 - planning permission was granted for the construction of a new quay wall extension (application reference 18/00186/FUL).

5 December 2018 - planning permission minded to grant for residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended)(application reference 18/00846/FUL).

### **Adjacent site:**

23 August 2002 - planning permission was granted for two office blocks on the site immediately to the west of the application site. One block fronts Ocean Terminal (built) and a nine storey block fronting Ocean Drive was never built but the consent is still live (application reference 01/01030/FUL).

14 August 2018 - planning permission was granted for a development of 388 residential units and 29 commercial units on the site opposite the application site (Waterfront Plaza) (application reference 16/03684/FUL).

## **Main report**

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

The applicant proposes to submit a planning application for residential development with amenity space along with the provision for ground floor commercial units.

### **3.2 Key Issues**

The key considerations against which the eventual application will be assessed include whether:

**a) The principle of the development is acceptable in this location;**

The proposal is located within Central Leith Waterfront and is identified as an area suitable for housing led mixed use development in the Local Development Plan (LDP) (Proposal Reference EW1b).

The northern boundary is safeguarded in the LDP for a cycle/footpath route (policy Tra 9 Cycle and Footpath Network) and Ocean Drive bounds the site to the south west which is identified for the tram line (Proposal T1).

The site is also identified within the Leith Docks Development Framework (2005) which advises that the site has potential for 5 to 16 residential storeys.

**b) The design, scale and layout are acceptable within the character of the area; and does the proposal comply with the design policies of the LDP;**

The applicant will be required to submit a Design & Access Statement with the application.

**c) Access arrangements are acceptable in terms of road safety and public transport accessibility;**

The proposal should have regard to transport policy in the LDP and Designing Streets. Provision will need to be made for a pedestrian link between Ocean Drive and the Waterfront Promenade and consideration given to wider connectivity.

Transport information will be required to support the application.

**d) There are any other environmental factors that require consideration;**

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents are likely to be submitted:

- Planning Statement;
- Design & Access Statement;
- Pre-Application Consultation (PAC) Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Air Quality Assessment;
- Acoustic Report; and
- Transport and Parking Information.

### **3.3 Assessment**

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

### **Financial impact**

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4.1 The forthcoming application may be subject to a legal agreement.

### **Risk, Policy, compliance and governance impact**

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

### **Equalities impact**

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6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

### **Sustainability impact**

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7.1 A sustainability statement will need to be submitted with the application.

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

#### **8.2 Publicity summary of representations and Community Council comments**

The Proposal of Application Notice was sent to Local Ward Councillors, Councillor Kate Campbell (as Housing and Economy Convenor), Leith Neighbourhood Partnership, Ben Macpherson (MSP) and Deidre Brock (MP) on 30th January 2019.

A community consultation event took place on 27 February 2019 at Ocean Terminal. The applicant was also advised that additional leaflets/posters advertising the event should be distributed as part of the process.

### **Background reading/external references**

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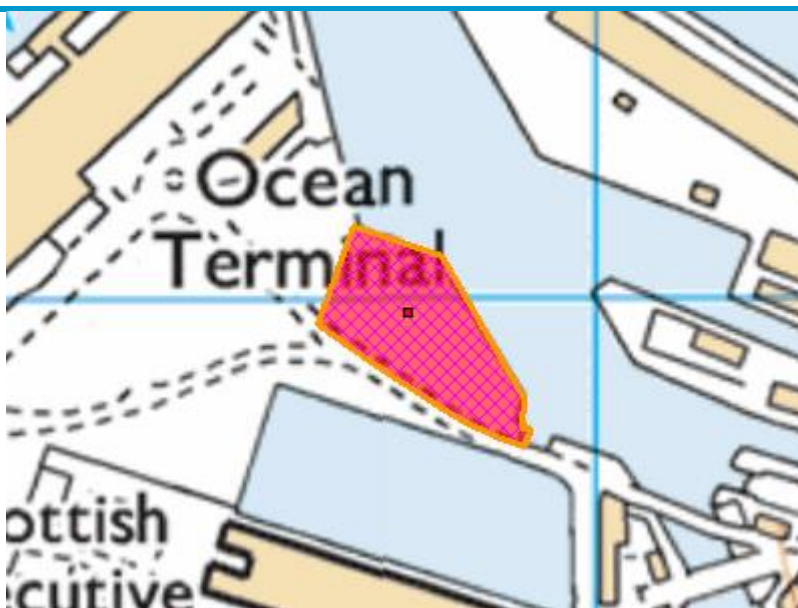
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- [Edinburgh Local Development Plan](#)

**David R. Leslie**  
Chief Planning Officer  
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## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/10118/FUL  
At 1 Bath Street, Edinburgh,  
Change of use from storage to Class 2 office and excavate  
pavement to provide basement lightwell with balustrade  
and stair.**

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

## Summary

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The proposal complies with the development plan and the relevant non-statutory guidelines. The proposal will preserve the character and appearance of the Portobello Conservation Area and the character and setting of the listed building, and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LEN04, LEN06, LHOU07, LEMP01, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, OTH, CRPPOR,
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# Report

## **Application for Planning Permission 18/10118/FUL At 1 Bath Street, Edinburgh, Change of use from storage to Class 2 office and excavate pavement to provide basement lightwell with balustrade and stair.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The building is situated on the south-western corner of Bath Street, adjacent to Portobello High Street. The surrounding area is a mix of residential and commercial uses.

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**

3 November 2003 - Planning permission granted for the change of use and sub-division of hotel to form seven residential flats, including formation of new entrance and windows on gable (application reference 03/00129/FUL).

29 May 2009 - Planning permission granted for the change of use from storage to Class 2 office and excavate pavement to provide basement lightwell with balustrade and stair (application number 09/00717/FUL).

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**

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

It is proposed to change the use of the property from storage to an office (Class 2).

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 reopening the existing openings currently blocked up. The windows will be sash and case to match the existing building. All to be constructed from timber with slimlite glazing.

There are no car or cycle parking spaces for the proposed office.

The proposed scheme is the same as the previous planning permission granted in 2009 (application reference 09/00717/FUL).

### **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.

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.

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.

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;
- b) the proposal will preserve or enhance the character and appearance of the conservation area;
- c) the proposal will affect the character of the listed building;
- d) the proposal will be detrimental to the amenity of neighbours;
- e) the proposal will have any traffic or road safety issues;
- f) the proposal raises any other matters; and
- g) any public comments raised have been addressed.

#### a) Principle of the Development

The application site is currently in use as storage.

Policy Emp 1 of the adopted Edinburgh Local Development Plan (LDP) sets out criteria for office development within the city; the criteria is mainly applied to proposals which are of a larger scale and within identified locations. However, where it is demonstrated that sites in identified locations are unavailable or unsuitable, other accessible mixed use locations may be considered where the proposal is in keeping with the character of the local environment. Paragraph 206 of the LDP supporting text supports a flexible approach to office proposals in other mixed locations within the city.

Evidence to demonstrate that there are no available or suitable sites in identified locations has not been submitted. In this instance, due to the current use and the small scale nature of the proposal, it is considered that this requirement is unnecessary. The site is located in the urban area in a location which is of essentially mixed character and accessible by public transport. Therefore it is considered to comply with the objectives of Policy Emp 1.

The principle of the use is acceptable in this location. The proposal complies with LDP Policy Emp 1.

#### b) Impact on the Conservation Area

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. The proposal complies with LDP policy Env 6.

### c) Character of the 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 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 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.

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 complies with LDP policy Env 3 and Env 4 and also complies with the principles in HES guidance notes.

#### d) Impact on Neighbouring Amenity

Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.

Environmental Protection have been consulted on this application and raise no objections to the proposal. The change of use from Class 6 storage to a Class 2 use is in keeping with the range of neighbouring uses. Furthermore, the use is small in scale and is not expected to generate a significant increase in traffic movements, noise or disturbance. The proposal is unlikely to have a materially detrimental effect on the living conditions of nearby residents.

Policy Des 12 of the LDP also seeks to protect neighbouring amenity with regards to daylight/sunlight, overshadowing, privacy and overlooking.

The proposed alterations will not result in a loss of neighbouring amenity in terms of daylight/sunlight, overshadowing, privacy or overlooking.

The proposal complies with LDP policy Hou 7 and Des 12 in terms of neighbouring amenity.

#### e) Traffic and Road Safety

Policy Tra 2 of the LDP provides criteria for private car parking within new developments.

There is no proposed parking for the office. The site is well served by public transport and active travel routes and acceptable in terms of policy Tra 2.

Policy Tra 3 of the LDP provides criteria for private cycle parking within new developments. The Edinburgh Design Guidance sets out minimum parking standards for new developments. For a Class 2 use, the requirement is 1 cycle parking space per 250 square metres for employees and 1 per 500 square metres for customers. The proposal has a site area of 220 square metres. Therefore, there is no requirement for cycle parking; the proposal complies with policy Tra 3.

Concerns have been raised in relation to pedestrian safety due to the width of the pavement being reduced. At present the pavement currently measures approximately 4 metres, as a result of the development this will be reduced to 2 metres. The Edinburgh Design Guidance states that a general minimum of 2 metres width for a footway on a local street is acceptable. The proposal complies with the guidance and is in line with the majority of Bath Street. The development will not have a negative impact on the convenience and safety of pedestrians.

It should be noted that the proposed excavation of the pavement to provide a basement lightwell and balustrade will require the promotion of a partial Stopping Up order; these works cannot be carried out with planning permission alone. This will be concluded through separate negotiations with the Council's legal department. However, an informative will be added to the permission to highlight this requirement.

Overall, the proposal complies with Policy Tra 2 and the parking standards set out in the Edinburgh Design Guidance. Furthermore, the proposal is acceptable in terms of convenience and pedestrian safety.

#### f) Any Other Matters

##### **Waste**

Waste services have been consulted and raise no objection to the proposal. As the premises will be in commercial use it will be the responsibility of the operator to ensure there are provisions in place for the collection of waste.

##### **Neighbour Notification Process**

Concerns have been raised regarding neighbouring properties not being notified of the planning application. The neighbour notification process was checked and confirmed that the process was carried out in accordance with regulations.

#### g) Public comments

The application has received 27 letters of representation, all objecting to the proposal.

#### Material Considerations

- Impact on residential amenity - addressed in section 3.3(d) of the assessment;
- Impact on pedestrian safety - addressed in section 3.3(e);
- Increase in anti-social behaviour - addressed in section 3.3(a);
- Impact on parking - addressed in section 3.3(e);
- Impact on the listed building - addressed in section 3.3(c);
- Impact on the conservation area - addressed in section 3.3(b);
- The commercial use is inappropriate in this area - addressed in section 3.3(a);
- The use of a public pavement for private use - addressed in section 3.3(e) of the assessment; and
- Neighbour notification not carried out correctly - addressed in section 3.3(f) of the assessment.

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

- Impact on pedestrian safety - addressed in section 3.3(e) of the assessment; and
- The use of a public pavement for private use - addressed in section 3.3(e) of the assessment.

### 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;
- Title Deeds require approval from other owners - not relevant to planning process. This would be a civil matter;
- Impact on property values - not relevant to planning process. This is 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 the planning application. It is the use applied for in the application that must be assessed; and
- Impact on drainage - not relevant to planning applications. This would be addressed through the building warrant process.

### Conclusion

In conclusion, the proposal complies with the development plan and the relevant non-statutory guidelines. The proposal will preserve the character and appearance of the Portobello Conservation Area and the character and setting of the listed building, and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

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. No works to start until the Stopping Up order has been made (signed).
2. The applicant must contribute the sum of £2,000 to progress a suitable Stopping Up order under Section 207 of the Town and Country Planning (Scotland) Act 1997 necessary for the development.

3. A minimum clear width of 2m must be maintained for the remainder of the footway for the convenience and safety of pedestrians.
4.
  - I. The applicant should note that even with planning permission they still require a Stopping Up Order to be promoted to proceed with the proposed footway works;
  - II. The applicant should note that following the Stopping Up order being made the responsibility of maintenance of the area falls to the landowner. This includes any services;
  - III. It should be noted that the section of footway involved is adopted for maintenance purposes by the Council as "Public Road" as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant.
  - IV. The applicant should satisfy themselves that they have the necessary rights and authorities to carry out the works on the area of land that is proposed to be stopped up, as the Council may not be the landowner;
  - V. Transport does not consider the impact of this proposed development to have a negative effect in terms of road safety;
  - VI. It is considered that the size and nature of the proposed change of use will have a negligible effect on traffic generation in this area.
5. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
6. 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.
7. 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.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on the 21 January 2019 and 27 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**

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- 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**

9 January 2019

### **Drawing numbers/Scheme**

01-06,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elizabeth McCarroll, Planning Officer

E-mail: [elizabeth.mccarroll@edinburgh.gov.uk](mailto:elizabeth.mccarroll@edinburgh.gov.uk) Tel: 0131 529 3013

## **Links - Policies**

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### **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.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

### **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 Planning Permission 18/10118/FUL At 1 Bath Street, Edinburgh, Change of use from storage to Class 2 office and excavate pavement to provide basement lightwell with balustrade and stair.**

### **Consultations**

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#### **Roads Authority Response**

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

- 1. No works to start until the Stopping Up order has been made (signed);*
- 2. Contribute the sum of £2,000 to progress a suitable Stopping Up order under Section 207 of the Town and Country Planning (Scotland) Act 1997 necessary for the development;*
- 3. A minimum clear width of 2m must be maintained for the remainder of the footway for the convenience and safety of pedestrians;*

#### *Note*

- I. The applicant should note that even with planning permission they still require a Stopping Up Order to be promoted to proceed with the proposed footway works;*
- II. The applicant should note that following the Stopping Up order being made the responsibility of maintenance of the area falls to the landowner. This includes any services;*
- III. It should be noted that the section of footway involved is adopted for maintenance purposes by the Council as "Public Road" as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant.*
- IV. The applicant should satisfy themselves that they have the necessary rights and authorities to carry out the works on the area of land that is proposed to be stopped up, as the Council may not be the landowner;*
- V. Transport does not consider the impact of this proposed development to have a negative effect in terms of road safety;*
- VI. It is considered that the size and nature of the proposed change of use will have a negligible effect on traffic generation in this area.*

#### **Environmental Protection Response**

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
18/10118/FUL | Change of use from storage to Class 2 office and excavate pavement to  
provide basement lightwell with balustrade and stair. 1 Bath Street Edinburgh*

*The application site is in the basement level of a two and a half-storey period property. The basement level is currently used as storage and the upper floors above are used as residential accommodation. The property adjoins a two-storey building to the south with a bakers / café on the ground floor and what is presumed to be residential accommodation on the first floor. The property is positioned just off Portobello High Street and consequently the area is a mixture of commercial premises and residential accommodation.*

*Offices do not generally impact on neighbouring residential amenity, other than noise from air conditioning / heating / ventilation plant etc. Information provided with the application indicate that it is likely to be heated by a gas fired, combi boiler, central heating system that will be installed. Such systems are routinely installed in domestic situations and very rarely generate noise complaints.*

*In conclusion, Environmental Protection has no objections to this application.*

### **Waste Services**

*I have been asked to consider this application on behalf of the Waste Management Service.*

*TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997  
CHANGE OF USE FROM STORAGE TO CLASS 2 OFFICE AND EXCAVATE  
PAVEMENT TO PROVIDE BASEMENT LIGHTWELL WITH BALUSTRADE AND  
STAIR. AT 1 BATH STREET, EDINBURGH,*

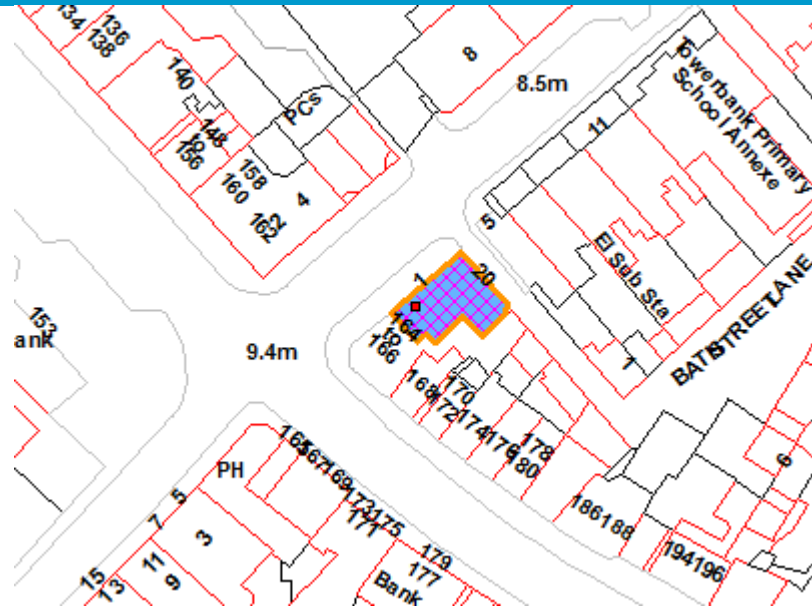
*Waste and Fleet Services would not be expect to be the service provider for the collection of waste as this appears not to be a residential development.*

*Although we would not be involved with the collection of the waste from this development It is imperative that adequate provision is made for the storage of their waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc. Adequate provision should also be made for the effective segregation of these materials within the building not just at the point of collection.*

*Adequate access must also be provided/considered to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this location.*

## Location Plan

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**END**

# 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.**

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

## Summary

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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

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<a href="#"><u>Policies and guidance for this application</u></a>	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**

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

### **Background**

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#### **2.1 Site description**

The site comprises 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**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

---

### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

---

### **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**

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- 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

Contact: Elizabeth McCarroll, Planning Officer

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## **Links - Policies**

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### **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  
balustrade and stair and internal alterations.**

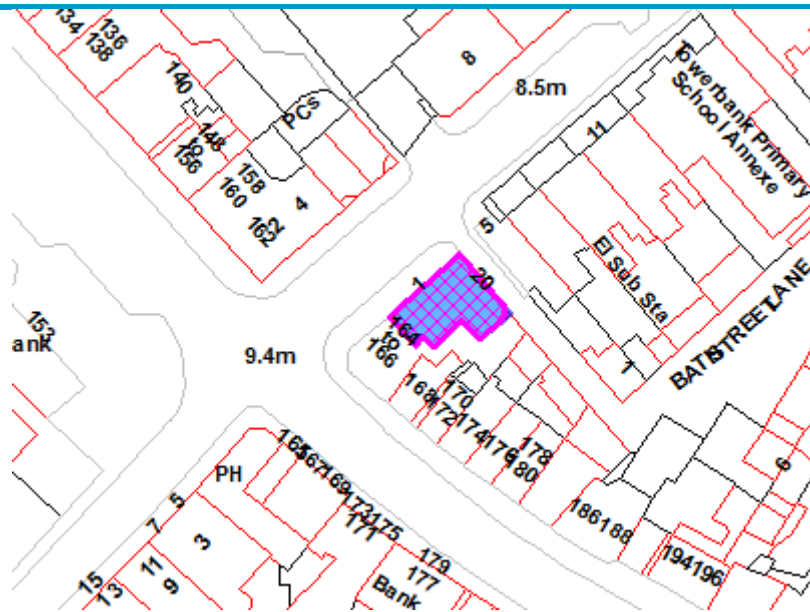
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

## Application for Planning Permission 18/04346/FUL At 23 Corbiehill Road, Edinburgh, EH4 5EB Erection of dwelling

Item number	4.4
Report number	
Wards	B01 - Almond

### Summary

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The proposals comply with the development plan policies and non-statutory guidelines. The design and scale of the house are acceptable and would have no adverse impact on the character or appearance of the surrounding area, road safety or on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

### Links

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<a href="#">Policies and guidance for this application</a>	NSHOU, LDPP, LDES01, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU04, LTRA02, LTRA03, NSGD02, NSG,
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# Report

## **Application for Planning Permission 18/04346/FUL At 23 Corbiehill Road, Edinburgh, EH4 5EB Erection of dwelling**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site forms part of the rear garden of an existing dwelling on the south side of Corbiehill Road.

Corbiehill Park runs along the western boundary of the site. The area is residential in nature, with properties in the immediate vicinity being similar in scale and form to the dwelling at 23 Corbiehill Road.

The site is not within a conservation area or within the grounds of a listed building.

Marchfield House Road is a B listed building and is located to the south west of the site at the end of Corbiehill Park (ref: 28088, date: 14/07/1966).

#### **2.2 Site History**

5 April 2016 - Planning permission in principle granted for the construction of a 1.5 storey dwellinghouse (planning application reference 16/00515/PPP).

17 May 2018 - Application withdrawn for approval of matters subject to condition relative to permission 16/00515/PPP (planning application reference 18/02222/AMC).

### **Main report**

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

The proposal is for a one and a half storey, pitched roof house with three bedrooms. The new dwellinghouse would be seven metres from the eastern boundary fence and six metres from the southern boundary fence. Access to the site would be via Corbiehill Park with a parking space available for one car.

The proposed dwelling will have an internal floor area of approximately 83 square metres.

The materials would be a render finish and a slate effect tile for the roof.



The existing boundary fences and trees will remain.

### Previous Scheme

The original scheme has been amended by the re-positioning of the building and the removal of a gable end window to address concerns in relation to neighbouring residential amenity and parking.

### 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 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;
- b) The proposal is in keeping with the character of the surrounding area and is of an appropriate design;
- c) The proposal has an adverse impact on amenity;
- d) The proposal has an adverse impact on flooding;
- e) The proposal has an adverse impact on protected trees;
- f) The proposal has an adverse impact on road safety/waste management; and
- g) Any public comments have been addressed.

#### **a) The Principle of the Development**

The site is allocated as an urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 supports housing on suitable sites in the urban area, provided it is compatible with other policies of the LDP. The site has planning permission in principle for a single residential unit (16/00515/PPP). The proposal complies with policy Hou 1 subject to consideration of other matters below.

In terms of policy Hou 4 on housing density, the surrounding area has a series of houses with large gardens and quite a low density. The addition of a single dwellinghouse is compatible with the density of the surrounding area and will not compromise the spatial pattern associated with the area. The proposal complies with LDP policy Hou 4.

## **b) Character and Design**

Edinburgh Local Development Plan policy Des 1 states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

Although there is a degree of rhythm in terms of house type and plot size on Corbiehill Road, the character of Corbiehill Park is less defined and consistent, with a variety of building types within the immediate vicinity of the application site. The relationship between the private road and the development plot prevents the proposal from constituting back-land development and once built, it would read as a separate dwelling house, unconnected to the dwelling at 23 Corbiehill Road.

The building height, massing and footprint will sit comfortably within the context. The design is simple and modest and would form an understated addition to the location. The materials proposed are conventional and the colours are muted.

The proposal is acceptable and is in keeping with the surrounding character of the area and complies with policies Des1 and Des 4.

## **c) Amenity**

### Neighbouring Residential Amenity

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The proposal has been amended to ensure neighbouring residential amenity is satisfactorily protected. The floor of the building has been repositioned further from the site's eastern boundary to reduce the level of overshadowing of the rear garden to the east. A sun path analysis has confirmed that overshadowing of that land would essentially be restricted to the evening and within the context of a garden of very considerable scale. The impact of the development on neighbouring sunlight is acceptable.

In terms of privacy, the scheme has been amended to protect the garden to the east from overlooking; a window present in the original scheme has been deleted and a condition attached, removing the permitted development rights so that the formation of a window in the future would require the benefit of planning permission from the planning authority.

The proposal would have no adverse impact on daylight of any nearby property.

The garden at 23 Corbiehill Road is of very considerable size and the creation of a separate planning unit from part of the rear garden would leave adequate amenity space that wraps around the proposed dwelling.

Neighbouring amenity will be unaffected and the proposal is in compliance with policy Des 5.

### Future Occupiers

Policy Des 5 states that future occupiers should have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook and Policy Hou 3 states that adequate provision for green space meets the needs of future residents.

The site would provide amenity space on all sides of the proposed dwelling, in a form that is useable and proportionate with the scale of the building and the plot. The subdivision of the existing garden ground of 23 Corbiehill Road would receive ample sunlight and daylight and retain sufficient amenity space for the occupiers of that dwelling and meets the space standards set out in the Edinburgh Design Guidance. The proposal has adequate private open space provision and complies with policy Hou 3.

In summary, the proposal would provide an adequate level on amenity for its occupiers in compliance with policy Des 5.

### **d) Flooding**

Policy Env 21 advises that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The site has been identified as being at a medium risk to pluvial flooding. However, the drainage statement includes a cellular attenuation tank that will be put in place to treat surface water. This is accepted as sufficient amelioration of any surface water issues. The proposal complies with policy Env 21.

### **e) Protected Trees**

Policy Env 12 permits development if it is likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The proposal does not have any protected trees within the application boundary, but there is a protected tree on the west side of Corbiehill Park adjacent to the proposal site. The canopy of the tree does not overhang into the application site and the development is unlikely to adversely impact the tree or tree roots due to the distance from the development and the existing hard surfaced road. The proposal complies with policy Env 12.

## **f) Road Safety/Waste Management**

Policy Tra 2 and Tra 3 states permission will be granted for development where proposed car parking and cycle parking and storage provision complies with and does not exceed the standards set out in planning authority guidance.

The revised proposal provides one parking space which is acceptable and in compliance with the parking standards. There is a covered area on the western gable end of the dwelling which can be used to store bicycles.

There are four existing properties that utilise the lane for access purposes; the formation of an additional dwelling will not have any significant impact on vehicles using the lane, nor will it cause issues with road safety for the nearby school. The erection of the dwelling will not require a new waste management plan for Corbiehill Park and the existing properties have kerbside waste collection which will apply to the new dwelling.

The use of Corbiehill Park, which is a private road, cannot be controlled through planning legislation and any restriction on access to the road would be a civil matter.

The proposal complies with policies Tra 2 and Tra 3.

## **g) Public Comments**

### Material Considerations

- Acceptability of the development - addressed in section 3.3a);
- Scale, form and design - addressed in section 3.3b);
- Not in keeping with the character of the surrounding area: addressed in section 3.3b);
- Traffic and parking: addressed in section 3.3d); and
- Loss of privacy, sunlight and overshadowing: addressed in section 3.3c).

### Non-material Considerations

- Refusal of a neighbouring application (12/02897/FUL). It is not linked to this application; and
- Impact during construction: this is not a matter controlled through the planning system.

## **Conclusion**

The proposals comply with the development plan policies and non-statutory guidelines. The design and scale of the house are acceptable and would have no adverse impact on the character or appearance of the surrounding area, road safety or on neighbouring residential amenity. 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. The Permitted Development rights in respect of Class 2B (1) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) are removed from the building hereby approved.

#### **Reasons:-**

1. In order to protect the surrounding residential amenity.

#### **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. 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.

### **Financial impact**

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

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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

### **Equalities impact**

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#### **6.1 The equalities impact has been assessed as follows:**

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

### **Sustainability impact**

---

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

This application received 24 objections.

## **Background reading/external references**

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- 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](#)

<b>Statutory Development Plan Provision</b>	Local Development Plan.
<b>Date registered</b>	20 August 2018
<b>Drawing numbers/Scheme</b>	01A, 02, 03A, 04, 05A-06A, 07,  Scheme 2

**David R. Leslie**  
 Chief Planning Officer  
 PLACE  
 The City of Edinburgh Council

Contact: Rachel Osborne, Trainee Planner  
 E-mail: rachel.osborne@edinburgh.gov.uk Tel: 0131 529 4695

## **Links - Policies**

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### **Relevant Policies:**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

### **Relevant policies of the Local Development Plan.**

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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.

**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.

### **Relevant Non-Statutory Guidelines**



# Appendix 1

## Application for Planning Permission 18/04346/FUL At 23 Corbiehill Road, Edinburgh, EH4 5EB Erection of dwelling

### Consultations

---

#### Children and Families

*The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.*

*Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.*

#### Roads Authority - SCHEME ONE

*The application should be refused.  
Reasons:*

- 1. The development proposals do not comply with the requirements of the, "Edinburgh Design Guidance, October 2017," in terms of car parking provision.*
- 2. No provision for cycle parking is proposed by the applicant.*

*Note:*

- 1. The site has an extant planning consent for a 1 ½ storey dwelling (16/00515/PPP).*
- 2. This current application has been assessed under the 2017 parking standards for Zone 2. These permit 1 parking space for the scale of development proposed. The application drawings show parking space for 2 cars. This is not acceptable.*
- 3. The same standards require secure and covered storage for a minimum of 3 bicycles. No such provision is made by the applicant.*
- 4. Access to the proposed development site is off Corbiehill Park, which appears to be a private road, and as such would be classified as a road in terms of the Roads (Scotland) Act 1984. The applicant therefore, would need to be satisfied that they have the necessary permissions and authority to use the access.*
- 5. It should be noted that the proposed off-street parking space does not comply with the Council's Guidance, in that:*
  - a. Access to any car parking area should be by dropped kerb with a maximum width of 3m (not including transition kerbs), and not a bell mouth as shown on the architect's plan;*
  - b. No details are shown to demonstrate that a length of 2 metres nearest the road is paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road; and*

c. *If any gates or doors are proposed to control access to the property these are not shown on the architect's plans, and that they will open inwards onto the property.*

### Roads Authority - SCHEME TWO

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

1. *The proposed access should be by dropped kerb with a maximum width of 3m (not including transition kerbs), and not a bell mouth.*

*Note:*

1. *The site has an extant planning consent for a 1 ½ storey dwelling (16/00515/PPP).*
2. *The applicant proposes 1 parking provision and complies with the Council's 2017 parking standards which allow a maximum of 1 parking space in Zone 2.*
3. *A minimum of 3 cycle spaces will be provided for the proposed development.*
4. *Access to the proposed development site is off Corbiehill Park, which appears to be a private road, and as such would be classified as a road in terms of the Roads (Scotland) Act 1984. The applicant therefore, would need to be satisfied that they have the necessary permissions and authority to use the access.*
5. *Existing refuse collection arrangement for residential units on Corbiehill Park will be utilised by the proposed development.*
6. *The proposed development is likely to generate 1 vehicle trip per peak hour and is considered acceptable for the existing Corbiehill Park Road.*

### Flood Prevention

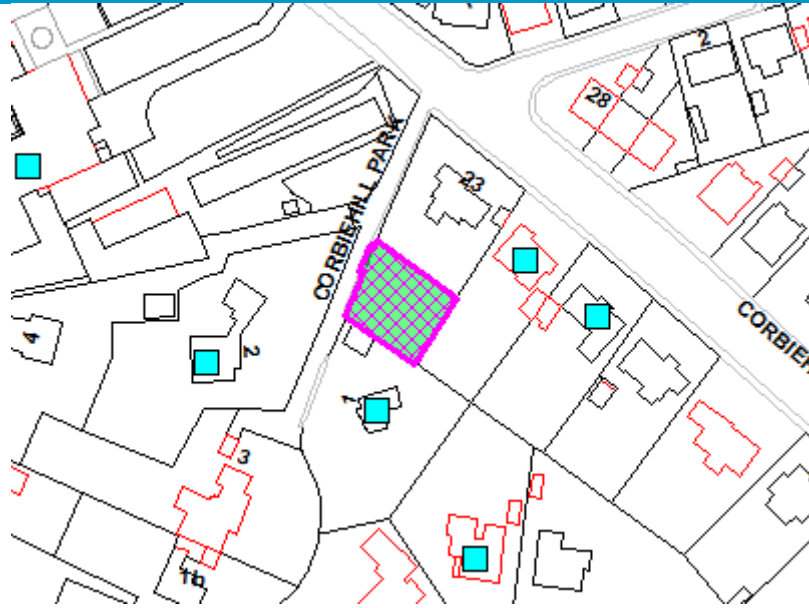
*The higher resolution flood maps available to CEC show localised surface water flooding in the area proposed for development. Whilst the applicant has made some allowance for attenuation storage on the site for roof/driveway runoff there is a risk that this will fill up with overland flow from surface water outwith the site. Submitted plans show that the proposed development is to have an accessible entrance. The applicant should confirm how flood waters will be prevented from entering the property should surface ponding adjacent to the property occur.*

*In determining the hydraulic calculations the applicant has applied 20% climate change whereas CEC requires 30% allowance in line with Sewers for Scotland. CEC also request a minimum 75mm aperture size (as opposed to 43mmØ) for flow control devices to minimise the risk of blockage.*

*The applicant should confirm what measures are to be taken to protect the proposed property from pluvial flood risk, and what impact the revised climate change and aperture dimension will have on the required storage.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00315/FUL  
At 9-11 Corstorphine Road, Edinburgh, EH12 6DB  
Redevelopment of existing houses at 9 and 11 to create 2  
new semi-detached houses with accommodation on 3  
floors.**

<b>Item number</b>	4.5
<b>Report number</b>	
<b>Wards</b>	B06 - Corstorphine/Murrayfield

## Summary

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The proposal would adversely affect the character and appearance of the surrounding area due to the scale and mass of the development and its adverse impact on neighbouring residential amenity. The proposal therefore fails to comply with the development plan and non-statutory guidance in respect of design and residential amenity.

## Links

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[Policies and guidance for this application](#) LDPP, LDES01, LDES12, LEN09, NSG, NSHOU,

# Report

## **Application for Planning Permission 19/00315/FUL At 9-11 Corstorphine Road, Edinburgh, EH12 6DB Redevelopment of existing houses at 9 and 11 to create 2 new semi-detached houses with accommodation on 3 floors.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site consists of a pair of one and a half storey, semi-detached cottages located behind a two storey subdivided villa on the south side of Corstorphine Road.

The cottages are stone built, gable ended properties with a slate roof. The cottage at 11 Corstorphine Road has been extended at its southern end with a two storey extension of a contemporary design. The cottages are not listed buildings and do not lie in a conservation area.

The properties have garden ground to the front (west) and side (south) with a small common drying area dividing the front gardens of the properties of the cottages. The drying area is shared between the properties and the three flats of the subdivided villa (13, 15 and 15A). Access to the cottages is via a pedestrian lane down the side of the villa. There is no vehicle access to the site.

The site has a car salesroom and garage on its east side, multi-storey offices on its west side and the Water of Leith with Roseburn Public Park beyond on its south side.

#### **2.2 Site History**

22 February 2010 - planning permission granted to take down existing extensions and replace with new 2 storey extension to rear of existing gable wall (application number: 09/03087/FUL).

18 April 2018 -planning application to redevelop the existing semi-detached houses at 9 and 11 Corstorphine Road to create two new semi-detached houses with accommodation on three floors and retaining the existing stone facades withdrawn (application number: 18/00461/FUL).

## **Main report**

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

It is proposed to redevelop the two residential properties to create two new semi-detached dwelling houses with accommodation on three floors.

The works involve the substantial demolition of the two properties with the exception of the external walls which are retained to the former eaves level of the properties and the existing two storey extension on the southern end.

The proposal is for a two storey extension above the ground floor level. It will have a flat roof and be of a contemporary design with large sections of glazing on the west elevation. The proposed materials include white render, larch cladding and copper to the walls and a grey coloured single ply membrane roof.

A design statement has been submitted and this is available to view on Planning and Building Standards Online Services.

### **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 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;
- (b) the proposed scale, design and materials are acceptable;
- (c) the proposal is detrimental to the amenity of neighbours;
- (d) the proposal has any infrastructure implications;
- (e) there are any implications for archaeological remains; and
- (f) representations raise issues to be addressed.

(a) Principle

The proposal is for the redevelopment of two residential properties located within the Urban Area in the Edinburgh Local Development Plan Proposals Map.

Policy Hou 2 of the Edinburgh Local Development Plan (ELDP) seeks the provision of a mix of house types and sizes, where practical, to meet a range of housing needs.

The proposals seek to extend and modernise the former cottages. This is consistent with policy Hou 2. In addition, as there is no net increase in the number of housing units, density is unchanged and complies with policy Hou 4. As a result, the proposed development is acceptable in principle subject to other considerations set out below.

(b) Scale, Design and Materials

Policy Des 1 of the Edinburgh Local Development Plan (LDP) supports design which draws upon the positive characteristics of the surrounding area.

Policy Des 12 requires alterations and extensions to be compatible with the character of the building and the surrounding neighbourhood.

The properties, subject of the application, form part of a back land site. The site is narrow and crammed between the car salesroom and garage to the east and the three storey office block to the west. In this location, the existing cottages form part of an intimate group of houses arranged around a communal drying area. This group is of a distinct character and appearance in traditional materials and is of a scale that respects the principal villa which fronts Corstorphine Road.

The subordinate scale of the cottages to the principal villa is what gives the grouping its distinct character. In contrast, the proposal introduces a further two storeys in a contrasting roof form thereby increasing the scale and massing of the cottages on the site. As a result, the properties will no longer be subordinate thereby undermining the distinct character of the group.

In terms of design, the proposal is of a contemporary flat roof design using a mix of good quality traditional and modern materials. Whilst it seeks to make use of the open aspect of the site from the south and south-west, the proposal fails to have regard to the height, form, scale and proportions of neighbouring buildings and the site. It is recognised that the proposed extensions would improve the quality of the accommodation but this is not a reason to justify non-compliance with the Development Plan.

In view of the above, the proposal fails to comply with policies Des 1 and Des 12 of the LDP.

Overall, it is concluded that the development will have an adverse effect on the character and appearance of the properties (including the neighbouring sub-divided villa) and the surrounding area.

(c) Amenity

Policy Des 12 requires alterations and extensions to result in no unreasonable loss of amenity to neighbouring properties.

In terms of daylight, the proposal fails to comply with the 25 degree test set out in non-statutory guidance.

The proposed development due to its close proximity and increased height will have a significant adverse effect on the immediate outlook of the properties located to the eastern end of the two storey villa. Whilst the outlook from the lower of the two windows is already compromised to a degree, the proposal will exacerbate the situation to the detriment of the occupier. The outlook from the upper window is substantially affected as it currently looks across the sloping roof plane of the properties at 9 and 11 Corstorphine Road and as a result of the proposals will look out on to the enlarged gable.

In terms of sunlight, the proposals will result in approximately 21.6 sq.m. of overshadowing above that considered to have no adverse effect in non-statutory guidance. This will fall on the common drying area. However, this area will still receive a reasonable amount of sunlight through the course of the day and will not result in an unreasonable loss of sunlight as a result of the proposal. Outwith the common drying area, any overshadowing will fall on the garden ground of the properties at 9 and 11 Corstorphine Road.

In terms of privacy, the windows and fully glazed doors are predominantly on the west side of the development and are over nine metres from the boundary which is considered appropriate in this context and in compliance with non-statutory Guidance for Householders. Notwithstanding this, angled views into each of the properties (upper floor villa windows and cottage dormer windows) can be gained at present. This will be exacerbated by the larger element of glazing proposed on the western elevation.

Fully glazed doors are proposed on the south side of the development at second floor level. These are over nine metres from the boundary and comply with guidance. However, they lead out onto the roof of the existing two storey extension of 11 Corstorphine Road thereby creating a roof terrace and whilst this will be within nine metres of the boundary, it will overlook the Water of Leith and Roseburn Public Park and no privacy concerns arise.

Overall, the proposal will have a significant adverse effect on the immediate outlook of the occupiers of the easternmost properties at the rear of the two storey villa. This adverse impact on amenity is contrary to policy Des 12.

(d) Infrastructure

Policy Env 21 states that planning permission will not be granted where the development increases flood risk of is in danger of flooding itself.



The proposed development will not increase the footprint of the existing cottages. In view of this, there is no requirement to comply with the flooding and drainage self-certification scheme. The proposed development raises no concerns in relation to infrastructure, structures and flood prevention.

#### (e) Archaeology

Policy Env 9 seeks to protect sites of archaeological significance.

The proposal will have a significant impact upon the two Victorian cottages. Their relatively late date and the retention of the main facades have significantly lessened the archaeological impact of this scheme. However, should the Committee be minded to grant permission, it is recommended that a historic building survey (phased/annotated floor plans and elevations, photographic and written description) is undertaken in order to provide a permanent archaeological record of these locally historic buildings before they are significantly altered.

In addition, significant ground-breaking works, principally internally to the northern most cottage, may disturb significant remains. In view of this, a condition to ensure that a programme of archaeological works is undertaken either prior to or during construction would be required, if permission is granted.

#### (f) Public Comments

##### **Material Representations - Objection:**

- negative impact on neighbouring residential properties resulting from scale and proportions of the proposed development - assessed in section 3.3(b) and (c);
- traditional style of the cottages and the relationship of the cottages to the villa is worthy of retention - assessed in 3.3 (b);
- concerns relating to the accuracy of the submitted drawings - measurements taken on site confirm this to be the case;
- failure to include the access stair to the villa and various outbuildings on the site plan - these elements do not form part of the overall assessment of the proposal;
- visual impact as a result of the height and scale of the development on a constrained site with open views from the south - assessed in section 3.3(b);
- design concerns relating to specification of materials which could lead to variations on site - materials assessed in section 3.3(b);
- loss of daylight and sunlight - assessed in section 3.3(c) above; and
- angled views of new bedroom windows from existing upper floor kitchen of 15 Corstorphine Road - assessed in section 3.3(c).

## **Material Representations - Support**

- improve the quality of living for the occupants; - taken account of in section 3.3(b) above;
- higher buildings in vicinity and the development will not look out of place - taken account of in section 3.3(b) above;
- enhance the area - taken account of in section 3.3(b) above;
- clean modern design - design taken account of in section 3.3(b) above;
- improve nearby residents environment - taken account of in section 3.3(c) above;
- improve the look of the cottages - design taken account of section 3.3(b) above; and
- style in keeping with local buildings - design taken account of in section 3.3(b) above.

Other support comments relate to the applicants ability to deliver attractive projects and previous work.

## **Non-Material Representations:**

- access to site for construction purposes.

No community council comments have been received.

## **Conclusion**

In conclusion, the proposal does not comply with the development plan and non-statutory guidance in respect of design and residential amenity. There are no compelling reasons for departing from policy. The proposal would adversely affect the character and appearance of the surrounding area due to the scale and mass of the development and its adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

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

### **Conditions:-**

### **Reasons:-**

1. The proposal as a result of its scale and massing will have an adverse effect on the character and appearance of the adjacent villa and the surrounding area contrary to policies Des 1 and Des 12 of the Edinburgh Local Development Plan.

2. The proposal will adversely affect the amenity of the occupants of the adjacent villa in terms of their immediate outlook and loss of privacy contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'

## **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**

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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**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application has attracted 52 letters of representation; 3 objecting to the proposals and 49 in support.

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

## **Background reading/external references**

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

<b>Statutory Development Plan Provision</b>	Urban Area - Edinburgh Local Development Plan
<b>Date registered</b>	25 January 2019
<b>Drawing numbers/Scheme</b>	01 - 10,  Scheme 1

**David R. Leslie**  
 Chief Planning Officer  
 PLACE  
 The City of Edinburgh Council

Contact: Brian Fleming, Senior Planning Officer  
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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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.

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# Appendix 1

## **Application for Planning Permission 19/00315/FUL At 9-11 Corstorphine Road, Edinburgh, EH12 6DB Redevelopment of existing houses at 9 and 11 to create 2 new semi-detached houses with accommodation on 3 floors.**

### **Consultations**

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#### **Archaeology**

*The application concerns two mid-late Victorian cottages constructed between the 1st and 2nd Edition OS maps. General Roy's 1750's Military Survey also depicts buildings or adjacent to this site. Given the sites location adjacent to the historic crossing point of Coltbridge over The Water of Leith on the main road west and north into Edinburgh, occupation on this site dating back to the early medieval period is possible. Accordingly the building is regarded as being of regional archaeological and historic significance. This application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) policy ENV9.*

*Although the proposals will have a significant impact upon these two Victorian cottages, their relatively late date and the retention of the main facades have significantly lessened the archaeological impact of this scheme. It is recommended however that a programme of a historic building survey is undertaken (phased/annotated floor plans & elevations, photographic and written description) in order to provide a permanent archaeological record of these locally historic buildings before they are significantly altered.*

*In addition, the development will require significant ground-breaking works, principally internally to the northern most cottage. Such works have the potential for disturbing remains going back to the medieval period. Accordingly, archaeological mitigation will also be required to be undertaken to record and fully excavate any significant remains disturbed during ground/floor disturbance works.*

*It is recommended that the following condition is attached if consent is granted to ensure that this programme of archaeological works is undertaken;*

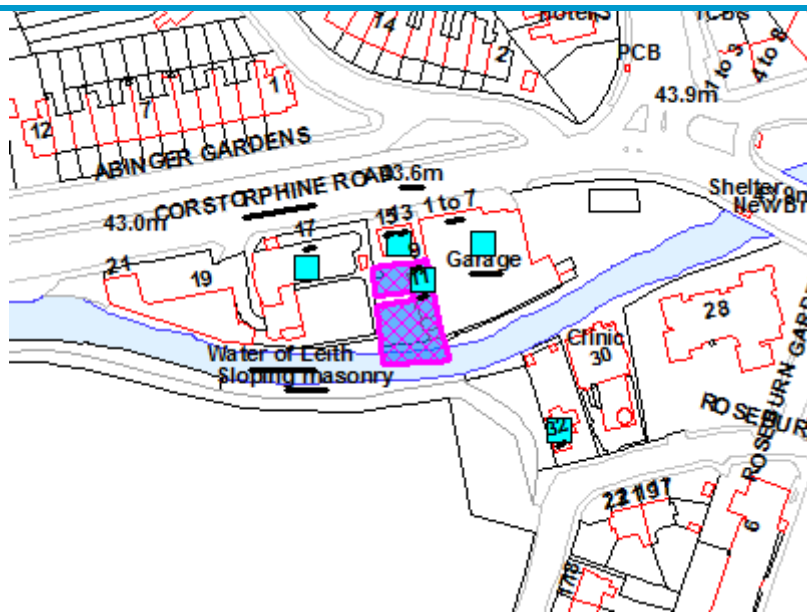
*'No alterations/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting) in accordance with a written scheme of investigation which has been submitted by the applicant 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.

### Infrastructure, Structures and Flood Prevention

The nature of the proposed works (redevelopment of first floor areas and roof) does not require preparation of documents to comply with the flooding and drainage self-certification scheme. As the existing building footprint is being retained with no significant proposed extensions then we are happy for this application to proceed to determination with no further comments or questions from our department.

### Location Plan



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END

# Development Management Sub Committee

Wednesday 24 April 2019

## Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).

Item number	4.6
Report number	
Wards	B12 - Leith Walk

### Summary

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Housing use is acceptable in principle, and the proposed density is acceptable. The proposal creates a satisfactory infill in terms of form and design. Impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of council guidelines. The absence of car parking is acceptable in this location. The amended scheme has addressed on site cycle storage. Minor non-compliance in relation to open space is acceptable in the context of this urban infill and proximity to a park. Minor non-compliance in relation to building line is acceptable in the context of the added visual interest gained by this element. No other considerations outweigh this conclusion.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
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# Report

## **Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies in the side streets between Leith Walk and Easter Road. It is a 6 metre wide gap between gables, currently holding a single storey building with a hipped roof which ran as a nursery for around twenty years. The site is relatively deep and the total site area is 285 square metres. The existing building is faced (on its street elevation) in artificial stone and has a concrete tile roof.

The flanking buildings are, to the south, a three storey block of rendered ex-Council properties, and to the north, and a traditional four storey tenement in red sandstone. Modern brick and render flats stand to the immediate north of the tenement.

The southern section of Dickson Street contains a pocket park and playground. Dalmeny Street (50 metres to the south) is a bus route.

#### **2.2 Site History**

24 September 1996 - change of use approved from council store/depot to a private house (application reference:96/01989/FUL).

23 July 1997 - change of use approved from council store/depot to private nursery (application reference:97/00899/FUL).

25 May 2000 - consent approved to erect six flats over the existing nursery building (application reference:00/00919/FUL).

29 January 2002 - application approved to increase number of children permitted at the nursery to 29 children (application reference:01/03100/FUL).

5 March 2003 - consent approved for two additional flats in lieu of ground floor nursery giving eight flats in total (application reference:03/00224/FUL).

It is noted that whilst the final consent has lapsed, the main issues establishing its envelope (daylight regulations in particular) are unchanged. The current application largely seeks to renew this previous planning permission, reducing numbers to seven and improving the proposed frontage.

## **Main report**

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

The application seeks to redevelop a site currently containing a single storey former nursery lying between blocks of flats.

The proposal is for a five storey, flat-roofed block, filling the gap between the flanking flats. It is brick-built with feature dark grey cladding panels, all in a contemporary design. A projecting bay on the frontage is angled to give visual interest. The narrow link section to the block to the south is only three storeys high.

The property will contain seven flats: two studio flats (36 + 39 square metres); one one-bedroom flats (58 square metres); three standard two-bedroom flats (66 + 73 + 81 square metres); and a two bedroom penthouse (92 square metres).

The scheme was amended to reduce the building envelope to the rear, and to include a secure and covered Sheffield rack accommodating eight cycle spaces in a secure area to the rear, connecting to the common stair.

### **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 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 proposed use and density are acceptable;
- b) scale form and design are appropriate;
- c) parking and cycle parking are addressed;
- d) amenity of the proposed units is sufficient;

e) amenity to neighbours is considered; and

f) comments are addressed.

a) Principle of Use and Density

LDP policy Hou 1 considers sites suitable for housing.

The site lies in a residential side street in the urban area and residential use is acceptable in principle subject to other policy requirements being met. The site has several previous consents for housing use (see History).

LDP policy Hou 4 considers density.

The proposed density equates to 245 units per hectare. It is noted that traditional tenemental densities in the Leith Walk/ Easter Road zone are frequently over 200 units per hectare, and most modern developments in this area are from 200 to 260 units per hectare. The proposed density is therefore acceptable.

LDP policy Hou 2 considers mix of units.

The scheme contains units ranging from studio flats to two bedroom flats. The mix of units is acceptable.

b) Scale, Form and Design

LDP policies Des 1 and Des 4 consider how the design will fit into its surroundings.

The existing street contains three disparate styles: four storey red sandstone tenements of the late 19th century; interwar three storey Council blocks, finished in white render; and new-build four storey flats in brick and render. There is no strong homogenous character to the existing streetscape.

The proposed infill is a contemporary design with large vertically proportioned windows and a flat roof. Although it is 800mm higher than the adjacent eaves, and splays forward from the northern building line as an angled bay, it forms a logical step between the adjacent ridges, and stands over 2 metres below the adjacent tenemental ridge height. The scale is appropriate in this context.

Although flat roofed buildings are not typical of the area, this fits well with the contemporary design of the building and is acceptable in an area of mixed character. Likewise, the use of brick fits well into a street of mixed character.

The existing building line on the street is not rigid. In general, the older red sandstone blocks stand closer to the road than the white ex-Council blocks. The newer blocks to the north introduce bay features and have a modulated building line. The introduction of an angled bay feature is considered to be a positive contribution to the design, and will add visual interest to the street, without compromising the amenity of neighbours (see below).

The proposed form and design are appropriate to the site and meet the requirements of policies Des 1 and Des 4.

#### c) Parking and Cycle Parking

LDP policy Tra 2 considers car parking requirements.

Current Council objectives seek to minimise car generation in the city and absence of car parking is now acceptable where adequate public transport links exist. The site lies within 60 metres of Dalmeny Street which is the route for the 13 bus. It is also within easy walking distance of Leith Walk, which is a major public transport corridor. Buses also exist on Easter Road to the east. Public transport connections are therefore sufficient to justify a zero car solution. As the scheme complies with current parking policy a City Car Club contribution cannot be sought.

LDP policy Tra 3 considers cycle parking. Guidelines relating to Tra 3 ask that the provision for this development be 100% and that it be in a secure location.

The scheme was amended to include an eight-space cycle store in a covered area to the rear of the communal stair. This is in the form of four paired spaces, attaching a Sheffield rack. Policy does not preclude this format. This solution is considered sufficient for the needs of the development. Tra 3 is complied with.

The site lies around 500m from the proposed tram line on Leith Walk. A contribution of £15,000 is sought, by legal agreement, towards tram infrastructure in accordance with LDP policy Del 1.

#### d) Amenity of the Proposed Units

LDP policy Des 5 and the Edinburgh Design Guidance consider the amenity of the proposed units. Policy Hou 3 considers open space requirements for housing.

All units are dual aspect and exceed minimum space requirements. All will have adequate sunlight and daylight.

Only two of the units have private open space: the rear ground floor unit is allocated the entire rear garden area (around 60 square metres); and the rear second floor unit is given a large rooftop terrace (around 30 square metres).

Although five units have no private open space, this is a justified exception on a constrained urban site. The site is only around 100 metres from the Dickson Street park and playground which helps mitigate this breach of policy.

The amenity of the proposed units will be acceptable in this context.

#### e) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance also consider the amenity impact on neighbouring houses.

The scheme was specifically amended in its rear form to ensure full compliance with Council daylight parameters to neighbouring windows. As now amended all impact on adjacent windows falls (exactly) on the policy limit in terms of impact on neighbouring windows.

Some proposed windows within the rear section will view obliquely into the neighbouring rear greens. As these common areas are already overlooked by multiple flats this does not constitute a loss of privacy in policy terms. Therefore, whilst there will be additional overlooking of neighbouring land, this is considered acceptable.

Impact upon daylight to the garden to the south is mitigated by the orientation. On this side there will be no loss of sunlight and minimal loss of daylight.

In relation to daylight to the north side, the entire plan form and envelope are conceived around the required parameters to neighbouring daylight to windows. There will be some impact to the closest windows (in 81 Dickson Street) but this impact will fall within acceptable limits in terms of the policy guidelines. Equally, although there will be some loss of daylight to the rear common garden at 81 Dickson Street, this also falls within acceptable limits.

One objection (from a neighbour on the opposite side of the street) referred to loss of sunlight through the existing gap. Specific views and or glimpses of sunlight are not protected by policy. Although it can be calculated that in high summer the sun will shine through the existing narrow gap between gables (at around 7pm), the flat opposite will continue to receive the bulk of its sunlight from the south without interruption. The loss of a specific 30 minutes of sunshine at certain times of the year is not justification for refusal.

The proposals are in compliance with policy Des 5 in terms of neighbouring amenity.

#### f) Public Comments

##### **Material Comments**

- Overdevelopment/ too dense - addressed in section 3.3 a) above;
- Inappropriate design - addressed in section 3.3 b) above;
- Impact on sunlight and daylight - addressed in section 3.3 e) above; and
- Impact on parking - addressed in section 3.3 c) above.

##### **Non-Material Comments**

- Disturbance from construction - this is not a planning consideration;
- The requirement to reroute cables and vents on the flanking gables - this requires to be addressed but is not a planning consideration;
- Insufficient neighbour notification - the scope of neighbour notification and the period for public comment met statutory requirements;
- The applicant is inexperienced - Company experience is not a material planning consideration;
- Impact on utilities - this is not a planning consideration;
- The end user is unclear - whether the units are for sale or rent is not a planning consideration; and

- Works may also impact on the existing tree on the street - this does not lie within the site boundary - as a council-owned tree this will be independently assessed if requested for removal.

### Conclusion

The proposal creates a satisfactory infill in terms of form and design. Impact on neighbouring properties falls within acceptable parameters in terms of council guidelines. The absence of car parking is acceptable in this location. The amended scheme has addressed on site cycle storage. The proposal complies with local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

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

#### **Conditions:-**

1. 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.

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.

#### **Informatives**

It should be noted that:

1. Prior to the issue of the decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £15,000 towards tram infrastructure.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.

## **Financial impact**

---

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

The application is subject to a legal agreement for developer contributions.

## **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**

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### **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**

31 objections were received from local residents and persons on their behalf. These are addressed in section 3.3 f) of the Assessment.

## **Background reading/external references**

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- 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 lies within the Urban Area as shown in the Local Development Plan.

### **Date registered**

3 January 2019

### **Drawing numbers/Scheme**

1a-6a,7b,8,9a-11a,12,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.



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** 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.

# Appendix 1

## **Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).**

### **Consultations**

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#### **Roads Authority**

The application should be refused.

#### Reasons:

The proposed development makes no provision for cycle parking as required under the Council's current standards.

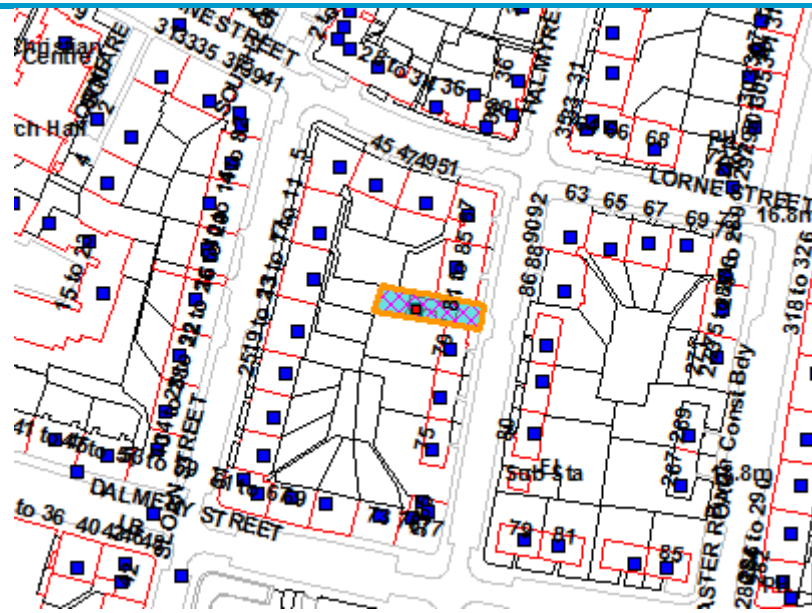
Should you be minded to grant the application, the following should be included as conditions or informatives as appropriate:

1. The applicant should be required to provide a minimum of 1 cycle parking space per unit in a secure and undercover area;
2. Contribute the sum of £15,000 (based on 7 residential units in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
3. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area in mitigation of the absence of car parking provision;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

#### Note:

The proposed site is considered to be a 'gap' site and therefore zero parking provision is considered acceptable.

# Location Plan



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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00350/FUL  
At Flat 1, 1 High Waterfield, Edinburgh  
New replacement patio doors within existing window  
openings.**

<b>Item number</b>	4.7
<b>Report number</b>	
<b>Wards</b>	B08 - Colinton/Fairmilehead

## Summary

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The proposed design is acceptable, and will not lead to an unreasonable loss of neighbouring amenity. The proposal meets the requirements of the development plan and complies with the relevant non-statutory guidelines. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#) LDPP, LDES12, NSG, NSHOU,

# Report

## **Application for Planning Permission 19/00350/FUL At Flat 1, 1 High Waterfield, Edinburgh New replacement patio doors within existing window openings.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a ground floor flat located in a modern block within a residential development.

#### **2.2 Site History**

25 January 2019 - Certificate of Lawfulness for replacement patio doors refused (Application reference: 18/10262/CLP).

### **Main report**

---

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

It is proposed to remove two windows on the rear elevation, increase the size of the openings, and install two sets of patio doors.

#### **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 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 of an appropriate scale, form and design;
- b) The proposal will result in an unreasonable loss of neighbouring amenity;  
and
- c) Any public comments raised have been addressed.

#### a) Scale, form and design

Policy Des 12 of the Edinburgh Local Development Plan (LDP), and the non-statutory "Guidance for Householders" set out the relevant design criteria for alterations and extensions. In essence, these seek to ensure that alterations and extensions are compatible with the character of the existing building and neighbourhood.

The existing block has evenly spaced, vertically aligned openings, interspersed with horizontally aligned windows. The proposed changes to the openings still maintain the spacing of the openings on the existing block. The proposed materials will match the existing block, and, therefore, the proposed development will not have an adverse impact on the appearance of the block. Furthermore, there are existing patio doors on the rear elevation of the block at first and second floor levels. The existing block of flats is set well back from High Waterfield and Waterfield Road, and the proposed new patio doors will not have a substantial impact on the cohesiveness or appearance of the block.

There are similar external features on an adjacent block, which also has a number of patio doors. Therefore, the proposed development will not have an adverse impact on the character of the surrounding area.

Overall, the proposal is an acceptable design that will not be detrimental to the building or neighbourhood character and accords with Local Development Plan policy Des 12.

#### b) Neighbouring amenity

Policy Des 12 of the Edinburgh Local Development Plan and the Non-statutory Guidance for Householders set out the criteria for assessing daylighting, sunlighting and privacy.

With regards to privacy, the proposal will not lead to any loss of privacy for neighbouring properties.

#### c) Public comments

### Material considerations

- The proposals would alter the appearance of the flatted development, and detract from its cohesive look - addressed in section 3.3 a);

- The proposed patio doors are totally out of keeping with all adjacent flats - addressed in section 3.3 a); and
- The proposed patio doors could be constructed using different materials to the existing block, and will, therefore, have a negative impact on the appearance of the block - addressed in section 3.3 a).

### **Non-material considerations**

- The proposed development may affect the value of the flats - this is not a material planning consideration;
- There will be disturbance during the construction and maintenance of the proposed patio doors - this is not a material planning consideration; and
- The proposal would require an extension to the existing patio area onto communally owned land, which is contrary to what is permitted in the title deeds - this is not a material planning consideration.

### **Conclusion**

The proposed design is acceptable, and will not lead to a loss of neighbouring amenity. The proposal meets the requirements of the development plan and broadly complies with the relevant non-statutory guidelines. There are no material considerations which outweigh this conclusion.

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

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

#### **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.

## **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**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The neighbours were notified on 13 February 2019 and the proposal attracted ten objections. A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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



**Statutory Development****Plan Provision**

Edinburgh local Development Plan.

**Date registered**

6 February 2019

**Drawing numbers/Scheme**

01,02.,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alan Atkins, Planning Officer

E-mail:alan.atkins@edinburgh.gov.uk Tel:0131 529 6771

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

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

**Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# Appendix 1

## Application for Planning Permission 19/00350/FUL At Flat 1, 1 High Waterfield, Edinburgh New replacement patio doors within existing window openings.

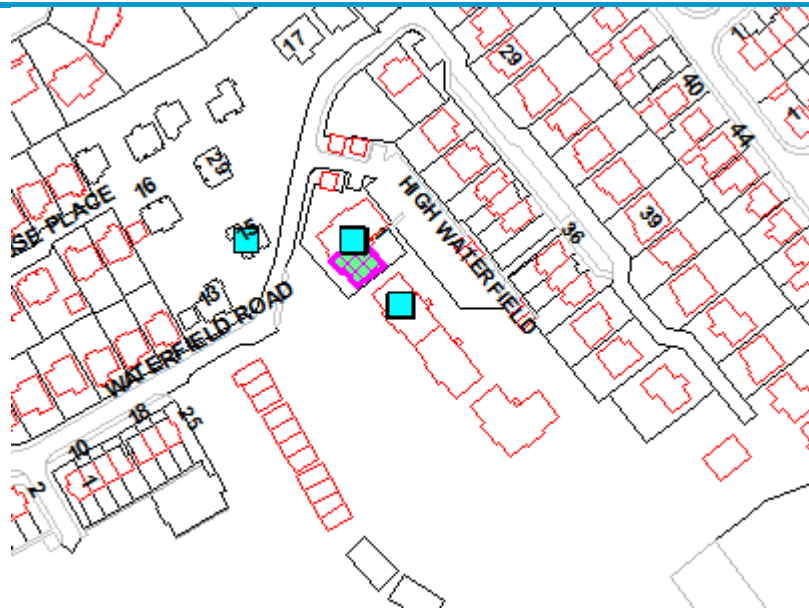
### Consultations

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No consultations undertaken.

### Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

## **Application for Approval of Matters Specified in Conditions 18/09769/AMC**

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh**

**Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.**

<b>Item number</b>	4.8
<b>Report number</b>	
<b>Wards</b>	B09 - Fountainbridge/Craiglockhart

## **Summary**

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The proposal will further the regeneration of Fountainbridge, providing 64 new homes in a mixed use development. There will be a mix of tenure and housing size with mid-market rent affordable housing and open-market rent housing. Ground level commercial uses will help activate the development along Dundee Street. This will contribute to the area's vitality and viability. The architecture and public realm will provide a form of development that is appropriate to its context in terms of design, scale and materials and it will not impact on the historic environment. There will be no impact on existing residential amenity and it will not introduce any implications in terms of road or pedestrian safety. The proposals are acceptable in terms of sustainability. The proposal complies with the development plan. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEMP09, LEN03, LEN09, LEN12, LEN13, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU07, LHOU10, LRET05, LTRA01, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LTRA10, LRS06, DBFOUN, NSGD02,

# Report

## **Application for Approval of Matters Specified in Conditions 18/09769/AMC**

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh**  
**Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is in the urban area as defined in the Edinburgh Local Development Plan. The site is located within the wider Fountainbridge Area as identified as proposal CC3 in the Edinburgh Local Development Plan.

The site relates to part of the former Scottish and Newcastle Brewery site and covers approximately 0.34 hectares. The site has been cleared of all buildings.

The site is bounded to the north by Dundee Street and to the east by a former North British rubber company offices, which is a category 'C' listed building (reference LB44936, 23 January 1998). The site is bounded to the south and west by vacant land.

Land to the southwest of the site is presently utilised by The Forge community workspace. The Union Canal further south is a Scheduled Ancient Monument (reference SM11097, 15 December 2003). Gilmore Park and Viewforth roads are located to the east and west of the site. The Boroughmuir High School and Fountainpark Centre are located to the west of the site.

## 2.2 Site History

November 2004 - Fountainbridge Development Brief approved which includes this site.

December 2005 - an amendment to the Fountainbridge Development Brief was approved.

11 January 2006 - outline planning permission was granted for land adjacent to 194 Fountainbridge, Edinburgh for a mixed use development on brownfield site (application number 05/00106/OUT).

30 June 2010 - planning permission in principle for a mixed use development including offices, residential, retail, hotel, care home and student housing (10/01687/PAN).

22 September 2011 - planning permission in principle was granted for Fountain Brewery, Gilmore Park, Edinburgh for a mixed use development including offices (class 4), residential (class 9), retail (class 1), financial, professional and other services (class 2), food and drink (class 3), assembly and leisure (class 11), non-residential institutions (class 10), hotel (class 7), care home (class 8), student housing, servicing, access arrangements and provision of urban realm. Approval of siting of the principal development blocks, maximum massing and heights of the principal development blocks; points of pedestrian, vehicular and service vehicle access and egress; location of pedestrian/cycle routes through the site; and location of urban spaces including park, central amenity space, commercial amenity space and canal zone (as amended) (application number 10/02955/PPP).

17 December 2014 - committee agreed to approve (subject to the concluding of a section 75 legal agreement) an application in principle for proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works. The PPP provides consent for the masterplan layout which outlines proposed plot structures, roads layout, public realm and land use. The PPP also provides consent for maximum building heights. The PPP consent therefore provides the masterplan and building heights framework for plot W3. (application number 14/02814/PPP).

17 April 2015 - proposed development of temporary community related uses and structures including; temporary community garden, forge workshop spaces and containers (both in retrospect), a greenhouse incorporating micro renewable generation (wind turbine and solar panels), amphitheatre 'pianodrome', adventure playground, community pavilion, a Bridge 8 Hub and other associated uses (as amended) (application number 15/00709/FUL).

26 August 2015 - the Committee agreed to the revisions sought to contributions required under the proposed section 75 legal agreement for application ref; 14/02814/PPP, as approved by committee, subject to the conclusion of a legal agreement on 17 December 2014 (application number 14/02814/PPP).

18 February 2016 - the proposal seeks to vary the temporary consent for application number 15/00709/FUL by reducing its scale. The variation seeks consent for the implementation of the Grove Community Garden and The Forge only, to be sited in the north western corner of the application site. Pedestrian access will be maintained through the site and accessed via Viewforth and Dundee Street. (application number 15/00709/VARY)

11 May 2016 - committee agreed to vary the following terms of planning condition number 2, 5 and 16 of application number 14/02814/PPP:

Condition number 2 -

Requirement for the submission of specific matters (including height of buildings) to be submitted for approval before works commence on site:

The applicant requested that the requirement for the height massing and siting and ground levels to be 'within the approved planning permission in principle levels', be amended to 'take reference from the indicative drawing no. 2a' (accompanying this application).

Condition number 5 -

The applicant requested that the requirement for details of matters for approval under relevant conditions be 'in accordance with the approved master plan drawing (02a)' be amended to include a requirement to take 'reference to the Master plan drawing 02a, or its replacement, as subsequently approved through the submission of matters specified in conditions'. This was to allow for an element of flexibility in terms of conformance with the masterplan drawing.

Condition number 16 -

The applicant proposed that condition number 16 which required that a maximum of 6,765 square metres of proposed floor area be in hotel use and restricted to location at plot 'f' on the masterplan drawing, be removed as it was considered unnecessarily restrictive(application number 14/02814/PPP).

07 December 2016 - application for approval of matters specified in conditions granted at site 60m south of 199 Fountainbridge, relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water + drainage/lighting, waste management/hard + soft landscaping details. (application number 16/03321/AMC).

### Applications on Neighbouring Sites

26 August 2016 - application for the conversion of existing derelict North British Rubber Company building into Creative Hub for Edinburgh Printmakers; opening up and formation of new entrance to gallery, shop, cafe, office accommodation and print studio, new extensions to south-east of existing building to form external courtyard(application number 15/03129/FUL).

# Main report

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## 3.1 Description Of The Proposal

The application is for approval of matters specified in conditions 1, 2 (a-m) and (i)-(v) of planning permission in principle reference 14/02814/PPP for Plot W3. The proposal is for residential and retail units. The matters specified in condition 2 (a-m) include the detail of height, massing, siting and ground floor levels; design of external appearance of all buildings; operational aspects of open space and public realm; site and floor levels; treatment to adopted roads and footways; details of car parking; signing of pedestrian and cycle access routes; surface water and drainage; waste management; external lighting; and site investigation. The matters specified in condition 2 (i)-(v) include soft and hard landscaping plans and details; schedule of all plants; landscape management plan; and boundary treatments.

As well as these matters, the application also seeks to satisfy conditions 3, 17, 18 and 20 of the 14/02814/PPP permission for Plot W3. In summary, these are as follows:

- Condition 3. Each AMC application shall be accompanied by a phasing plan;
- Condition 17. Each AMC application to be accompanied by a Daylight Privacy and Sunlight assessment;
- Condition 18. Any AMC application shall include minimum of 70% active commercial frontage onto Fountainbridge/ Dundee Street; and
- Condition 20. Full details of heritage interpretation plan shall be submitted with each AMC application.

The proposal is primarily residential and represents the first phase of detailed proposals of the 14/02814/PPP permission. The proposal is for 64 residential units, 32 of which will be mid-market homes and 32 of which will be open-market rent homes. Retail use is proposed at the ground floor fronting Dundee Street. The total retail floor space is 339 square metres.

The proposed plot W3 layout comprises a 'C' shaped perimeter block surrounding a private open space. A six storey flatted building is located in the north of the site. This building is orientated east-west and fronts Dundee Street. The building line is set back from the road and therefore achieves an area of public realm between the road and the building. Retail use is proposed at ground level and residential use is proposed from the first to the sixth floor. Two lower buildings, which are orientated north-south are proposed in the interior of the site. These buildings are three storeys in height, rising to four storeys in the south of the plot.

The design of the buildings is contemporary. The predominant materials proposed for the external elevations are a mixture of red and buff coloured facing brick. Metal framed windows and balustrades are also proposed. The proposed materials for the public realm works include a mix of Caithness flagstones and clay pavers.

The breakdown of proposed residential units is as follows:

	1 bed flats	2 bed flats	3 bed flats	3 bed duplex	Total
Plot W3	18	36	8	2	64



The breakdown of proposed retail units is as follows:

	retail unit 1	retail unit 2	retail unit 3
Plot W3	77m <sup>2</sup>	189m <sup>2</sup>	73m <sup>2</sup>

The layout of plot W3 creates routes through the site to other blocks, the canal and the wider city. The site is accessible by pedestrians and cyclists through shared surface streets and links. Cycle parking is proposed within an internal store in the northwest corner of plot W3. Part of a road is located in the northeast corner of the site adjacent to a listed building. Vehicle parking is proposed at street level adjacent to the accessible dwellings. A total of two fully accessible compliant spaces will be provided in this location. Further vehicle parking is proposed to the south of plot W3, within the basement car park at plots W1 and W2.

A community garden growing space is located in the south of the site and private garden space is located within the plot courtyard. The proposals for sustainable urban drainage comprise an attenuation tank, which is located between the plot W3 site and the adjacent plot W4 site. Further attenuation tanks are located at plot W4 and plot E2. The courtyard area within plot W3 incorporates a shallow sustainable urban drainage system, which consists of granular stone and sub-base.

The breakdown of proposed shared amenity space is as follows:

Plot W3 - Total	677m <sup>2</sup>
Shared courtyard garden	370m <sup>2</sup>
Community growing space	307m <sup>2</sup>

The breakdown of private amenity space is as follows:

Plot W3 - Total	407m <sup>2</sup>
Private garden space - courtyard	255m <sup>2</sup>
Private garden space - street	75m <sup>2</sup>
Balconies (10no.)	57m <sup>2</sup>
Colony landings	20m <sup>2</sup>

### **Changes from previous consent (ref. 16/03321/AMC)**

The application includes several changes from the previously consented scheme (ref. 16/03321/AMC). These include:

- Plot W3 tenure changed to mid-market and open-market rented units
- Additional stair/lift core introduced to Plot W3 apartment building
- Flats in the 3-4 storey blocks are accessed via common stairs
- Community growing space introduced in south of Plot W3
- Street gardens in western edge of Plot W3 have been reconfigured
- One additional flat has been introduced

## Supporting Information

Site investigation, contamination and remediation studies have been undertaken through a Phase II Geo-technical and Geo-environmental Assessment, as part of the previously consented scheme (16/03321/AMC).

The application includes information to support the discharge of condition 3. A phasing plan has also been submitted to meet the terms of condition 3 of the planning permission in principle. The phasing plan indicates that the development will commence at plots W1 to W4 in numerical order, with the adjacent public realm works being undertaken in tandem with the proposed building works.

The application includes information to support the discharge of condition 17, including sunlight, daylight and overshadowing analysis.

The application includes information to support the discharge of condition 18 with regard to active frontage. Active commercial frontage is proposed in the north of the site at Dundee Street, which will include class 1 (shops) and class 3 (food and drink) premises.

The application includes information to support the discharge of condition 20, in relation to archaeological heritage interpretation.

The following supporting documents and drawings have been submitted with this application:

- Design Statement;
- Drawings (Plans, Sections and Elevations);
- Dwelling, Sunlight and Daylight Analysis;
- Landscape Public Realm Plan;
- Landscape Plan and Materials;
- Masterplan Phasing Plan;
- Masterplan Building Heights Plan;
- Masterplan Public Realm Plan;
- Masterplan Public Realm Operational Plan;
- Overshadowing Assessment;
- Planting Plan and Schedule;
- Soil Profiles;
- SUDS Maintenance Schedule; and
- Typical Tree Pit Detail.

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

### 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.

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) Detailed land use is acceptable;
- b) There are any detrimental impacts on the historic environment;
- c) The design, scale, massing and materials are acceptable;
- d) Transport and movement impacts are acceptable;
- e) Amenity for the proposed development is acceptable;
- f) Neighbouring amenity is adequately protected;
- g) Other impacts are acceptable;
- h) Impacts on equalities and human rights are acceptable; and
- i) Representations have been addressed.

#### **a) Detailed land use**

The principle of the development has been established under the relevant planning permission in principle (PPP) (application number 14/02814/PPP) and approval of matters specified in conditions (AMC) (application number 16/03321/AMC).

The proposed mix of uses, which includes a combination of residential accommodation and retail is compliant with the overall mix of uses, approved for the wider development site through the relevant PPP and AMC applications. It accords with Edinburgh Local Development Plan policy Del 2 (City Centre) and Proposal CC 3 (Fountainbridge) and the Fountainbridge Development Brief.

## **Housing use**

Proposed residential units on the site include mid-market rental properties (32no.). Open-market rental properties (32no.) are also proposed on the site. The principle of mid-market rent and open-market rent is acceptable on this site subject to the consideration of detailed aspects such as housing mix, flat sizes and open space provision.

## **Retail use**

Condition 18 requires 70% active commercial frontage onto Dundee Street and the application exceeds this with 78% of the frontage being active. The application includes 44.2m of frontage onto Dundee Street. Within this total, 34.6m is active frontage created by the proposed retail units. The proposed provision of retail units (3no.) in the north of the site at Dundee Street complies with condition 18 of the PPP application, in terms of active frontage requirement at this location.

The proposed mix of uses is compatible with the indicative mix approved under the relevant planning permission in principle (PPP) and approval of matters specified in conditions (AMC). The proposed mix of uses accords with the LDP and the Fountainbridge Development Brief.

## **b) Historic Environment**

### **Setting of Listed Buildings**

LDP Policy 3 sets out the requirement for proposals affecting the setting of a listed building. The site adjoins the boundary of the former North British Rubber Company building, which is category 'C' listed (item LB44936, date 23/01/1998). The proposal will have no detrimental impact on this building. The proposals for public realm will enhance the setting of this building. The proposal complies with LDP Policy Env 3.

## **c) Design, Materials, Scale and Layout**

LDP Policies Des 1 - Des 13 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale, form and materials.

### **Design and Materials**

LDP Policy Des 1 states that proposals should create a sense of place and be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed buildings are modern in appearance. They have full height windows which have similar proportions to traditional Edinburgh tenement windows. The use of projecting and 'Juliet' balconies adds to the visual interest of the design. It echoes the appearance and design quality achieved at the nearby Springside development.

The main external building material is brick and as noted in the Edinburgh Design Guidance, has good weathering characteristics. Brick has been used successfully at neighbouring Springside and on other developments in the wider area. Brick is now a characteristic material of Fountainbridge. The metal windows will have an attractive appearance. The design palette of materials is appropriate for the location. Notwithstanding this, the quality of the external building materials will remain controlled by condition 6 of the 14/02814/PPP permission. The proposal complies with LDP Policies Des 1 and Des 4d.

### **Height, Scale and Massing**

The proposed three to six storeys correspond with those in the general area, both proposed and developed. The height corresponds with the emerging developments in the area and helps to provide a strong urban form in this regeneration area.

In comparison to the approved plans for the planning permission in principle, there is a slight increase in height on the Dundee Street frontage (from 87.50m to 88.00m AOD). The two buildings orientated north-south are stepped in height from north to south (from 79.23m to 83.50m AOD). This represents an increase and a decrease to the approved PPP height of 83.00m AOD in the west building. This also represents an increase and a decrease to the approved PPP height of 82.40m AOD in the east building. The contrast between the taller buildings at Dundee Street and the lower buildings within the courtyard interior of the site will add to the visual interest and character of the development.

The visual impact of the massing of the buildings was assessed as part of the PPP application and it was concluded that the proposal will not materially affect key city views either by breaking the skyline or obstructing landmark features including the Castle. This proposal sits broadly within the height and massing of the plans approved at PPP stage. The application complies with LDP Policy 4a-b.

### **Layout**

LDP Des 2 allows for development which will not compromise the comprehensive development and regeneration of a wider area in a masterplan, strategy or development brief approved by the Council. The proposal is being assessed against the most recently approved masterplan.

The layout at plot W3 has varied from that shown in the PPP. Rather than a full perimeter block originally indicated in the PPP application, the current AMC application removes properties from the south of the site. This allows more sunlight to the garden areas of plot W3 than would be the case were the plot closed off with buildings. The current AMC block layout also reflects the previous AMC block layout, which proposed a principal building on Dundee Street, orientated east-west and two secondary buildings, orientated north-south. This design change is acceptable.

There has been a slight increase in the width of building blocks around the site perimeter. This does not materially impact on the quality of the development.

The Fountainbridge Development Brief seeks a coherent approach to public realm works throughout the area and the approved Fountainbridge Public Realm Strategy aims to establish parameters for the use of materials and street treatments within the Fountainbridge area to ensure that a new high quality urban environment is created while recognising the site's existing characteristics and strategic location.

The Public Realm Strategy also sets down standards relating to lighting concepts, public art opportunities, cycle routes/ cycle provision, play areas, signage, security and safety, management and maintenance and waste management. The proposal presents opportunities to walk through the site from north to south and east to west. The site is also accessible by vehicle and bicycle. The detailed proposals for the public realm put forward by the application are in accordance with the standards.

Although full details of signage for the pedestrian and cycle routes is not supplied, in accordance with the provisions of condition 2 of the planning permission in principle, these matters would be assessed more appropriately under the relevant application for Roads Construction Consent.

The development would sit comfortably with the adjoining buildings. The proposals will provide a suitable density, layout and design solution for the development of the former brewery site which in turn will contribute to the regeneration of the wider Fountainbridge area. The proposal complies with LDP Policies Des 2, Des 4c and Des 7.

The proposed design, materials, scale and layout are appropriate.

#### **d) Transport**

##### **Parking**

Vehicle parking is proposed at street level adjacent to the accessible dwellings. A total of two fully accessible compliant spaces will be provided in this location. Further vehicle parking is proposed to the south of plot W3, within the basement car park at plots W1 and W2.

A condition is included requiring full details of the layout of the two car parking spaces and full detailed design of the proposed loading bay at Dundee Street.

##### **Cycle and Pedestrian**

Cycle parking is proposed within an internal store in the northwest corner of plot W3 to the rear of the retail unit in this location. This will provide 68 cycle spaces for residents use, utilising a two-tier stacked cycle parking system. The current Council Parking Standards require a minimum of 138 secure cycle parking spaces for the proposed residential plot W3 development. A condition is included requiring details of the design of secure cycle storage at plot W3 which complies with the standards.

On-street visitor cycle parking will be provided at two locations in the north of plot W3 at Dundee Street. This will take the form of cycle-stands. A total of 74 visitor cycle parking spaces are proposed throughout plots W1-W4. In addition space has been allocated in the northeast of plot W3 at Dundee Street for the provision of Edinburgh Cycle Hire bicycles.

## **Servicing**

Information has been supplied in relation to waste management, refuse collection and recycling. Waste collection will be provided by the City of Edinburgh Council waste collection service. An internal refuse collection storage area is located in the northeast corner of the site adjacent to a retail unit. This area is accessible from the access road to the east. A secondary refuse collection area is located in the south of the site, within a timber structure. This area is accessible from the community garden and an access road to the south.

## **Developer Contributions**

The S75 legal agreement which was concluded for the planning permission in principle requires contributions to be made towards the Fountainbridge road works and the Roseburn to the Union Canal cycle link, which will benefit the local road network and cycle route connections through the city.

## **e) Amenity for Proposed Development**

### **Housing Mix and Affordable Provision**

LDP Policy Hou 1 supports housing as part of mixed use regeneration proposals within the City Centre. LDP Policy Hou 2 seeks the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility. The Edinburgh Design Guidance requires schemes with 12 units or more to provide 20% of the total number of homes as three bedrooms or more for growing families (91m<sup>2</sup>).

There are a variety of units proposed throughout the site, including a mix of one bedroom flats, two bedroom flats, three bedroom flats and three bedroom duplex apartments. The housing mix proposed across the application site constitutes 18 (28%) one bedroom, 36 (56%) two bedroom and 10 (16%) three bedroom units (which include 8 three bedroom flats and 2 three bedroom duplex apartments).

The affordable housing allocation for the site is proposed to be mid-market rental units. The total number of units proposed (32) constitutes 50% of the total number of residential units at this site, in compliance with LDP policy Hou 6 and relevant non-statutory planning guidance. The remaining residential component of the development will be provided by open-market rental properties.

The general mix of accommodation type and affordable provision would serve a range of housing needs, which would contribute towards meeting the provisions of LDP Policy Hou 2 and relevant planning guidance. The proposal provides 2 units which comply with the Edinburgh Design Guidance requirement for homes for growing families. This equates to 3% of the total number of homes which is substantially below the 20% level recommended as encouraged under LDP Policy Hou 2.

## Flat Sizes

The proposal includes a variety of units, including one bedroom flats, two bedroom flats, three bedroom flats and three bedroom duplex apartments. The internal space standards of all units comply with the recommended standards in the Edinburgh Design Guidance. The floor space of the proposed units are summarised as follows:

One bedroom dwelling (Guidance requires 52m<sup>2</sup>)

- 8 are between 53-54m<sup>2</sup>
- 10 are 52m<sup>2</sup>

Two bedroom dwelling (Guidance requires 66m<sup>2</sup>)

- 2 are 82m<sup>2</sup>
- 14 are between 68-74m<sup>2</sup>
- 20 are 66m<sup>2</sup>

Three bedroom dwelling (Guidance requires 81m<sup>2</sup>)

- 8 are 82m<sup>2</sup>

Three bedroom dwelling with enhanced storage designed for growing families (Guidance requires 91m<sup>2</sup>)

- are 106m<sup>2</sup>

All 18 one bedroom flats comply with or are larger than the 52m<sup>2</sup> minimum standards and all 36 two bedroom flats comply with or exceed the required 66m<sup>2</sup> minimum standards. All 10 three bedroom flats exceed the 81m<sup>2</sup> minimum standards and 2 of these properties exceed the minimum standards for three bedroom flats for growing families.

## Daylighting and Privacy

Across the development, 20 (31%) flats are single aspect, with 44 (69%) flats either dual or corner aspect. This complies with Edinburgh Design Guidance which states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. The guidance also states that where single aspect units are incorporated, it is important to meet the requirements for daylight and sunlight.

The plot development form is based on a perimeter apartment block and an internal courtyard. The development form substantially dictates the quantity of daylight reaching dwellings. The block height reduces from Dundee Street in the north to plots W1 and W2 in the south. The use of floor to ceiling windows helps to maximise daylight in rooms. The open plan nature of the flats allows additional daylight into the rooms. Information provided within the Dwelling Sunlight and Daylight Analysis report and the Design Statement shows that, the flats tested meet the guidance requirements for direct skylight to penetrate at least halfway into all habitable rooms.



The apartment block form includes openings in the south, east and west to allow access to the internal courtyard. The scheme represents an improvement in the level of natural light and sunlight provision which would be available in the courtyard area in comparison with the indicative masterplan scheme due removal of the southernmost perimeter block. In relation to sunlight, the development achieves the requirements for sunlight within new garden spaces.

## **Open Space**

Private amenity space is provided through the provision of a communal courtyard garden, balconies and a community garden and growing space. The courtyard garden is designed around areas of communal lawn and hardstanding spaces.

LDP Policy Hou 3 sets out the requirements for open space to meet the needs of future residents. This indicates that 10m<sup>2</sup> of shared open space should be provided for flats where there are no private gardens. Edinburgh Design Guidance also requires a minimum of 20% of total site area be useable greenspace.

The proposal provides 677m<sup>2</sup> shared amenity space for 42 dwellings through the courtyard garden (370m<sup>2</sup>) and the community garden growing space (307m<sup>2</sup>). This equates to 16m<sup>2</sup> per dwelling. The growing space includes landscaping, play space and raised bed for growing fruit and vegetables. Private amenity space (407m<sup>2</sup>) is provided for 22 dwellings through courtyard garden space (255m<sup>2</sup>), street garden space (75m<sup>2</sup>), balconies (57m<sup>2</sup>) and landings (20m<sup>2</sup>).

The quantity and standard of the amenity space is appropriate, given the site's city centre location and proximity to other amenity space including the canal side.

In respect of open space, the development overall exceeds the quantity of private shared space sought by policy. It should also be noted that the form of development and therefore the parameters in which open space could be provided was established at PPP stage.

## **Lighting**

Details have been provided in respect of external lighting. The strategy includes the use of column and building mounted lanterns. Residential scale lighting columns will be located in the south of the site adjacent to residential properties and the community garden. Building mounted lanterns will be located in the north of the site. A condition is included requiring the submission of full details relating to these matters.

## **f) Amenity for Neighbouring Occupiers**

### **Daylighting and Privacy**

The proposed development is located a sufficient distance from any existing and proposed residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

## **g) Other matters**

### **Archaeological Heritage**

The application provides some detail in relation to a heritage interpretation plan. It includes the reuse of the historic brewery clock. While this proposal is welcomed, the information provided is insufficient to fully meet the requirements of condition 20 of the 14/02814/PPP which requires full details to be provided with each AMC application. A condition is recommended which requires further details of the proposals to be submitted and approved prior to development commencing on site.

### **Biodiversity**

The landscaping proposals which include tree planting, grassed areas, hedge planting, groundcover planting and community growing space, will serve to promote biodiversity at this city centre site. A planting schedule has been submitted, which outlines the proposed groundcover and tree planting that will support biodiversity and is acceptable.

### **Ground Conditions**

The application site has been subject to a number of operations which could potentially result in contamination. A Site Investigation Report and a Phase II Geo-technical and Geo-environmental Report have been prepared during the PPP and AMC process.

A remediation strategy and schedule is required through the use of an appropriate planning condition to ensure that the site is suitable for the proposed use.

### **Drainage and Flooding**

LDP Policy Env 21 does not allow for development which would increase flood risk. The applicant submitted a Drainage Strategy Plan, Flood Risk Assessment and SUDS Maintenance Plan as part of the PPP and AMC process. The applicant has satisfied the Council standards. The proposal includes attenuation tanks, planting schemes and porous paving. CEC Flood Prevention and SEPA have raised no objections and the proposals are acceptable.

## **h) Equalities**

The proposal has been assessed in terms of Equalities and Human Rights. The proposed development will improve the environment following appropriate site remediation and will create public realm, allowing greater accessibility to the canal-side. It will provide secure living accommodation. Its central location offers good access to public transport and public places. The proposals will have a positive impact in respect of rights. The proposals will have a positive impact in respect of equalities.

## **i) Representations**

No material representations were received.

## **Conclusion**

The proposal will further the regeneration of Fountainbridge, providing 64 new homes in a mixed use development. There will be a mix of tenure and housing size with mid-market affordable housing and open-market housing. Ground level commercial uses will help activate the development along Dundee Street. This will contribute to the area's vitality and viability.

The architecture and public realm will provide a form of development that is appropriate to its context in terms of design, scale and materials and it will not impact on the historic environment. There will be no impact on existing residential amenity. The proposals are acceptable in terms of sustainability.

The proposal complies with the development plan. There are no material considerations which outweigh this conclusion. It is recommended that this application be Approved subject to the details below:

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

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

#### **Conditions:-**

1. Prior to commencement of any construction works on site:
  - i) A detailed schedule of remedial and/or protective measures, to address identified risks from land contamination, including their programming and schedule, must be submitted to and approved in writing by the Planning Authority.
  - ii) 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 for the approval of the Planning Authority.
2. Notwithstanding the approved plans, full details of the following shall be submitted to and approved by the Planning Authority, prior to the commencement of development:
  - i) plant species to be used;
  - ii) proposed permeable clay paviers, for use in the public realm;
  - iii) proposed planters/benches, including detailed design, positioning and material specifications; and
  - iv) all external lighting.
3. Notwithstanding what is shown on the approved drawings and supporting information, prior to the commencement of development on site, further details shall be provided of the heritage interpretation plan for the approval of the Planning Authority in consultation with CEC Archaeology.
4. Full details of all cycle stands, including design and specifications and full details of proposed secure cycle parking storage at plot W3 to comply with minimum council standards, shall be submitted to and approved by the Planning Authority prior to the commencement of development.

## Reasons:-

1. To ensure the ground conditions are suitable for the proposed use.
2. In order to ensure that a high quality public realm is delivered on site, in the interests of public amenity.
3. In order to safeguard the interests of archaeological heritage.
4. To ensure good quality cycle parking facilities are provided on site and in the interest of public safety.

## Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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. **ROADS AND TRANSPORT ISSUES**
  1. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;
  2. A minimum of 138 secure cycle parking spaces required for the proposed residential unit. The 67 cycle spaces proposed does not meet the minimum requirement for cycle parking provision.
  3. A layby of clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along Fountainbridge;
  4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);
  5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage,

Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

6. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;

7. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

8. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

9. A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.

10. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)

11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.

The disabled parking bays have to be marked on-street and signed;

12. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

13. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;

14. The visitor cycle parking for the development should be located at convenient locations, near the main entrances;

4. The planning conditions on planning permission in principle 14/02814/PPP apply unless discharged.
5. The planning conditions on matters specified in conditions 16/03321/AMC apply unless discharged.
6. 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.

## **Financial impact**

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

A S75 agreement has been concluded for the related planning permission in principle. The provisions of this agreement require contributions towards the Edinburgh tram project, the Council Open Space Action Plan, the city car club, Fountainbridge Road works, local bus improvements and educational infrastructure.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report. An Integrated Impact Assessment was also undertaken, which addresses equality and human rights

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Neighbour notification was carried out on 14 January 2018. No representations were received.

## Background reading/external references

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- 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 proposal is subject to the approved SESPlan Strategic Development Plan (June 2013). The Strategic Development Plan sets out a spatial strategy which recognises existing development commitments and promotes a sustainable pattern of growth. The strategy promotes economic growth and the delivery of housing in the most sustainable locations.

The site lies within the City Centre as defined in the adopted Edinburgh Local Development Plan (November 2016). The LDP identifies Fountainbridge as a key part in the City Centre Strategic Development Area. LDP City Centre Proposal CC3 Fountainbridge promotes a comprehensive mixed use redevelopment of the land previously occupied by the Fountainbridge Brewery.

**Date registered** 14 December 2018

**Drawing numbers/Scheme** 1-26,

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Keith Luke, Planning Officer  
E-mail:keith.luke@edinburgh.gov.uk Tel:0131 529 5455

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.



LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP 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.

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 Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

**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.

# Appendix 1

## **Application for Approval of Matters Specified in Conditions 18/09769/AMC**

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh**  
**Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.**

### **Consultations**

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#### **Police Scotland response - dated 18 December 2018**

*We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.*

#### **Scottish Water response - dated 21 December 2018**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

##### *Water*

*There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

##### *Foul*

*There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

#### *Scottish Water Disclaimer*

*'It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation'.*

#### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### **SEPA response - dated 3 January 2019**

#### *Advice for the planning authority*

*We have no objection to this planning application. Please note the advice provided below.*

#### *1. Surface Water Drainage*

1.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (recently updated to version C753) published by CIRIA. We would direct the applicant to Simple Index Approach (SIA) Tool (available on line). Where a potential high pollution hazard level is identified by the applicant (as defined in Table 4.3 of the SUDS Manual), direct contact should be made by the applicant with SEPA's Regulatory Services Team (contact details below). In such circumstances a detailed risk assessment is likely to be required (as per section 26.7.3 of the SUDS manual) and our Regulatory Services team will be able to provide advice on the proposals and associated risk assessment as part of the CAR licence process.

1.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

1.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

*Regulatory advice for the applicant*

## 2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,
- o is in excess of 5km, or
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

2.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel 0131 449 7296

### **Roads Authority Issues response - dated 23 January 2019**

*The application should be continued.*

*Reasons:*

*The applicant is required to clarify how many and the type of cycle parking being proposed. The Council's 2017 parking standards requires a minimum of 138 secure cycle parking for the proposed residential unit.*

*The applicant is required to provide the layout of the 2 car parking spaces being proposed and justification for the level of parking as required by the Council's 2017 parking standards. The maximum level of parking permitted under the Council's 2017 parking standards is 64 parking spaces.*

*The applicant is required to provide a detailed design of the proposed loading bay. The proposed loading bay is likely to pose safety concern for cyclist on the southern cycle lane of Fountainbridge/ Dundee Street due to dooring. It is recommended that the applicant consider a design that provides raised physical clearance of hardstanding 0.5m wide between the cycle lane and the proposed 3m wide loading bay. Whilst it is acknowledged that site W4 is already granted CEC Roads will appreciate if the same design could be considered for site W4 loading bay. This approach/design reduces the risk of dooring cyclist on the cycle lane on Fountainbridge/Dundee Street. Please see attached recommended loading bay layout.*

*The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);*

*Should you be minded to grant the following should be included as condition or informatives as appropriate;*

*It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;*

*All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

*Due to the height difference between the gardens on the South West corner of the site and Viewforth a vehicle restraint system assessment will be required due to the possibility of errant vehicles leaving the carriageway.*

*A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department, to safeguard the integrity of the South West corner of the site and Viewforth;*

*A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to the underground parking;*

*The pedestrian/cycle route along that runs parallel to the canal towpath should be built to an adoptable standard and will provide a public right of a passage;*

*In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;*

*The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;*

*The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*

*A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.*

*Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits  
[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)*



*All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.*

*The disabled parking bays have to be marked on-street and signed;*

*Under new RAUC(S) standards the existing footway should not be narrowed to less than 1.8m;*

*Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

*The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;*

*The visitor cycle parking for the development should be located at convenient locations, near the main entrances;*

*The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of Head of Planning and Transport.*

*Note:*

*Scottish Canals require service vehicle access to maintain the canal infrastructure. Vehicle access along the canal towpath requires an agreement with Scottish Canals to ensure that they have maintenance access and that measures are in place to prevent parking misuse.*

*It is understood that the car parking requirements for the proposed development site have already been agreed for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;*

*There are several redetermination orders, traffic regulation orders (parking within the development, speed limits, waiting & loading restrictions) and disabled bays required. These requests will be submitted by WSP once street names are finalised etc;*

*Clarification is required on the tree pit grates to make sure that they are robust, easy to remove for cleansing and are suitable for use and will be approved as part of the Road Construction Consent.*

*Discussions on suitable road materials will be required at an early stage and will be approved as part of the Road Construction Consent;*

*Refuse storage facilities should be no more than 10 metres of an area which can be accessed by a refuse removal vehicle unless factors are involved. It is recommended that the applicant discusses refuse collection with the Waste Services Manager.*

*There are ongoing discussions with the owner of Gilmore Park and the Developer regarding the plans for this section. As this is currently adopted the Council will need to be consulted as this moves forward.*

### **CEC Archaeology response - dated 26 January 2019**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.*

*As stated in my 2014 response to the main application 14/09769/PPP, it was recommended that as part of the overall archaeological mitigation strategy that the site's important industrial heritage be interpreted. Accordingly, condition (20) was attached to ensure this important heritage was interpreted within the final design of this and across the whole development area. This referenced to on page 78 of the Design Statement produced by 7N Architects for this site.*

*Although it lacks detail in terms of this site, it does however recognise this sites part in the overall design with the use of planting to reflect its industrial past to be incorporated. Accordingly, I'm that in terms of this plot W3 that the applicants are satisfying the aims of condition 20.*

### **CEC Waste Management response - dated 7 February 2019**

*I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.*

*I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers have been in touch with me, and I have advised on the current plans.*

*I understand that there will be 64 units in W3, and current plans are to have a main bin store and a secondary bin store, with all properties to be serviced by communal bins in these bin stores.*

#### **Compliance with Waste Strategy (Domestic Waste Only)**

*The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).*

*The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.*

*For these high density properties, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.*

*Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.*

### *Waste Management Responsibilities*

*The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.*

*The commercial aspect would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.*

*Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.*

### *Operational Viability*

*Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.*

*The current vehicle tracking is acceptable, but we would need to be consulted on any changes to the road layout to ensure continued safe access is possible.*

*I would recommend continued contact with me to ensure the adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.*

## **CEC Affordable Housing response - dated 15 February 2019**

### *1. Introduction*

*Recommendation - Onsite delivery by the City of Edinburgh Council, in excess of minimum 25% requirement*

*I refer to the consultation request from the Planning Department about this planning application.*

*Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

## *2. Affordable Housing Provision*

*This application is for a development consisting of up to 64 homes in plot W3 and as such the AHP will apply. There are 435 units in total across the wider site, therefore the affordable housing requirement is 25% (108 units). It is noted that plot W4 is entirely for social rent (112 units) and therefore the affordable housing requirement across the wider site has been exceeded with these units. Affordable units on plot W5 are therefore surplus to minimum requirement and this is welcomed by the department.*

*The applicant has stated there will be a mix of studio, one, two and three-bedroom flatted units on site. The affordable units will be a representative mix of one, two and three-bedroom units. Again, this is welcomed by the department. In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links at Fountainbridge/ Lothian Road and are located next to local amenities.*

*21st Century Homes will take forward the affordable housing and deliver an integrated and representative mix of affordable housing across the wider site.*

*This development is contributing to more than 25% on site affordable housing. On that basis, we recommend approval.*

## *3. Summary*

*The recommended level of affordable housing has been exceeded across the wider site and this is welcomed by the department.*

- o The minimum of 70% of the affordable housing on site for social rent has been exceeded*
- o The applicant is requested to confirm the location of the affordable homes within W3 prior to the submission of any future applications*
- o The affordable homes will be designed and built to 21st Century Homes design standards and requirements.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

*We would be happy to assist with any queries on the affordable housing requirement for this application.*

## **CEC Flood responses**

*17 December 2018*

*Please can you request that the applicant submits information that follows the self-certification guidance.*

*10 January 2019*

*We are happy to accept the documents submitted for 16/03321/AMC to be used for this application.*

*Condition 10 on the decision for 16/03321/AMC is not applicable to this part of the masterplan as there is no underground car park.*

*Condition 13 on the decision for 16/03321/AMC requires submission of a maintenance schedule for the SUDS infrastructure. I believe that this is still to be submitted by the applicant.*

*01 March 2019*

*This is adequate to address our concerns and we have no objection to discharge of the condition (13).*

## **Roads Authority Issues response - dated 28 March 2019**

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

- 1. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;*
- 2. A minimum of 138 secure cycle parking spaces required for the proposed residential unit. The 67 cycle spaces proposed does not meet the minimum requirement for cycle parking provision.*
- 3. A layby of clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along Fountainbridge;*
- 4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);*
- 5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

6. *In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;*

7. *The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;*

8. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*

9. *A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.*

10. *Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)*

11. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.*

*The disabled parking bays have to be marked on-street and signed;*

12. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

13. *The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;*

14. *The visitor cycle parking for the development should be located at convenient locations, near the main entrances;*

*Note:*

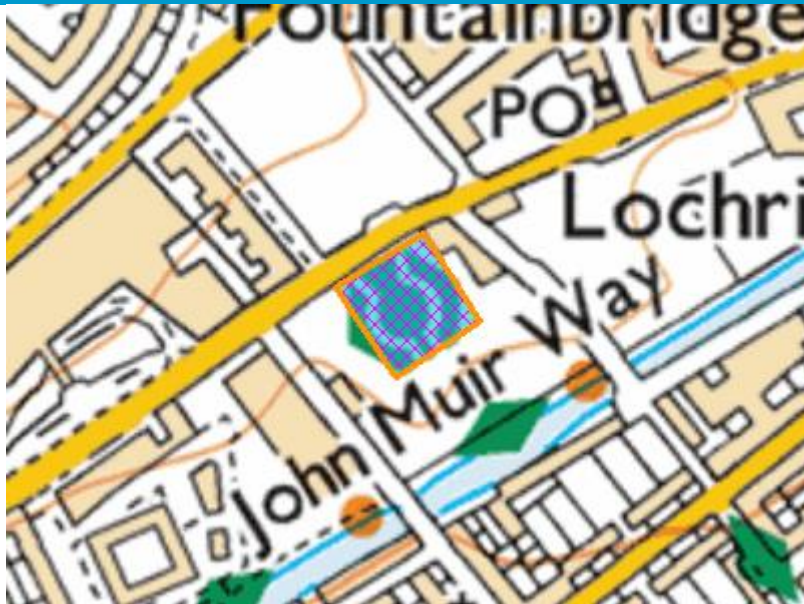
*o The applicant proposes 2 car parking spaces and complies with the Council's parking standards. This is acceptable because the site is highly accessible by public transport.*

*o Scottish Canals require service vehicle access to maintain the canal infrastructure. Vehicle access along the canal towpath requires an agreement with Scottish Canals to ensure that they have maintenance access and that measures are in place to prevent parking misuse.*

- o It is understood that the car parking requirements for the proposed development site have already been agreed for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;
- o There are several redetermination orders, traffic regulation orders (parking within the development, speed limits, waiting & loading restrictions) and disabled bays required. These requests will be submitted by WSP once street names are finalised etc;
- o Discussions on suitable road materials will be required at an early stage and will be approved as part of the Road Construction Consent;
- o Refuse storage facilities should be no more than 10 metres of an area which can be accessed by a refuse removal vehicle unless factors are involved. It is recommended that the applicant discusses refuse collection with the Waste Services Manager.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

## Application for Approval of Matters Specified in Conditions 17/05306/AMC

**At Granton Harbour, West Harbour Road, Edinburgh  
Granton Harbour plots 29 and 35: Housing, hotel and  
serviced flats development. Application for approval of  
matters conditioned regarding the erection of buildings  
containing residential flats, hotel and serviced apartments;  
formation of road access, parking, and open space (AS  
AMENDED)**

Item number	4.9
Report number	
Wards	B04 - Forth

### Summary

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The proposed uses as hotel, serviced apartments and residential development are compliant with those in the approved masterplan. The uses also accordance with the provisions of LDP policy Del 3 (Edinburgh Waterfront) and the LDP Edinburgh Waterfront principles for development for Granton Harbour.

However, the proposed layout of the development is contrary to the provisions of LDP Policy Del 3 (Edinburgh Waterfront) and LDP Policy Des 2 (Co-ordinated Development) as it fails to provide a comprehensively designed proposal which accords with the Edinburgh Waterfront - Principles of Development for Granton Harbour, including the completion of the perimeter block form and providing the relevant section of the waterside promenade.



The proposals for plots 29 and 35 are contrary to LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing Features) as it has not been demonstrated how the height, positioning and design of these buildings would protect or enhance local views which contribute to the sense of place, in this case at Granton Harbour and waterside locations.

Furthermore, the proposals are contrary to LDP Policy Des 4 (Development Design - Impact on Setting) as it has not been sufficiently demonstrated how the resulting impacts of both buildings' height and massing would impact on their surroundings, including wider townscape and landscape and views.

The lack of active frontages at the proposed hotel development, raises significant concerns regarding opportunities for enlivening the streetscape and providing passive surveillance, as promoted under LDP Policy Des 5 - Development Design- Amenity). The lack of opportunities for passive surveillance at plot 29, also conflicts with the provisions of this policy.

The proposals for plot 35 are also considered contrary to the provisions of LDP Des 1 (Design Quality and Context), owing to the impacts of its substantial height, scale, massing and design and limited active frontage provision on the character, appearance and sense of place at this prominent, waterfront location. The proposals are further contrary to the provisions of LDP Policy Des 10 (Waterside Development) as it has not been found to provide an attractive frontage to the waterside, as provided for under this policy.

The proposals for pedestrian and cycle access are contrary to the provisions of LDP Policy Des 7 (Layout Design) which promotes walking, cycling and the provision of safe and convenient access in and around the development site, with particular regard to the needs of people with limited mobility or special needs, owing to the shortcomings identified.

The proposed level of parking provision throughout the application site, which exceeds the maximum level required in the Edinburgh Design Guidance, is contrary to the provisions of DLP Policy Tra 2 (Private Car Parking) and fails to comply with the Council's wider strategy of encouraging the use of journeys made by more sustainable transport modes.

The quantity of private open space meets the level of requirement under LDP Policy Hou 3 (Private Open Space). However, the layout of the public open space is considered contrary to the provisions of LDP Policy Des 7 (f) (Layout Design) and LDP Policy Env 20 (Open Space in New Developments) as it fails to provide safe and suitable connections to pedestrian and cycle routes, around the site.

The proposals are also contrary to the provisions of LDP Policy Des 5 (Development Design- Amenity) as insufficient information has been submitted to demonstrate that neighbouring amenity would be adequately safeguarded and that daylight provision for future occupiers would be provided, in accordance with the provisions of the Edinburgh Design Guidance.

## Links

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[Policies and guidance for this application](#)

NSGESS, NSESBB, LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN08, LEN09, LEN13, LEN14, LEN15, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LEMP10, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

# Report

## **Application for Approval of Matters Specified in Conditions 17/05306/AMC**

**At Granton Harbour, West Harbour Road, Edinburgh  
Granton Harbour plots 29 and 35: Housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED)**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site is located at the northern end of West Granton Harbour. The proposal site forms two plots, Plot 35 which fronts onto Granton Harbour and Plot 29, which is located on its western side. The north facing boundary of this plot faces on to a water feature. The two plots measure approximately 1.8 ha in total and are irregular in shape. The site is currently vacant.

There is some road infrastructure in place around the site perimeter, namely Merlin Way and Stopford Way to the south and south west and Stopford Lane West, which runs between these two plots. Stopford Street, on the north west side of plot 29 is also in place.

The category 'B' listed, Western Breakwater (item number 30219, listed 28 November 1989), constructed between 1842 and 1863, lies on the eastern side of plot 35, with part of its eastern flank being located under the application site.

#### **2.2 Site History**

Relevant history to the site:

20 June 2003 - Outline planning permission granted for the Granton Harbour Village, mixed use development comprising residential units, hotel and serviced apartments, shops and retail /services, restaurants /cafes, public houses, general business, leisure facilities and marina. This permission includes a legal agreement to secure contributions towards education and transportation infrastructure, 15% affordable housing, restrictions on future tenancies within Granton Industrial Estate and the long term maintenance and upkeep of the Western Breakwater (Application reference 01/00802/OUT.) The approved uses included:

RESIDENTIAL - up to 3,396 units;  
BUSINESS/COMMERCIAL uses of up to 23,190 sqm (including one 120 bed hotel);  
RETAIL units, limited in size to 250sqm, with the exception of one retail unit with a maximum gross floorspace of 1,500 sqm;

4 March 2009 - Application approved to discharge the following reserved matters, (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; (1) existing and finished ground levels. This approval was subject to conditions, requiring further information to be submitted within 1 year, on landscaping of public open space, proposed rock revetment, play equipment, configuration of roads and other access provisions, the proposed drainage scheme and related implementation provisions and maximum unit numbers per plot (Application reference 06/03636/REM).

Note: The illustrative massing plan which was excluded from the approved plans, indicated a maximum of 36 residential units at plot 29. At Plot 35, the location and site area differed, owing to the removal of a previously proposed area of reclaimed land. The relevant proposals included 353 units, 106 of which were for affordable housing provision.

31 January 2014 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. The application (which included revisions to the mix of uses and changes to the layout and phasing programme, from those approved under application 06/03636/REM), was subject to a number of conditions requiring further details to be submitted for approval regarding: car parking, landscaping, and the shared cycle way on Western Harbour Road. The maximum heights of buildings at plot 35 (5-7 storeys) and proposals for Middle Pier were excluded by conditions from this approval. (Application reference 13/04320/AMC).

Note: The maximum number of residential units throughout the masterplan site was reduced from the approved number of 1980 to 1099. This figure included 36 units, within a two to three storey development at plot 29 and a proposed 100 bed hotel and residential flats at plot 35, 50 of which were allocated for affordable housing.

18 November 2015 - Application for approval to discharge a selected number of reserved matters which were attached to the outline planning permission under condition 2, including the siting and height of development; design and configuration of public and open spaces; access and road layouts; and footpaths and cycle routes approved (Application reference 14/05305/AMC).

Note: This revised master plan included a reduced site area for housing but increasing the density. The total number of residential units was increased from 1,980 to 2,094. At plot 35, a 128 suite hotel and serviced apartments was proposed and 1488sqm of commercial floor space. The building height at plot 35 was increased to 5-7 storeys. The number of approved residential units at plot 29 was increased to 76, to be accommodated within a two to three storey perimeter block.

2 February 2017 - Application approved for the approval of matters specified in condition 2, covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 2) approved. However, the matters applied for in relation to plots 8C, 12, 14, 15, 15A, 16, 17, S1, S2 and 35 were not approved. At plot 35 the proposed changes included the removal of all residential accommodation and use of site for a 92 suite hotel with serviced apartments (Application reference 16/05618/AMC).

Note: The proposed changes for Plot 35 were excluded from this approval, owing to design concerns associated with layout and mix of uses. This is the most up to date master plan for the Grantor Harbour area.

31 May 2017 - Application submitted for approval of matters specified in condition 2, covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Grantor Harbour, West Harbour Road (Application reference 17/02484/AMC). This application is pending determination. The layout and massing details accord with those in the current application.

2 February 2019 - Planning application submitted for formation of access roads and footways and public realm; and associated quay edge retention scheme, to serve the Grantor Harbour plot 29 (residential development) and plot 35 (hotel development). Application pending determination (Application reference 19/00844/FUL).

*Other recent applications within Granton Harbour plots:*

16 May 2017 - Application for approval of matters reserved by condition for erection of buildings containing 104 retirement flats and ancillary accommodation; formation of road access, underground parking, internal private open space, and public square. Application site located to south east of current application site granted on 27 November 2017 (Application reference 17/01219/AMC).

15 December 2017 - Application refused for Approval of Matters Specified in Conditions, regarding the erection of a healthcare super hub and five units in Class 1, Class 2 and Class 3 use on Plot 19B to the east of the site (Application reference 17/02865/AMC).

6 March 2019 - Application for approval of matters for plots 7b a,b,d and 8c under application ref; 01/00802/OUT, (for erection of buildings containing perimeter block residential flats, formation of road access, basement parking and open space) refused (Application reference 18/02812/AMC).

6 March 2019- Application for approval of matters reserved by condition submitted for proposed marina office with associated retail, cafe space and community boat yard (as amended) granted (Application reference 18/02833/AMC).

20 March 2019 - Application for approval of matters conditioned, approved regarding the erection of buildings containing 18 houses and 144 flats; formation of road access, parking, private and public open space approved for Plots K, O, P, Q U, T. (18/02721/AMC).

## **Main report**

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

The proposal seeks to primarily deal with the matters specified in condition 2 of the outline planning permission 01/00802/OUT.

The matters specified in condition 2 include detail of the siting, design and height of development including external features; design and configuration of open spaces; floor levels external finishes and materials; car and cycle parking, access, road layouts and service areas; footpaths and cycle routes; boundary treatments; and hard and soft landscaping details.

Information has also been submitted to deal with other more general conditions on the outline permission. In summary, these include:

3a) *Noise Assessment:*

3b) Site survey and measures relating to landfill gases and any required protective measures.

3c) Site survey relating to contamination and any required remedial/protective measures.

6) Surface Water disposal arrangements.

This application relates to plots 29 and 35.

#### **Plot 29**

The proposals for Plot 29 is for the erection of a block of residential apartments and associated open space. The apartment block would be eight storeys in height and the 108 flatted dwellings would comprise 19 x one bedroom, 82 x two bedroom and seven x three bedroom flats. As the submitted accommodation schedule does not match the floor plans, these figures have been taken from the floor plans.

The block is located along the south eastern boundary of the site, with the ground floor level being elevated above the street frontage. The basement area below, which extends across the full width of this plot, accommodates the parking facilities for the proposed flats. An area of amenity space, for the use of both residents and the general public is proposed on the landscaped deck above. The proposed ground floor flats have separate private garden grounds. Balconies have been provided to some of the flats on the upper levels.

It is unclear from the floor plans if the balcony on the seventh floor is a shared terrace or will be divided for use by separate flats. It is also unclear how the terrace will be accessed from each unit.

The proposed facing materials are Jura limestone cladding and white render. The proposed balconies are constructed of frameless coloured glass. The proposed roofing material is grey single ply membrane.

### **Plot 35**

The proposed building at Plot 35 is seven storeys high, with basement parking. It contains a hotel and 98 serviced apartments. Serviced apartments are classed as a sui generis use under the planning regulations and do not constitute mainstream residential accommodation. The hotel accommodation would be provided in the eastern side of the building and comprise 186 hotel rooms. The western wing of the building contains 98 serviced apartments.

In addition to the above, the proposed hotel contains the following ancillary elements:

- Spa and fitness suite 1340 sqm at ground level and 1024 sqm mezzanine
- Function Suite 747 sqm
- Bar and Restaurant 841 sqm
- Bistro 464 sqm
- Retail 108 sqm
- Cigar bar 286 sqm

The hotel building would be finished in dark grey/ brown Corium brick cladding, Jura Stone Exterior cladding, aluminium cladding and black glass curtain walling and black Alucobond roof.

### **Parking and Access**

Parking for both sites is at sub floor level. The car parks would be accessed via vehicle ramp from Stopford Way, with an exit point onto North Breakwater Road, via Stopford Lane West. Hotel drop off would be from lay-bys on the Stopford Lane West and Stopford Parade frontages.

Two principal pedestrian access points are provided to the proposed hotel on the east and west sides of the central building.

Pedestrian access to the frontage of the flats at plot 29 is provided via steps from the footway at street level, leading to a raised footway on Merlin Road.

Pedestrian access to the rear is proposed via steps on Stopford Street to the west, leading to the shared garden grounds and entrances to the rear of the building. Alternative access is proposed, via the pedestrian ramp to the landscaped deck off Stopford Lane West.

Inclusive access to the flats is provided via a platform lift to the north west, on Stopford Street, or the pedestrian ramp leading to the landscaped deck off Stopford Lane West.

There is provision for a total of 313 car parking spaces within the proposed underground car park, serving both plots 29 and 35. This provision can be broken down as follows:

Plot 29 apartments - 108 car spaces - 216 cycle spaces - 5 Motorcycle spaces.

Plot 35 hotel and serviced apartments - 265 car spaces - 216 cycle spaces -14 motorcycle spaces.

8 percent of the parking spaces are suitable for accessible use.

The applicant has indicated that 53 car parking spaces would be fitted with electric charging points.

### *Landscaping and Open Space*

The main area of open space is provided on the landscape amenity deck situated above the underground parking area, to the rear of the proposed apartment block. The area closest to the apartment building is allocated for the use of residents and separated by a 1.2 metre high wall. Gardens to ground floor flats are located behind this semi private amenity space. The remaining area of open space is for use by the general public, including hotel guests and includes a play area. Details of the proposed play equipment have not been submitted. The proposals include a detailed planting schedule. The main surfacing materials include buff gravel, clay pavements and sandstone slabs.

A landscaped courtyard is also provided next to the hotel entrance at the rear of the proposed hotel.

### *Boundary treatment*

The proposals include:

A 1.7 metre high Corium, tiled wall, with a 0.5 metre high frameless, glazed balustrade above, bounding the raised terrace on the hotel frontage;  
A 1.7 metre high Jura stone wall with a 0.5 metre high black metal fence above, on the bounding the Merlin Road frontage of the flats, and the perimeter of the open space and shared garden grounds on Stopford Street and part of Stopford Lane West;  
A 0.4 metre high seating wall separating the paths and planted areas within the public open space; and  
A 1.2 metre high Jura stone wall bounding the shared private garden grounds to the rear of plot 29; and a 1.2 metre high Jura stone wall bounding the shared private garden grounds to the rear of plot 29.

### **Previous Schemes**

The submitted plans have been updated to:

- amend car parking layout;
- update the landscaping and open space detail;
- update the residential floor areas;



- include swept path analysis;
- provide clarification on pedestrian and vehicle access arrangements;
- internal changes to hotel layout;
- show kitchen extraction fan location;
- Include details of external furniture and lighting proposals;
- include additional details of proposed landscape planting scheme and maintenance proposals; and
- provide some detail of play area.

### **Supporting Statements**

The following documents have been submitted in support of the application:

- Design and Access Statement;
- Daylight and Sunlight Report and additional statements;
- Flood Risk Assessment and Surface Water Management Plan;
- Energy Statement;
- Sustainability Form;
- Noise Assessment;
- Environmental Risk Assessment; and
- Supporting summary statements on Cycle Parking Provision, Affordable Housing and Daylighting and Sunlight and Design.

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

### **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 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 development complies with the planning permission in principle;
- b) the matters for further approval are acceptable;
- c) there are any other material considerations;

- d) there are any equalities or human rights impacts; and
- e) the representations have been addressed.

a) The development complies with the planning permission in principle

The principle of mixed use development at Granton Harbour was established through the granting of outline planning permission in 2003 (Reference 01/00802/OUT). The proposals comply in general terms with the overall range of uses approved under that consent, which included residential accommodation, and leisure related uses, including a 100 bed hotel.

### **Proposed Uses**

Various masterplans have been approved for Granton Harbour under the terms of the original outline consent.

The proposed uses at plot 35 comply with the Masterplan approved under application number 14/05305/AMC, which provided for a (128 suite) hotel and serviced apartments. Whilst the proposals do not include the 1488sqm of commercial floor space approved under that application, ancillary commercial and leisure uses are proposed at ground and mezzanine levels. They include a spa and fitness suite, function room, bar and restaurant and retail use.

The proposed residential use at plot 29 complies with the masterplan approved under application number 14/05305/AMC and the most recent masterplan (application reference 16/05618/AMC), which provides for residential units at plot 29. However, the number of residential units at 108 rather than the approved 79, increases the density of that site.

Based on the above considerations, the proposed uses as residential development on plot 29 and a hotel and serviced apartments on plot 35 accords with the original outline consent although it differs from subsequent approval of matters conditions.

### *Layout, Height and Massing of Development*

There have been a number of planning applications which included height and massing details for plots 29 and 35 in the proposed layout. These include:

- Planning permission reference 13/04320/AMC, which included two to three storey buildings around the full perimeter of plot 29. However, the proposed development at plot 35, which was six to seven storeys on the quayside frontage and five to six storeys to the sides and rear was excluded from that consent.
- Planning permission reference 14/05305/AMC the heights of the buildings at plot 29 remained two to three storeys on the full perimeter. The heights of the hotel at plot 35 was seven storeys at the front and five to six storeys on its sides, with no development to the rear.

- Planning permission reference 16/05618/AMC also included two to three storeys buildings on the full perimeter of plot 29. However, the proposed layout and storey heights for the building at plot 35, which was identical to that approved under application 14/05306/AMC, was excluded from the planning consent. This was largely to address concerns regarding the potential for overshadowing of residential properties on that part of the plot. The current proposals, exclude the previously proposed built frontage on the eastern boundary of plot 29.

The layout currently being considered for plot 29 excludes the previously proposed development on the east and northwest sides of this plot, removing the full perimeter coverage on this part of the masterplan site, which is contrary to all approved masterplan layouts.

Although the proposed hotel building at plot 35 generally accords with the positioning and storey levels indicated on the massing plan approved under application 14/05306/AMC, the massing arrangement to the rear differs. The floor plan at first floor level occupies a much larger proportion of the rear courtyard than previously. The area of public open space at this location is therefore smaller in scale. The roofs of this additional ground floor hotel accommodation are identified as terraced areas. Furthermore, the approved massing plan did not specify detailed building heights.

At eight storeys in height, the block of flats at plot 29 is significantly greater in height and scale than the two to three storeys indicated in all previous masterplans. Instead of being positioned around all sides of the perimeter block, the proposed development is now all concentrated within a single block of flats facing onto Merlin Road.

The impacts of the proposed layout, siting, massing, design and materials of each plot is assessed in turn below.

## b) Matters for Further Approval

### *Plot 29 - Building Layout and Siting*

LDP Policy Des 2 (Co-ordinated Development) provides for a comprehensive approach to redevelopment, based on the masterplan strategy or development framework, as identified in the LDP Edinburgh Waterfront (Granton Harbour) Development principles (EW 2C). In terms of development layout, the principles provide for the formation of a perimeter block form.

As previously mentioned, the proposed layout on plot 29 is a deviation from previous versions of the masterplan, which included built frontages on all sides of plot 29. The lack of built frontages to the sides and rear of plot 29 would compromise the integrity of the existing perimeter block urban form, which is expected to be delivered through the Edinburgh Waterfront Development Principles for Granton Harbour under LDP EW2c. The proposals are therefore contrary to LDP Policy Del 3 (Edinburgh Waterfront), as it fails to provide a comprehensively designed proposal which accords with the Granton Waterfront Development principles. Furthermore, the resulting open ended form of this layout would restrict opportunities to provide a good standard of community safety and well defined open space provision for future residents, contrary to the relevant provisions of LDP Des 5 (Development Design- Amenity). This impact is considered further, under section 3.3 (b) Residential Amenity).

The impacts of the proposed layout on the pedestrian and cycle network, part of which is identified under the Granton Waterfront Development Principles, and is also a requirement of LDP Des 7 (Layout Design, are addressed in section 3.3b) (Access and Parking).

#### *Plot 29 - Building Height*

The substantial increase in height at plot 29 from that approved under previous applications has been the subject of significant representation from surrounding property owners and occupiers. The roof height is mainly 28.42 metres high (34.42 metres AOD). It is greater than the 5 storeys approved at the adjacent plot to the east. The visual impact of this large building mass has been slightly mitigated through the incorporation of a 'saw tooth' shaped, central section of roofline which provides some articulation and visual interest to the building profile at this prominent, waterside location. However, it is not significant enough to reduce the visual impacts of the building height and massing on the streetscape. There are existing and proposed buildings within the Masterplan area, (including those approved for plots 26, 27 and 28 to the south) which already reach or exceed this height in places. However, these buildings are generally narrower in profile, or the height and massing are modulated to achieve a more varied townscape and skyline.

At over 30 metres in height there is a risk that this building would impact on CEC key view 32c (Firth of Forth), as identified in the Edinburgh Design Guidance, due to its prominent position, height and massing. However, as no details of impacts on verified views have been addressed in the submissions, it is not possible to ascertain the extent of any such potential impacts on the city's landscape backdrop. The proposal is therefore contrary to LDP policy Des 4 (Development Design- Impact on Setting) which requires that development should have a positive impact on its surroundings, including impacts on the character of the wider townscape and landscape, including existing views.

Furthermore, it has not been sufficiently demonstrated how the scale and positioning of such a large building would protect or enhance local views, including the waterfront and canal-side, which contribute to the sense of place at this waterside location. The proposals are therefore considered contrary to LDP Policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features). The resulting amenity impacts of the building height are addressed in other sections of this report.

#### *Plot 29 - Design and Materials*

Notwithstanding concerns regarding height and scale, the building design detailing, including façade treatment, fenestration and roof profile design, are similar to those on neighbouring buildings and are compatible with the emerging character of this new city area. The grouping of the windows in double columns, together with other vertical features on the frontages and at roof level, to some extent, serve to break up the effects of the building's significant horizontal massing on this waterside frontage.

The provision of small front gardens bounded by walls and railings, have the potential to enhance the streetscape and this canal-sides setting. However, the significant level of underbuilding required in order to accommodate the underground car park and guard against the risk of flooding, has resulted in an equivalent difference in height between the footway at street level and the ground floor level of the flats. The street will effectively be adjoined by a high wall, reducing the effectiveness of this enhancement and related opportunities for passive surveillance. As no detailed sections have been provided for this element of the development, it is not possible to establish the full extent of such impacts.

Further consideration is given to the impacts of the proposed built frontages at street level, when addressing the effects of the development on residential amenity, in section 3.3 b) (Access and Parking) of this report.

The use of Jura stone in the finalised scheme and white render on the external walls provides visual coherence between plot 29 and surrounding plots. The glazed balustrades are in keeping with the building's contemporary style and with that of other buildings in the locality. The proposed materials for this building are generally appropriate within the context of the site and the surroundings, in accordance with the relevant provisions of LDP policy Des 4 (Impact on Setting) and the Edinburgh Design Guidance.

If the committee is minded to grant the application, the use of a condition, requiring the submission of full specifications and samples of all proposed external facing materials, will be required to ensure that the detailed specifications are acceptable. The merits of the proposed open space and landscape design associated with this plot are considered under section 3.3 b) (Landscape) below.

#### *Plot 35 - Building Layout and Siting*

The positioning of the hotel building on this prime waterside location, accords with the Edinburgh Waterfront Development principles. The increased massing of the building to the rear, in comparison with that approved under application 14/05305/AMC, has resulted in an equivalent loss of open space on this plot. The merits of the proposed public open space provision which is now being provided at plot 29 is considered in the Open Space Provision and Landscaping section of this report.

The omission of the waterside promenade to be provided on the hotel frontage from these proposals has prevented the opportunity for the important relationship between this building and its waterside setting to be considered in a co-ordinated manner and to ensure that this crucial section of Edinburgh Promenade is delivered in a timely manner. In this respect the proposals fail to meet the provisions of LDP Policy Des 2 (Co-ordinated Development), in terms of providing a comprehensive approach to redevelopment, based on the masterplan strategy or development framework, which in this case are identified in the LDP Edinburgh Waterfront (Granton Harbour) Development principles (EW 2C).

The related application reference 19/00822/FUL, which is currently under consideration, includes provision for this promenade, along with those for the missing section of road to the west of this site. If the committee are minded to grant the current application, a condition would be required, to ensure that no development commences until planning consent has been granted for the installation of the relevant section of promenade and road on the west side of this plot, together with the reinforcement of the quayside at this location.

The position of the proposed taxi drop off facility to the rear of the hotel, opposite the entrance to the public open space, has the potential to impact on pedestrian and cycle safety as considered further under section 3.3b) Access and Parking).

### *Plot 35 - Building Height*

The proposed height of the hotel on its front elevation is approximately 32.5 metres AOD, which is similar to that proposed in the massing plans for applications 13/004320/AMC, 14/03505/AMC and 16/05618/AMC. The building design for plot 35 was specifically excluded from the matters approved under both the 2013 and 2016 applications, due to amenity concerns related to the combined impacts of height and layout at this plot and plot 29. However, the massing was approved under the 2014 application.

At over 30 metres AOD, there is a risk that this building would impact on CEC key view 32c (Firth of Forth) due to its height, scale and uniform massing. However, as no details of impacts on verified views have been addressed in the submissions, it is not possible to establish whether the proposed building would intrude on such views and cause any negative impacts on the city's wider landscape. It is acknowledged that the proposed hotel has been envisaged as a landmark building in this area. However, in the case of Edinburgh, landmark buildings are generally characterised by having a relatively slim, or more articulated profile, unlike this building. The proposals are therefore considered contrary to LDP policy Des 4 (Impact on Setting) which requires that proposals for new developments should demonstrate that they will have positive impact on their surroundings, including the character of the wider townscape and landscape and impact on views.

Furthermore, it has not been sufficiently demonstrated how the height and positioning of this key, waterfront building will impact on local views, including of the Granton Waterfront, which contribute to the sense of place at this focal location within the masterplan area. The opportunity has not been taken for its substantial, monolithic form to be articulated more carefully, in order to respond positively to the character of the surrounding townscape. The proposals therefore fail to demonstrate that the development provides for the protection of landscape character and views, as required through the provisions of LDP policy Des 3 (Incorporating and Enhancing Existing and Potential Features).

### *Plot 35 - Building Design and Materials*

The proposals have been amended to include some building materials which are generally more consistent with the emerging character of the Granton Harbour area. The use of grey corium brick panels and Jura stone cladding has been used elsewhere in the masterplan area and would provide some visual connection between the developments on adjacent plots. These materials are considered consistent with the provisions of LDP 4 (d) Development Design - Impact on Setting) in respect of the use of materials. The use of contrasting black glazing would serve to differentiate this hotel building from the neighbouring residential developments. However, it is not clear how its appearance on this conspicuous waterfront facade would enhance the area's sense of place or enliven the streetscape. It will reduce the opportunities to animate the public realm at this key waterfront location. This would be more readily achieved through the use of transparent glazing, particularly at ground floor level. More detailed specifications for this glazing and other materials would be required by condition, should this application be approved.

The entertainment and commercial frontages associated with the proposed hotel are raised above street level, in order to safeguard against flooding and to accommodate the underground car park. This configuration has limited the opportunities to create an active frontage on this building and to enliven the street scene at this prominent waterfront location. The provision of a raised terrace, on this frontage to be used as sitting out areas for the proposed bar and leisure uses, would create some opportunity to enliven this frontage. However, although open to the promenade, this relatively narrow terrace is approximately 1.6 metres above ground level, which also restricts its potential to activate this waterside frontage and provide passive surveillance.

The rear elevations of the hotel on Stopford Lane have no active frontages at lower level and fail to enhance or enliven this key route to the public open space and the waterfront, or provide opportunities for natural surveillance. In this respect the proposals fail to meet the relevant requirements of LDP Policy Des 5 (Development Design - Amenity).

It is further found that the hotel frontage has not been designed in a manner which would provide an attractive frontage to the waterside, as required through the provisions of LDP Policy Des 10 (Waterside Development). The lack of active frontages at street level generally, is also contrary to the provisions of LDP Policy Des 5 (c).

Given the concerns associated with its substantial height scale and massing and lack of articulation and active frontage provision, it is not accepted that this building would complement the harbour's historic character or reinforces its context, as maintained in the Design and Access Statement. The proposals are therefore considered contrary to the provisions of LDP Policy Des 1 (Design Quality and Context).

## **Roads Layout, Pedestrian and Cycle Routes and Parking and Servicing**

### *Roads Layout*

LDP Policy Des 7 (Layout Design) seeks a comprehensive and integrated approach to building layouts, streets, footpaths, cycle paths, public and private open spaces, with new layouts designed to encourage walking and cycling, and minimising the potential conflict with motorised traffic. It further promotes safe and convenient access around the development, especially with regard to the needs of people with limited mobility or special needs.

LDP Policy Des 5 (Development Design - Amenity) provides that community safety will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open spaces.

The application site includes incorporates the footways of public roads on the periphery of the application site, but not the road carriageways themselves. The only exception is Stopford Lane West, which is already in place, but would require reconfiguration. The proposed roads on the quayside frontage (Stopford Parade) and on the northern side of block 35 (North Breakwater Road) are the subjects of planning application reference 19/00844/FUL, which is currently under consideration. Other roads bounding the site were approved under application reference 05/00500/AMC. Cumulatively these roads would complete the street layout for this development phase, and would generally be compatible with the overall grid layout within the masterplan area, as specified in the Development Principles for Granton Harbour under LDP Proposal EW2c.

If the committee is minded to approve this application, a condition would be required, to ensure that no development commences on site until planning permission for the additional roads infrastructure required has been granted.

### *Pedestrian and Cycle Routes*

In terms of pedestrian and cycle movement, the applicant submitted plans showing the possible pedestrian and cycle movements within and between the two plots. This includes details of disabled accessed to the areas of public open space. The details are referred to in the Proposals section of this report.

The proposals for pedestrian and cycle access facilities raise a number of matters of concerns relating to accessibility and quality of public realm. These include:

- a) Difficulties for pedestrians using the public footway on the perimeter of the proposed hotel building, owing to the presence of the ground floor terrace and steps serving it and related drop off laybys.
- b) Inconvenient, unwelcoming and potentially unsafe pedestrian and cycle access provision, particularly for those with mobility limitations, or special needs, to the public open space. (This is via the ramp at either end of the road between plots 29 and 35, with an entrance at a poorly overlooked location which is dominated by the hotel drop off facility).
- c) A generally unwelcoming and potentially threatening pedestrian environment, due to significantly raised height of ground floor windows, in relation to public footways.



As previously stated, this application also fails to incorporate provision for the completion of the relevant section of the dedicated cycle route and Waterfront promenade, as identified in LDP Proposals EW2c (Granton Waterfront) and T7. The safeguarding of these routes are provided for through the provisions of LDP Policy Del 3 (Edinburgh Waterfront). Although application reference 19/00844/FUL, which is currently under consideration, includes provision for this section of the route, this application has yet to be determined.

The proposals therefore fail to meet the relevant provisions of LDP Des 7 (Layout Design), in terms of:

Encouraging walking and cycling, and minimising potential conflict between pedestrians, cyclists and motorised traffic and ensuring that pedestrian and cycle paths are overlooked by surrounding properties, providing safe and convenient access and movement around the development, especially for people with limited mobility or special needs and ensuring that public open spaces and the cycle routes are connected with the wider pedestrian and cycle network, where the opportunity exists.

Concerns have been raised in the letters of representation regarding the impact that the development on both plots will have on the quality of streetscape. Given the prominence of the site at this key waterfront location within the masterplan area, the surrounding streets are important routes both for pedestrians and motorists. It is considered that opportunities to activate these frontages and enhance community safety have not been fully addressed. The proposals fail to satisfy the provisions of LDP policy Des 5 (C) (Development Design Amenity) in this respect.

#### *Car and Cycle Parking*

LDP Policy Tra 2 (Private car parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance. The Edinburgh Design Guidance provides maximum levels for car parking within development proposal. It also requires justification for the numbers proposed.

In this instance, the guidance would require a total maximum of 257 spaces, 52 associated with the apartments and 205 associated with hotel and serviced apartments.

The applicant has proposed the following breakdown of car parking across both sites:

- Plot 29 - 108 parking spaces.
- Plot 35 - 205 (112 for serviced apartments and 93 for the hotel).

The number of accessible spaces (31 at basement level and two at street level) provided is compliant with the requirement for 8%.

In terms of justification the applicant has advised that the additional spaces are required to provide for the marina. Given that a masterplan wide parking strategy or plan has never been submitted for the area and that other plots have all been assessed on an individual basis, this justification has not been accepted. The provision of parking within the plots exceeds the maximum stipulated in the design guidance and is therefore unacceptable.

In terms of cycle parking, motorcycle spaces and electric charging points these are all in accordance with the design guidance. However, if the application is approved, full details of the external cycle parking facilities will be required by condition.

Overall, the proposals for parking fail to comply with the Council's wider strategy of encouraging the use of sustainable non car modes of transport. The proposals are therefore contrary to the provisions of LDP Tra 2, as the proposed level of car parking is significantly in excess of the maximum level required in the Edinburgh Design Guidance.

Concerns have been raised by an objector that the proposals would give rise to cumulative impacts on local infrastructure, as a result of the increased density proposed through this application and in other recent applications. However, it is estimated that the capacity within masterplan area is below that approved under the original outline consent. Any further applications within the masterplan area will fall outwith the scope of the outline consent and will require a full assessment in terms of transport impacts.

### *Servicing*

The proposal includes two bin stores within the residential development on Plot 29. The proposal has been reviewed by the Council Waste Services Team and an agreed Waste Strategy is in place. Given that the development on Plot 35 is entirely commercial private waste collection arrangement will be required.

## **Open Space Provision and Landscaping**

### *Private Open Space*

LDP Policy Hou 3 (Private Green Space) seeks to ensure that development makes adequate provision of green space to meet the needs of future residents. It states that for flatted developments should be at least 10 sqm of open space provision per flat except where private space is provided.

At plot 29 the ground floor flats have access to private gardens. The Edinburgh Design Guidance (EDG) requires that private gardens be at least three metres deep. The north-west facing gardens fronting the communal open space would comply with this requirement. However, the south eastern facing gardens fronting Merlin Road would not meet this requirement.

However, the communal open space measures approximately 1983sqm which is in excess of the EDG requirement. Furthermore, a number of the apartments also have balconies at first floor level and above which provides an element of private outdoor space to future residents. Consideration of the design of the communal open space is considered in the landscaping section of this report. This plan differs in its layout from that approved under the latest masterplans in which the private open space at plot 29 is enclosed by a full perimeter block. This proposed layout affords less privacy to future occupiers than the approved scheme.

There is no private amenity space associated with the serviced apartments as it would not be required for that use.

The proposals are considered to meet the requirements of LDP Hou 3, in terms of quantity of private green space provision, albeit that this provision is mainly located on a landscaped deck area.

### *Public Open Space*

Policy Env 20 (Open space in New Developments) promotes the provision of new publically accessible and useable open space in new developments when appropriate. Public open space is proposed throughout the masterplan area. With respect to this proposal, the applicant submitted a plan detailing the location of all public and private amenity space proposed. The location of the public open space differs from that approved under application 14/05306/AMC, where it was all located within the rear courtyard of the proposed hotel. Its allocation is now split between the two plots and separated by Stopford Lane.

Approximately 4283 sqm of space is proposed within plots 29 as public amenity space. This space is to be landscaped and accessed from Stopford Street. Stairs and lift access are to be provided from Stopford Street. Given that more than 20% of plot 29 is made up of open space it is generally in accordance with the EDG guidance in terms of quantity. The design of the open space is considered further in the landscaping section.

However, it is questionable whether this space is fit for purpose, in terms of its location, quality and character. Its elevated location above street level, and lack of good connections with key pedestrian routes, fails to meet the requirements of LDP Policy Des 7(f) (Layout Design) and limits the opportunities for natural surveillance, in accordance with the requirements of LDP Des 5 (Development Design - Amenity).

With regard to plot 35, the applicant has identified the central courtyard area as public open space. It is accepted that this space is open to the public. However, the raised terracing on the front of the hotel entrance on Stopford Parade, adjoins the proposed restaurant and café uses within the hotel and are not considered public open space.

On balance, given the overall extent of both public and private open space across both plots, the proportion of open space is considered appropriate. However, the location of this open space gives rise to significant concerns associated with its accessibility, as referred to further in section 3.3b) (Access and Parking). The proposals have failed to fully accord with the requirements of LDP Policy Env 20 Open Space - New Developments), owing to the difficulties identified in accessing this space. Furthermore, the approach to this open space fails to adequately address the provisions of LDP Policy Des 8 (Design Layout), in terms of providing for natural surveillance, over all footpaths and open areas.

## **Landscape Design**

LPP Policy Des 8 (Public Realm and landscape Design) provides for development where all external spaces and features, including streets, footpaths, civic and green spaces, boundary treatments and public art have been designed as an integral part of the scheme.

The design and specifications for the landscaped areas to the rear of plots 29 and 35 and their boundary treatments are considered generally acceptable and appropriate for this location. Full details of the planting schedule and outdoor furniture and fixings and boundary treatment have been provided. However, insufficient details of existing and proposed ground levels have not been included with the landscape plans. It is therefore not possible to assess the full visual impacts of the proposals, or any barriers to accessibility, due to changes in level. If the application is approved, details of these levels, which are a requirement of Condition 2(i) of the Outline Consent, would be required through the use of a further planning condition. Furthermore, no specifications have been included for the proposed play area within the public open space at plot 29. If the application is approved, these details required under condition 2(iv), would also be required by planning condition.

The proposals for boundary treatment within the landscaped areas are generally suitable in appearance. However, it is noted that the proposed 1.2 metre high perimeter wall with railings, on the boundary of the public and private open space, would not fully protect the privacy of future occupiers.

The only details of on-street tree planting proposed under this application comprise those identified on the boundary with the public open space on Stopford Lane. However, the accompanying application reference 19/00844/FUL makes some provision for such planting on the waterfront and on North Breakwater Road, in accordance with the relevant proposals for the masterplan.

In conclusion, the quality of the landscape design, planting details and external materials are considered appropriate for this location and in keeping with the area's character. In these respects they meet the relevant provisions of LDP Des 8. However, as the majority of the proposed landscape works are located at a relatively enclosed location between these blocks, the planting scheme will contribute little to the enhancement of the wider public realm in this area, or to make a significant contribution to place making.

## **Residential Amenity**

LDP Policy Des 5 Development Design - Amenity, requires that all new developments that it will not adversely impact of the amenity of new occupier or neighbouring properties.

The applicant has submitted a Daylight and Sunlight report in support of the application. The report provides assessment of the impact that the proposed development on Plot 29 would have on the amenity of existing neighbours and future occupiers. It is noted that no assessment has been provided for daylight impact to the serviced apartments on Plot 35. Should the apartments be used for residential purposes in the future it would be necessary to submit this information as part of a change of use application.

Therefore given the intended uses on Plot 35, hotel and serviced apartments, this section of the report only relates to the residential component of the application proposed at Plot 29.

### *Daylight*

In terms of daylight, the applicant has not used the 'No Skyline' methodology for assessment of daylight provision to new development as recommended in the Edinburgh Design Guidance (EDG). Instead the Vertical Sky Component method (VSC) has been used. This methodology, which is recommended for use when assessing the impacts on existing development, states that the resulting VSC should be more than 27 percent or 0.8 of its former, pre-development value.

With regard to plot 29 the submitted report provides figures on the expected VSC level for the windows of the proposed flatted dwellings at plot 29. Of the 42 ground floor windows assessed, 28 complied with the EDG. The level of compliance varied from a minor infringement of a proposed VSC of 25.95 to 12.99. On the first level 84 windows were assessed and 56 were found to be VSC compliant. The range of infringement varied from 26.38 to 3.12.

A further daylight statement indicated that out of the 42 windows at plot 29 which failed to meet the EDG standards, eight relate to rooms with only one window, six of which serve bedrooms (where daylight requirements are lower). The statement concludes that only two of the remaining windows fail to meet relevant daylight standards.

The statement further explains that 16 of the non-compliant windows relate to rooms with more than one window, neither of which achieve the 27% value sought through the EDG. The consultants consider that when taken together, these rooms are 'likely to be compliant' with the EDG.

They also advise that a further 18 of the non-compliant windows serve a room with another window which meets compliant standards. In this case they conclude that the rooms would meet the relevant daylight standards. As a result they concluded that there are only two living rooms or kitchens within the proposed residential development which fail to meet the EDG standards. However, no follow up, Average Daylight Factor test was carried out, in accordance with the provisions of the EDG, in order to verify the conclusions of this study and fully establish the extent of non-compliance with the Council's standards for daylight provision.

Based on the information provided, it is not possible to establish the overall standard of daylight provision which would be afforded to future occupiers. The proposal is therefore contrary to the LDP Policy Des 5 and the Edinburgh Design Guidance.

An assessment on the impacts of the proposed development on daylight to surrounding buildings at ground and first floor level, including plots 26, 27, 30 and 31 was carried out using the VSC methodology. The results were as follows:

- At plots 26 and 27 to the south, the assessment found that 93% and 89% respectively of rooms met the requirements of the EDG. It was advised that the impacts at these rooms is mitigated as they all serve rooms with either more than one window and/or contain at least one large window.
- At plot 30 to the North West, the assessment found that 87% of the tested windows, identified in the floor plans met the EDG requirements. The other affected rooms were either identified as bedrooms or circulation spaces with lower or no daylight requirements. This statement cannot be verified as no detailed plans have yet been submitted for this plot.
- At plot 31 to the south east the study, which was based on draft plans, found that 76% of the tested windows would meet the EDG standards. It was concluded that for the rooms not meeting this standard, the impact would be mitigated, in most cases, because these windows serve rooms with more than one window and/or are dual aspect.

The applicant states that: 'the proposals achieve a very high level of compliance with the daylight targets required in the Edinburgh Design Guidance' and are 'comparable with the results for high density urban developments with similar characteristics.' However, as no follow up ADF test was undertaken on rooms failing to meet the VSC test, in accordance with the requirements of the EDG it is not possible to ascertain the overall level of compliance of the affected windows at all these plots. Based on the information provided, it is not possible to establish the overall impacts on daylight provision to neighbouring occupiers, as a result of the proposed development. The proposal is therefore contrary to the LDP Policy Des 5 and the Edinburgh Design Guidance, in this respect.

## *Sunlight*

In terms of sunlight to new gardens, the EDG requires that at least half of new garden spaces should be capable of receiving sunlight during the spring equinox. The submitted report found that 44% of the semi-private open space associated with Plot 29 would receive adequate sunlight during the equinox. This is an infringement to the EDG standards. However, given the density of the development and its masterplan compliant, perimeter block layout, this minor infringement is acceptable in this instance, when taking townscape characteristics into account.

The public open space identified in Plot 35 would comply with the EDG with 56% of the area receiving adequate sunlight or three hours or more during the spring equinox. With regard to sunlight to existing gardens and spaces given the proximity and distance of the proposal from existing garden ground at neighbouring plots, the proposal will not have an unreasonable impact on amenity in terms of sunlight.

## *Privacy*

In terms of privacy, the Edinburgh Design Guidance requires that all new windows be located and spaced to achieve a reasonable level of privacy for neighbouring and future residents.

Given the orientation of the flats on plot 29 and the distance between the proposed development and that on adjacent plots the proposal does not raise any concerns regarding privacy.

It is found that the proposals would result in standards of daylight which are lower than sought under the EDG, for the occupiers of at least two flats at plot 29. Furthermore they would have the potential to provide lower standards of daylight than sought under the EDG at a number of further flats. However, without these impacts being fully tested, in accordance with the guidance in the EDG, it is not possible to establish the full extent of non-compliance.

It is further found that the proposals would have the potential to impact adversely on a number of ground and first floor level rooms at a number of neighbouring properties. However, again without these impacts being fully tested, in accordance with the guidance in the EDG, it is not possible to establish the full extent of non-compliance.

It is therefore concluded that the proposals are contrary to LDP Policy Des 5 (Development Design- Amenity) and the Edinburgh Design Guidance, as insufficient information has been submitted to demonstrate that the amenity of neighbouring occupiers would be adequately safeguarded or that the standards of amenity for future occupiers, in terms of daylight, sunlight would be acceptable.

## **Housing Mix and Size**

In terms of housing mix, LDP Policy Hou2 Housing mix seeks to ensure a provision of a mix of housing types and sizes and where practical, that meets a range of housing needs. Furthermore, the Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms.

Of the 108 residential units proposed on plot 29, 19 are one bedroom units, 82 are two bedroom units and seven are three bedroom units. This equates to approximately 6% of the units being three bedroom or more contrary to the Edinburgh Design Guidance. The applicant has advised that this mix responds to the overall housing provision across the masterplan area. They have advised that family housing in the form of town houses are to be provided on other plots and this layout best reflects the most recently approved masterplan.

It is noted that planning application reference 18/02721/AMC, for plots K, O, Q, U and T, approved in March 2019, provides for 38 three bed flats, representing 23 percent of the overall housing mix proposed for those plots, which slightly exceeds the EDG.

However, the revised Masterplans approved under applications 16/05618/AMC and 14/005306/AMC, reduced the number of residential units from 2,102 to 1,951 at those plots. The main changes were:

- Plot 8C now shows 23 houses instead of 37 houses.
- Plots 9A and 9B now shows 88 retirement flats instead of 72 family flats.
- Plot 13 (S1) now shows 60 flats instead of 87.
- Plot 35 now has no residential flats.

The significant shortfall in the provision of family sized dwellings at plot 29 is a matter of concern, particularly when taking into account the general trend for a reduction in this size of accommodation across the masterplan area. The opportunity has not been taken to provide more family sized properties within this substantial sized flatted development, and to accord with the requirements of LDP Policy Hou 2 (Housing Mix).

With regard to housing size, the Edinburgh Design Guidance requires that minimum floor areas for dwellings be achieved in order to ensure satisfactory amenity. With the exception of one two bedroom flat on the first floor all of the apartments within Plot 29 comply with this requirement. Overall, the proposed space standards for the types of flats proposed are considered acceptable and in accordance with the standards included in the Edinburgh Design Guidance. (There is no requirement for the serviced apartments to meet this standard).

The proposed housing mix fails to comply with the full provisions of LDP Policy Hou 2 (Housing Mix) owing to the shortfall of three bed sized family housing proposed.

### **Affordable Housing**

The legal agreement attached to the outline permission requires 15 percent affordable housing provision across Granton Harbour. The most recently approved master plan proposes 2,235 residential units in total. Fifteen percent of this constitutes a total of 335 units.

Planning permission has now been granted for affordable housing at plots 2 (104 units) S1 and S2 (302 units) and 27 (132 units) which in total exceeds the 15% requirement. Therefore no affordable housing is required throughout the site subject to the outline permission. The proposals therefore comply with the provisions of LDP policy Hou 6 (Affordable Housing).



## **Noise Protection**

Condition 3a) of planning permission reference 01/00802/OUT requires that a Noise Impact Assessment be provided. The applicant submitted a Noise Impact Assessment and a further subsequent statement, along with amendments to internal plans, in response to address concerns raised by Environmental Protection.

The information submitted with the application address the impacts of all uses proposed on both the amenity of the occupiers of neighbouring developments and at the proposed development. If the Committee is minded to grant planning permission, a condition would be required to ensure that the measures outlined in the applicant's Noise Impact Assessment are put in place, before the building is occupied. This will ensure that the proposals safeguard neighbouring amenity, in accordance with the requirements of LDP Policy Des 5 - Amenity.

### **c) Other Material Considerations**

#### **Site Investigation**

The application has submitted site investigation information, as required to be accompanied with any AMC application, under the provisions of condition number 3 of the outline planning consent. This is currently being assessed by Environmental Protection. Once Environmental Protection has assessed the information accessibility of the relevant information this condition may be discharged.

#### **Flooding and Drainage**

The outline permission requires that floor levels and associated information to support the levels be submitted. Furthermore, Condition 6 on the outline permission relates to surface water disposal arrangements and condition 14 relates to sustainable urban drainage.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements and no concerns have been raised from Flood Planning.

SEPA have no objection to the proposal on flood risk grounds. The proposed finished floor levels which are set at a minimum of 6.0m which is above SEPA's previously recommended level of 5.07 AOD and above that recommended in the submitted flood risk assessment. SEPA has further advised that the underground car park should be tanked and pumps installed, as a precaution against sea water ingress in cases of storm conditions. No such details are shown on the submitted plans.

An underground storage tank is to be located beneath landscaped area as part of the SUDS proposals. However, no details are provided regarding its exact location or dimensions. This information would be required by planning condition. The applicant states that this facility would be privately maintained.

The information submitted would partially deal with this reserved matter and conditions 6 and 14 for the application site. However, an additional condition would be required if this application is approved, to ensure that full details of the underground tank are provided, prior to commencement of development. However, without such details being available at this stage, it is not possible to ascertain whether the SUDS proposals can be accommodated within the proposed development, which includes an underground car park below most of the landscaped areas.

The proposals for flood defence and site drainage are acceptable in principle, and would meet the provisions of LDP Env22 (Pollution, Air, Water and Soil Quality), subject to the provision of further details relating to the underground retention tank. If approved, a condition would be required, to ensure this information is submitted.

## **Archaeology**

LDP policy Env 9 stipulates that planning permission will be granted on sites of known or suspected archaeological significance if it can be concluded that there will not be a significant impact on archaeological features.

The Council's Archaeologist has reviewed the submitted information and noted that although the main building block will be constructed back from the main wall, the inner foundations for the listed Victorian breakwater will be impacted upon by the insertion of foundations piles. Accordingly, the construction of plot 35 is considered to have a low-moderate archaeological impact.

Should the Committee be minded to grant consent, it is recommended that a programme of works is undertaken, during works adjacent to and affecting this historic breakwater, in accordance with the City Archaeologist's recommendations. This will ensure that this listed structure is safeguarded, complement the finding of CFA's earlier 2008 report (CFA report 1581, OASIS Ref cfaarcha1-52857) undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.

### *Micro- climate*

Concerns regarding the potential creation of wind tunnels as a result of the height and orientation of the proposed buildings. It is acknowledged that there may be some increased risk of changes to wind patterns, as a result of this waterfront development. However, as no relevant information has been submitted with the application, it is not possible to estimate such potential effects.

### *Wildlife*

Concerns regarding impacts on wildlife have been raised in association with this application, the site of which lies close to the Site of Special Scientific Interest on the Firth of Forth. Scottish Natural Heritage was consulted and raised no concerns in this respect, as it considered that these matters have been addressed under the previous masterplans for Granton Harbour.

## Sustainability:

The applicant submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards, will be constructed on brownfield land and will meet a 30% carbon reduction. The development will include combined heat and power generators, photovoltaic systems. The proposal is classed as a major development and has been assessed against Part B of the sustainability standards. The points achieved against the essential criteria are set out in the table below:

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
<b>Total points</b>	<b>80</b>	<b>80</b>

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. The proposals for sustainability are in compliance with the Edinburgh Design Guidance.

### d) Equalities

This application has been assessed in terms of equalities and human rights.

It has been found that the proposed access provision throughout the site, would give rise to potential difficulties for those with limited mobility, or other needs and potentially for those with young families, as a result of the limited facilities for inclusive access provision (as explained in section 3.3 b) (Transport)

### e) Public Comments

#### Matters Raised in Representations

#### **Material Considerations**

- Increase in density and height of development on Plot 29 inappropriate and contrary to Local Plan - addressed in Section 3.3b) (Building Layout, Scale and Massing).
- Cumulative impact of increased density within the surrounding area - addressed in Section 3.3 b) (Access and Parking) and 3.3c) Education and Other Services).
- Proposal inconsistent with approved Masterplan - addressed in Section 3.3 b) (Building Layout, Scale and Massing).
- The infrastructure to support the development is insufficient - addressed in Section 3.3b) (Transport) and 3.3c) (Education and other services).
- Impact on protected skyline views - addressed in Section 3.3 b) Building Layout, Scale and Massing).

- Proposal does not integrate the plots with the rest of the Harbour Masterplan area - addressed in Section 3.3b) (Building Layout, Scale and Massing).
- Impact on wind patterns - addressed in Section 3.3 c) (Other Material Considerations).
- Provision of open space - addressed in Section 3.3 b) (Private and Public Open Space).
- Impact on flooding - addressed in Section 3.3c) (Other Material Considerations) - (Flooding and Drainage).
- Provision of pedestrian footpaths and cycle links though the site - addressed in Section 3.3b) (Transport).
- Impact on amenity, namely daylight, sunlight and privacy - addressed in Section 3.3b) (Residential Amenity).
- Impact on wildlife habitat - addressed in Section 3.3 c) (Impact on Wildlife).
- Unclear of changes to Plot 35 following refusal of 16/05618/AMC - addressed in Sections 2.2 (Site History), 3.3a) (Principle) and 3.3 b) (Building Layout, Scale and Massing).
- Proposed building heights and siting of buildings has adverse impact on the character of the surrounding area - addressed in Section 3.3b) (Building Layout, Scale and Massing).
- Insufficient open space associated with residential development - addressed in Section 3.3b) Private and Public Open Space.
- The impact on the surrounding water features - addressed in Section 3.3b) (Building Layout, Scale and Massing).

### **Non-Material Considerations**

- Impact on views from adjoining plots.
- Noise from additional residents.

### **Community Council**

The community council did not comment on the application.

### **Conclusion**

The proposed uses as hotel, serviced apartments and residential development are compliant with those in the approved masterplan. The uses also accordance with the provisions of LDP policy Del 3 (Edinburgh Waterfront) and the LDP Edinburgh Waterfront principles for development for Granton Harbour.

However, the proposed layout of the development is contrary to the provisions of LDP Policy Del 3 (Edinburgh Waterfront) and LDP Policy Des 2 (Co-ordinated Development), as it fails to provide a comprehensively designed proposal which accords with the Edinburgh Waterfront - Principles of Development for Granton Harbour, including the completion of the perimeter block form and providing the relevant section of the waterside promenade. However, it is acknowledged that a separate planning application, which is currently under consideration includes related details.

This proposal for plots 29 and 35 are contrary to LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing Features), as it has not been demonstrated how the height positioning and design of these buildings would protect or enhance local views which contribute to the sense of place, in this case at these Granton Harbour and waterside locations.

Furthermore, the proposals are contrary to LDP Policy Des 4 (Development Design - Impact on Setting) as it has not been sufficiently demonstrated how the resulting impacts of both buildings' height and massing would impact on their surroundings, including wider townscape and landscape and views.

The lack of active frontages at the proposed hotel development, raises significant concerns regarding opportunities for enlivening the streetscape and providing passive surveillance, as promoted under LDP Policy Des 5 - Development Design- Amenity). The lack of opportunities for passive surveillance at plot 29, also conflicts with the provisions of this policy.

The proposals for plot 35 are also considered contrary to the provisions of LDP Des 1 (Design Quality and Context), owing to the impacts of its substantial height scale and massing and design and limited active frontage provision, on the character, appearance and sense of place at this prominent, waterfront location. The proposals are further contrary to the provisions of LDP Policy Des 10 (Waterside Development) as it has not been found to provide an attractive frontage to the waterside, as provided for under this policy.

The proposals for pedestrian and cycle access are contrary to the provisions of LDP Policy Des 7 (Layout Design), which promotes walking, cycling and the provision of safe and convenient access in and around the development site, with particular regard to the needs of people with limited mobility or special needs, owing to the shortcomings identified.

The proposed level of parking provision throughout the application site, which exceeds the maximum level required in the Edinburgh Design Guidance, is contrary to the provisions of DLP Policy Tra 2 (Private Car Parking) and fails to comply with the Council's wider strategy of encouraging the use of journeys made by more sustainable transport modes.

The quantity of private open space, meets the level of requirement under LDP Policy Hou 3 (Private Open Space). However, the layout of the public open space is considered contrary to the provisions of LDP Policy Des 7 (f) (Layout Design) and LDP Policy Env 20 (Open Space in New Developments), as it fails to provide safe and suitable connections to pedestrian and cycle routes, around the site.

The proposals are also contrary to the provisions of LDP Policy Des 5 (Development Design- Amenity) as insufficient information has been submitted to demonstrate that neighbouring amenity would be adequately safeguarded and that daylight provision for future occupiers would be provided, in accordance with the provisions of the Edinburgh Design Guidance.

It is recommended that this application be Refused for the reasons below.

### 3.4 Conditions/reasons/informatives

#### Reasons:-

1. The proposal is contrary to the Local Development Plan Policies Del 3 in respect of Edinburgh Waterfront, and Des 2 Co-ordinated Development, as it fails to provide a comprehensively designed layout, in accordance with the provisions of the Edinburgh Waterfront Principles of Development for Granton Harbour, as specified under Proposal EW c) of the Development Plan, which includes the provision of a perimeter block layout.
2. The proposals for plot 35 are contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposed building, which fails to draw upon the positive characteristics of the surrounding area, would be damaging to the character and appearance and sense of place, at this prominent waterfront location, owing to the combined effects of the excessive scale, massing and layout of the proposed building, and the limited provision of active frontages.
3. The proposals for plot 35 are contrary to the provisions of Edinburgh Local Development Plan Policy Des 10 in respect of Waterside Development, as owing to its inappropriate massing and design, and limited of active frontage, it fails to provide an attractive frontage to the Granton waterfront.
4. The proposals for both plots are contrary to the provisions of Edinburgh Local Development Plan Des 3, in respect of Development Design, Incorporating and Enhancing Existing and Potential Features, as it has not been adequately demonstrated how the buildings would protect or enhance local views, which contribute to the sense of place, at these prominent Granton waterfront and waterside locations.
5. The proposals are contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, and the Edinburgh Design Guidance, owing to their failure to demonstrate how the combined impacts of the buildings' height and massing would impact on the views of the wider townscape and landscape, which at this site would include the City of Edinburgh Council, key view 32c (Firth of Forth).
6. The proposals are contrary to the Edinburgh Local Development Plan Policy Des 5 (a) in respect of Development Design - Amenity, as it has not been sufficiently demonstrated that the proposed residential development at Plot 29 or that the development at both plots would ensure that acceptable daylight provision would be maintained for neighbouring residents, in compliance with the standards of the Edinburgh Design Guidance.

7. The proposals are contrary to the Local Development Plan Policy Des 5 (c) in respect of Development Design - Amenity, as they fail to promote community safety, owing to the lack of provision of active frontages or for the designing for natural surveillance on important routes through the site.
8. The proposals are contrary to Local Development Plan Policy Des 7 (Layout Design) and policy Env 20 (Open Space in New Developments) as the design of the layout, including the location of the public open space, fails to make adequate provision for the encouragement of walking and cycling, or ensuring that such routes are overlooked by surrounding properties and providing safe and convenient access in and around the site, with particular regard for the needs of people with limited mobility and special needs.
9. The proposals are contrary to Local Development Plan Policy Tra 2 (Private Car Parking) as the proposed level of parking provision exceeds the maximum level specified in the Edinburgh Design Guidance and fails to comply with the Council's wider strategy of encouraging sustainable, non-car transport modes.

## **Financial impact**

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

Communities and Families has advised that the contribution set in the approved consent will result in a funding shortfall with regard to the delivery of the education infrastructure required in this Education Contribution Zone.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

## **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 1 December 2017 and attracted 43 letters of objection.

The application was then re-notified on 6 August 2018. An additional six letters of representation were received to the application.

The representations are addressed in the Assessment Section of the report.

### **Background reading/external references**

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- 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 Urban Area as shown on the Local Development Plan (LDP) proposals map. It is identified as being within the Edinburgh Waterfront.

LDP Policy Del 3 (Edinburgh Waterfront) supports the creation of new urban quarters at Granton Waterfront and includes requirements for maximising the potential development of the site, in accordance with any relevant development principles. Development brief or other guidance.

LDP. Proposal EW 2c (Granton Harbour) states that the area is proposed for a housing-led mixed use development. It sets out a number of Development Principles. These include that proposals will be expected to:

- Complete the approved street layout and perimeter block urban form.
- Provide a housing mix that is appropriate in terms of place-making and would maximise completions within this urban regeneration proposal within the plan period.
- Complete the relevant section of the waterside Edinburgh Promenade.
- Include tourism and water front related leisure and entertainment uses.

**Date registered**

15 November 2017

**Drawing numbers/Scheme**

53C,54B,55A, 56-58,59B,60-67,68A,69-71,  
,  
01A,02A,03C,04C,05D,06B-  
12B,13C,14D,15C,16C,17B,  
38B-41B,42A,43B,44B,45C,46A,47,  
48x,49A,50B,51,52,  
18B,19C,20D-23D,24C,25C,26A,27C-32C,33F,34D-  
37D,,

Scheme 3

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Carla Parkes, Senior Planning Officer  
E-mail: carla.parkes@edinburgh.gov.uk Tel: 0131 529 3925

## **Links - Policies**

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### **Relevant Policies:**

**Non-statutory guidelines** 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

**NSESBB Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

### **Relevant policies of the Local Development Plan.**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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 Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 14 (Sites of National Importance) identifies the circumstances in which development likely to affect Sites of National Importance will be permitted.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

### **Relevant Non-Statutory Guidelines**

**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.

# Appendix 1

## **Application for Approval of Matters Specified in Conditions 17/05306/AMC**

**At Granton Harbour, West Harbour Road, Edinburgh  
Granton Harbour plots 29 and 35: Housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED)**

### **Consultations**

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#### **Scottish Water**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

*- There is currently sufficient capacity in the Marchbank Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Foul*

*- There is currently sufficient capacity in the Edinburgh Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

*General notes:*

*- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

*- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

*- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*

*Next Steps:*

*- Single Property/Less than 10 dwellings*

*For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.*

*- 10 or more domestic dwellings:*

*For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.*

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

**- Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

**- Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com).

## **Economic Development**

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 17/05306/AMC for a mixed-use development at Granton Harbour, Edinburgh.

*Commentary on existing use*

The application relates to a 1.8-hectare brownfield gap site at Granton Harbour. The site was reclaimed from the Forth via infilling relatively recently and has never been developed; it therefore does not support any economic activity.

*Commentary on proposed uses*

The application proposes a development of two blocks: a hotel/serviced apartment block and a block of flats.

**- Class 7 - Hotels and Hostels**

The development as proposed would deliver a 186-bedroom full service hotel along with 112 serviced apartments. The operator of the proposed hotel has been named as Moxy Hotels, a "boutique budget" brand.

Based on an average employment density of one employee per two bedrooms for upscale hotels and one employee per five bedrooms for limited service hotels, the hotel and serviced apartments could be expected to directly support approximately 115 full-time equivalent (FTE) jobs  $((186 \div 2) + (112 \div 5))$ .

*Based on the average GVA per worker for employees in the accommodation sector in Edinburgh of £27,033 per annum, this could be expected to directly add approximately £3.11 million of GVA (2015 prices) to the economy of Edinburgh per annum (115 x £27,033).*

*These figures do not include the impact of expenditure by visitors to Edinburgh staying in the hotel on items other than accommodation (for example, transport, recreation, and shopping) due to a lack of the raw data required to model this impact robustly.*

*- Sui generis - Flats*

*The development as proposed would deliver 108 residential units. These would not be expected to directly support any economic activity beyond potentially a small number of jobs in factoring and personal services such as housekeeping. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 108 units could be expected to collectively spend approximately £2.71 million per annum (2015 prices). Of this £2.71 million, it is estimated that approximately £1.43 million could reasonably be expected to primarily be made within Edinburgh. This £1.43 million could be expected to directly support approximately 15 jobs and £0.50 million of GVA per annum (2015 prices) in Edinburgh, primarily in the retail, transport and hospitality sectors.*

**SUMMARY RESPONSE TO CONSULTATION**

*The development as proposed is projected to directly support 115 full-time equivalent jobs and £3.11 million of GVA per annum (2015 prices), with a further 15 jobs and £0.50 million of GVA (2015 prices) supported throughout Edinburgh by residents' expenditure.*

**Scottish Natural Heritage**

*Thanks for the opportunity to look at the three AMC applications at Granton Harbour. I have reviewed the list of conditions found in the three supporting Design and Access Statements.*

*As you have stated below, we have provided advice to the Council at the Masterplan stages of this development, as well as throughout the CEC LDP process. As such I am content that we do not need to provide any additional comments on these AMC proposals.*

**SEPA**

Thank you for your consultation which SEPA received on 18 January 2018.

Advice for the planning authority

We have no objection to this planning application, but please note the advice provided below, especially in section 1.



## 1. Drainage

### Foul Drainage.

1.1 There appears to be confirmation from Scottish Water that there is capacity at Edinburgh Waste Water Treatment Works for sewage from this site and, therefore, we have no objection to this application. We strongly advise you to have this confirmed before this planning application is determined.

1.2 SEPA would not support or approve a CAR licence for any private sewage plant, until the connection to the public sewer has been investigated.

### Surface Water Drainage

1.3 The proposals for surface water drainage are acceptable to SEPA.

## 2. Flood Risk

2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

2.2 We have provided advice on a number of planning applications in the Granton Harbour area, including the overall masterplan, reference 01/00802/OUT. We did not object to the overall masterplan. We have, however, made recommendations on finished floor levels and any development below ground.

2.3 An updated Flood Risk Assessment (FRA), has been completed by Fairhurst (August 2017). This updated FRA includes additional analysis to quantify wave action and overtopping rates at the site. It is for the City of Edinburgh Council (CEC) to satisfy itself that the assessment of wave action and joint probability correspond with its analysis of these factors.

2.4 We previously recommended that finished floor levels (FFLs) should be set above 5.07mAOD. The FRA recommends FFLs of 5.44mAOD and review of site elevations FFLs of the ground floor are set at a minimum of 6.0m. We support the elevation of FFLs and the overland flow pathways shown within the Surface Water Management Plan (SWMP). Where ground levels are landscaped they should direct surface water away from developments and not increase flood risk to nearby properties.

2.5 We note that an underground car park is proposed underneath the proposed developments. No further information has been provided on mitigation measures against groundwater ingress, however within the FRA it is stated that the access points or openings to the basement levels should be set to a minimum of 5.44mAOD, which we support. Given the proximity of the sites to the coast and the fact that the parking spaces will be set below the 1 in 200 year extreme still water level for the area we strongly recommend that the car park is tanked and all entrances and exits are elevated relative to the surrounding area so they will not be inundated with surface water in the event of heavy rainfall. We also strongly recommend that in addition to tanking, pumps are installed within to ensure that should water ingress occur, there is a way to remove the standing water.

## Caveats and Additional Information for Applicant

2.6 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

2.7 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

Regulatory advice for the applicant

### 3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at: Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh EH12 7AT. Tel: 0131 449 7296.

### **Flood Prevention - updated 19/04/2018**

*The certificates provided are sufficient to address the last of the Flood Prevention comments. We are happy for the application to proceed with no further comment.*

### **Flood Prevention**

*Thank you for the consultation. There are two items of information that we require. These are the Certificate A1 for the self-certification of the Flood Risk assessment and the Certificate B1 covering the independent check of the Flood Risk Assessment. The Certificates provided only cover the surface water management plan.*

*Other than that, the information submitted appears to be in line with CEC guidelines.*

## **Environmental Protection Response 15/2/19**

*Environmental Protection understands that plot-specific issues will be addressed through detailed development processes (assuming the Masterplan delivers no major shift in the content or context of the outline approval, including development phasing). This proposal follows what has been agreed in the masterplan however the density of this proposal has increased. The indicative capacity approved in the most recent Masterplan (Y-2f) of plot 29 is 79 flats and plot 35 is 128 hotel rooms and 92 hotel-apartments with 1488m2 of commercial/ business. The present proposal for plot 29 is 108 units and for plot 35 is 186 hotel rooms and 112 apartments. This is higher than the masterplan with 431 car parking spaces.*

*The site is in to the north of the Granton Harbour development and is located to the north east of the main thoroughfare Hesperus Broadway. The plots are bordered by Stopford Parade, North Breakwater road, Merlin Road and Stopford Way. There is also a proposed community boatyard at 'Plots 8A & 8B', and the Forth Corinthian Yacht Club located at Middle Pier in close proximity to the propose development site.*

*The 'public' areas in the hotel occupy the ground and first floors. The accommodation extends to an extensive spa and wellness centre, the hotel reception and lounge, a number of dining spaces, retail spaces and two bars. These spaces encircle the south-west facing landscaped courtyard, at both levels. This arrangement provides a high level of visual and physical interaction between the internal spaces of the hotel and the courtyard.*

*The applicant has advised that the hotel will incorporate low-carbon energy technology in the form of solar PV arrays on the roof and Combine Heat and Power.*

### **Noise**

*The 'Plot 35' comprises of apartment hotel and leisure. The hotels service yard is contained within the building, most deliveries and unloading activities will likely occur within this proposed enclosed yard. The proposed hotel building has further ancillary accommodation extending to a function suit, restaurant, bistro, bar and a spa suite. The proposed hotel also has terraces for the bar/restaurant and function spaces in an elevated position with views of the Marina and the Firth of Forth to the north and east.*

*The applicant has submitted supporting noise impact assessments it has addressed the noise from the proposed delivery and service yard of the proposed hotel. Another noise impact assessment has been submitted to assess the other operational noise concerns raised by Environmental Protection. To assume a worst-case scenario some external delivery activity during the day and night-time period has been considered in the noise assessment. Another noise impact assessment has addressed the other proposed uses such as the function suit, restaurant, bistro, bar and spa suite. The noise impact assessment has assessed the potential impacts these uses may have on the proposed/consented residential properties. It has been highlighted in the noise impact assessment that noise mitigation measures will be required to ensure residential amenity will be protected. Environmental Protection shall recommend a condition is attached to ensure the noise mitigation measures are implemented.*

## *Land contamination*

*Environmental Protection has received information regarding the outline consent for Granton Harbour (01/00802/OUT). The applicant has submitted an updated Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.*

## *Odours*

*The applicant has provided details of where the commercial kitchen extracts will be located. This information is required to ensure cooking odours from the hotel, restaurant or public house uses do not discharge into residential or other sensitive uses. Environmental Protection shall recommend a condition is attached to ensure the appropriate extraction system is installed as per drawing A-P-RF-G2-014 rev D dated 26/07/2018.*

## *Air Quality*

*As detailed above the quantum of development has increased, Environmental Protection is concerned with the proposed number of car parking spaces.*

*It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points.*

*The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:*

- Dedicated parking spaces with charging facilities.*
- Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

*Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that a 7Kw charger is installed for each parking space provided in the parking area. The location of each charger should be included in a referenced drawing.*

*The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.*

*With regards to air quality Environmental Protection raises concerns due to the increased density of development with no local air quality mitigation measures. We would normally encourage the developer to work with this department to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;*

1. *Keep Car Parking levels to minimum.*
2. *Car Club facilities (electric and/or low emission vehicles).*
3. *Provision of electric vehicle charging facilities.*
4. *Public transport incentives for residents.*
5. *Improved cycle/pedestrian facilities and links.*

*Environmental Protection would also advise the applicant that all energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.*

*Environmental Protection now offers no objection subject to the conditions and legal agreement recommendations from 01/00802/FUL planning application being carried forward. Specifically, regarding this plot, the following conditions must be attached to any consent;*

#### *Conditions*

##### *Noise*

1. *The following noise protection measures to the proposed hotel, as defined in the 'Enviro Centre Mechanical Services Plant & Noise Breakout Assessment' report (Ref 8302 - 771381-MI1-RGM), dated August 2018:*

- *An acoustic lobby is required to serve the function room door at east corner of ground floor as shown in drawings A-P-00-G2-005 rev B & A-P00-G2-004 rev E both dated 26/07/2018.*

*shall be carried out in full and completed prior to the development being occupied.*

##### *Odours*

2. *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. A-P-RF-G2-014 rev D dated 26/07/2018 shall be implemented.*

##### *Contaminated Land*

3. *Prior to the commencement of construction works on site:*

(a) *A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 Head of Planning.*

### *Local Air Quality*

4. *Prior to the use being taken up, 7Kw electric vehicle charging point, shall be installed serving each space in the car park for all residential properties.*

### *Informative*

1. *Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).*

2. *When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.*

3. *It should be noted that when designing the exhaust ducting, heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.*

### *Contaminated Land*

1. *Prior to the commencement of construction works on site:*

(a) *A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 Head of Planning*

### *Local Air Quality*

1. *Prior to the use being taken up, 7Kw electric vehicle charging point, shall be installed serving each space in the car park for all residential properties.*

### *Informative*

2. *Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).*

3. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

### **Further Environmental Protection response**

*As the current application is an AMC application relating to the outline planning permission, there is already consent for an acceptable quantum of development on the site. This application is for two new buildings 'Plot 29' a block of flats with a total of 108 residential units comprising a mix of 1,2 and 3 bedroom flats and 'Plot 35' a 186-bedroom hotel with a further 112 serviced apartments. The hotel building has further ancillary accommodation extending to a function suit, restaurant, bistro, bar, a spa suite, and on-site 431 parking spaces.*

*Environmental Protection understands that plot-specific issues will be addressed through detailed development processes (assuming the Masterplan delivers no major shift in the content or context of the outline approval, including development phasing). This proposal follows what has been agreed in the masterplan however the density of this proposal has increased. The indicative capacity approved in the most recent Masterplan (Y-2f) of plot 29 is 79 flats and plot 35 is 128 hotel rooms and 92 hotel-apartments with 1488m<sup>2</sup> of commercial/ business. The present proposal for plot 29 is 108 units and for plot 35 is 186 hotel rooms and 112 apartments. This is higher than the masterplan with 431 car parking spaces.*

*The site is in to the north of the Granton Harbour development and is located to the north east of the main thoroughfare Hesperus Broadway. The plots are bordered by Stopford Parade, North Breakwater road, Merlin Road and Stopford Way. There is also a proposed community boatyard at 'Plots 8A & 8B', and the Forth Corinthian Yacht Club located at Middle Pier in close proximity to the propose development site.*

*The 'public' areas in the hotel occupy the ground and first floors. The accommodation extends to an extensive spa and wellness centre, the hotel reception and lounge, a number of dining spaces, retail spaces and two bars. These spaces encircle the south-west facing landscaped courtyard, at both levels. This arrangement provides a high level of visual and physical interaction between the internal spaces of the hotel and the courtyard.*

*The applicant has advised that the hotel will incorporate low-carbon energy technology in the form of solar PV arrays on the roof and Combine Heat and Power.*

### **Noise**

*The 'Plot 35' comprises of apartment hotel and leisure. The hotels service yard is contained within the building, most deliveries and unloading activities will likely occur within this proposed enclosed yard. The proposed hotel building has further ancillary accommodation extending to a function suit, restaurant, bistro, bar and a spa suite. The proposed hotel also has terraces for the bar/restaurant and function spaces in an elevated position with views of the Marina and the Firth of Forth to the north and east.*

*The applicant has submitted a supporting noise impact assessment it has addressed the noise from the proposed delivery and service yard of the proposed hotel. To assume a worst-case scenario some external delivery activity during the day and night-time period has been considered in the noise assessment. However, the noise impact assessment has not addressed any of the other proposed uses such as the function suit, restaurant, bistro, bar and spa suite. The noise impact assessment should have assessed the potential impacts these uses may have on the proposed/consented residential properties. It is therefore concluded that the noise impact assessment is not demonstrating a worst-case scenario. Based on the submitted noise impact assessment Environmental Protection recommend the application is refused.*

#### *Land contamination*

*Environmental Protection has received information regarding the outline consent for Granton Harbour (01/00802/OUT). The applicant has submitted an updated Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.*

#### *Odours*

*The applicant has not provided any details on where the commercial kitchen extracts will be located. This information is required to ensure cooking odours from the hotel, restaurant or public house uses do not discharge into residential or other sensitive uses.*

#### *Air Quality*

*As detailed above the quantum of development has increased, Environmental protection is concerned with the proposed number of car parking spaces.*

*It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points.*

*The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:*

- Dedicated parking spaces with charging facilities.*
- Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

*Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that a 7Kw charger is installed for each parking space provided in the parking area. The location of each charger should be included in a referenced drawing.*



*The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.*

*With regards to air quality Environmental Protection do raise concerns due to the increased density of development with no local air quality mitigation measures. We would normally encourage the developer to work with this department to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;*

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*

*Environmental Protection would also advise the applicant that all energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.*

*On balance, Environmental Protection recommends the application is refused due to the potential noise/odour impacts the hotel and other associated uses may have on the proposed residential properties. However, if consented it must be subject to the conditions and legal agreement recommendations from 01/00802/FUL planning application being carried forward. Specifically, regarding this plot, the following conditions must be attached to any consent. As the current application is an AMC application relating to the outline planning permission, there is already consent for an acceptable quantum of development on the site. This application is for two new buildings 'Plot 29' a block of flats with a total of 108 residential units comprising a mix of 1,2 and 3 bedroom flats and 'Plot 35' a 186-bedroom hotel with a further 112 serviced apartments. The hotel building has further ancillary accommodation extending to a function suit, restaurant, bistro, bar, a spa suite, and on-site 431 parking spaces.*

## **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations in respect to this application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED).*

*I refer you to my earlier comments in response to 01/00802/OUT and subsequent AMC applications (06/03636/REM, 13/01013/AMC, 13/04320/AMC, 14/05305/AMC, 17/05120/AMC etc.) which outlined the archaeological significance of the Granton Harbour redevelopment site. In this site has been identified as being of archaeological importance overly both the western arm of the harbours Victorian breakwater completed in 1851. Therefore, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9.*

*The amended proposals show that although the main building block will be constructed back from the main wall, the inner foundations for the Victorian breakwater will be impacted upon by the insertion of foundations piles. Accordingly, the construction of plot 35 is considered to have a low-moderate archaeological impact. Therefore, it is recommended that a programme of works is undertaken during works adjacent to and affecting this historic breakwater. This will complement the finding of CFA's earlier 2008 report (CFA report 1581, OASIS Ref cfaarcha1-52857) undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.*

*It is therefore recommended that the following condition is attached to this application to ensure the completion of this archaeological programme of works;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) 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.*

### **Waste Protection Service**

*The Council's Waste Protection Service has advised that it has no objections to the proposals for waste storage and collection.*

### **Transport Planning**

*Further to the memorandum sent on the 15th of November 2018 and the subsequent amendments made this application should be refused.*

*Reasons:*

*1. The proposals within this application are not considered to comply with section 2.4 of the Edinburgh Design Guidance 2017 - Design, Integration and Quantity of Parking for the following reasons:*

*a. Proposals exceed maximum standard for car parking (see not 1 for further information);*

*b. No reasoned justification for the level of proposed car parking provision has been included within this application;*

Therefore the proposed level of car parking is considered contrary to the following policies of the Edinburgh LDP and Edinburgh's Local Transport Strategy (LTS):

- c. Tra 2 - Private Car Parking (LDP);
- d. Thrive 1 (LTS)
- e. Cars 1 (LTS)
- f. Park 4 (LTS)
- g. Park 24 (LTS)
- h. Park 26 (LTS)

2. The application is not considered to meet the requirements of the Equality Act 2010, as people with impaired mobility will have significant issues with a number of areas within the proposed development due to limited accessibility. This also raises issues for cycle, pram and pushchair access to certain areas within the development.

Notes:

I. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 257 car parking spaces (one space per housing unit and one space per 2 rooms for the hotel) for a development of this size and nature. 313 car parking spaces are proposed;

b. A minimum of 245 cycle parking spaces. 432 cycle parking spaces are proposed;

c. A minimum of 20 Motorcycle parking spaces, 19 motorcycle parking spaces are proposed;

a. A minimum of 8% of the car parking provision should be designated as accessible parking. This should result in 25 accessible spaces, 31 accessible spaces are proposed;

b. A minimum of 1 in 6 spaces should be equipped for Electric Vehicle (EV) charging. Resulting in 52 EV spaces, 53 EV spaces are proposed;

The serviced apartments proposed within this application have been assessed as hotel in relation to the parking standards.

The hotel includes a number of facilities that will be open to the public as well as customers. Parking associated with these facilities is taken into account within the parking standard for hotel use, which incorporates an assumption of dual-use of the hotel and its facilities.

It is considered that the application does not provide adequate information and detail indicating how the development will contribute to a number of the aims and outcomes of Edinburgh's Local Transport Strategy that relate to reducing private car dependency and promoting modal shift to sustainable transport modes

II. No further detail was provided relating to the proposed 30 cycle parking spaces at ground level, as specified in the previous consultation response.

## Transport Planning response - 15 November 2019

*The application should be refused.*

*Reasons:*

1. *The proposals within this application are not considered to comply with section 2.4 Design, Integration and Quantity of Parking of the Edinburgh Design Guidance 2017 as no reasoned justification for the level of proposed car parking provision has been included within this application. It is considered that the application does not provide adequate information and detail indicating how the development will contribute to a number of the aims and outcomes of Edinburgh's Local Transport Strategy that relate to reducing private car dependency and promoting modal shift to sustainable transport modes. Therefore the proposed level of car parking is considered contrary to the following policies of the Edinburgh LDP and Edinburgh's Local Transport Strategy (LTS):*
  - a. *Tra 2 - Private Car Parking (LDP);*
  - b. *Thrive 1 (LTS)*
  - c. *Cars 1 (LTS)*
  - d. *Park 4 (LTS)*
  - e. *Park 24 (LTS)*
  - f. *Park 26 (LTS)*
2. *Further detail is required relating to the proposed 30 cycle parking spaces at ground level;*
3. *There are concerns relating to cyclists access to the underground car park. Provision should be made for either a separate cycle access or a segregated area on the proposed access ramps should be made available for cyclists.*
4. *The application is considered to not meet the requirements of the Equality Act 2010, as people with impaired mobility would have significant issues accessing the proposed raised amenity area from Stopford Street due to only a stepped access being proposed. This stepped access also raises issues for cyclist access to this area.*

*Notes:*

1. *The application has been assessed under the 2017 parking standards. These permit the following:*
  - a. *A maximum of 313 car parking spaces, 313 car parking spaces are proposed;*
  - b. *A minimum of 424 cycle parking spaces, 432 cycle parking spaces are proposed;*
  - c. *A minimum of 8% of the car parking provision should be designated as accessible parking. This should result in 25 accessible spaces, 31 accessible spaces are proposed;*
  - d. *A minimum of 1 in 6 spaces should be equipped for Electric Vehicle (EV) charging. Resulting in 52 EV spaces, 53 EV spaces are proposed;*
2. *The hotel includes a number of facilities that will be open to the public as well as customers. Parking associated with these facilities is taken into account within the parking standard for hotel use, which incorporates an assumption of dual-use of the hotel and its facilities.*
3. *The serviced apartments proposed within this development have been assessed as residential in relation to the parking standards. If assessed as hotel the following is applicable for this development under the 2017 parking standards:*
  - a. *A maximum of 257 car parking spaces (one space per housing unit and one space per 2 rooms for the hotel) for a development of this size and nature.*
  - b. *A minimum of 245 cycle parking spaces.*
  - c. *A minimum of 20 Motorcycle parking spaces.*

- d. A minimum of 8% of the car parking provision should be designated as accessible parking.
- e. A minimum of 1 in 6 car parking spaces should be equipped for Electric Vehicle (EV) charging.

### **Transport response 14 March 2019**

*Further to the memorandum sent on the 15th of November 2018 and the subsequent amendments made, this application should be refused.*

*Reasons:*

1. *The proposals within this application are not considered to comply with section 2.4 of the Edinburgh Design Guidance 2017 - Design, Integration and Quantity of Parking for the following reasons:*
  - a. *Proposals exceed maximum standard for car parking (see not 1 for further information);*
  - b. *No reasoned justification for the level of proposed car parking provision has been included within this application;*  
*Therefore the proposed level of car parking is considered contrary to the following policies of the Edinburgh LDP and Edinburgh's Local Transport Strategy (LTS):*
    - c. *Tra 2 - Private Car Parking (LDP);*
    - d. *Thrive 1 (LTS)*
    - e. *Cars 1 (LTS)*
    - f. *Park 4 (LTS)*
    - g. *Park 24 (LTS)*
    - h. *Park 26 (LTS)*
2. *The proposals within this application are considered contrary to LDP policy Tra 9 - Cycle and Footpath Network for the following reasons:*
  - a. *The proposals do not include an extension of the cycle route on Hesperus Broadway, as per the masterplan approved February 2017 (16/05618/AMC). The proposed extension of the cycle route would also form part of the proposed Edinburgh Waterfront Promenade;*
  - b. *A number of the footways within the development boundary are narrowed to an unacceptable standard, this will have an impact on pedestrians and will cause significant issues for people with mobility issues and visual impairments;*
3. *The application is not considered to meet the requirements of the Equality Act 2010, as people with impaired mobility will have significant issues with a number of areas within the proposed development due to limited accessibility. This also raises issues for cycle, pram and pushchair access to certain areas within the development.*

*Notes:*

1. *The application has been assessed under the 2017 parking standards. These permit the following:*
  - a. *A maximum of 257 car parking spaces (one space per housing unit and one space per 2 rooms for the hotel) for a development of this size and nature. 313 car parking spaces are proposed;*
  - b. *A minimum of 245 cycle parking spaces. 432 cycle parking spaces are proposed;*
  - c. *A minimum of 20 Motorcycle parking spaces, 19 motorcycle parking spaces are proposed;*
  - a. *A minimum of 8% of the car parking provision should be designated as accessible parking. This should result in 25 accessible spaces, 31 accessible spaces are proposed;*

b. A minimum of 1 in 6 spaces should be equipped for Electric Vehicle (EV) charging. Resulting in 52 EV spaces, 53 EV spaces are proposed; The serviced apartments proposed within this application have been assessed as hotel in relation to the parking standards.

The hotel includes a number of facilities that will be open to the public as well as customers. Parking associated with these facilities is taken into account within the parking standard for hotel use, which incorporates an assumption of dual-use of the hotel and its facilities.

It is considered that the application does not provide adequate information and detail indicating how the development will contribute to a number of the aims and outcomes of Edinburgh's Local Transport Strategy that relate to reducing private car dependency and promoting modal shift to sustainable transport modes

II. No further detail was provided relating to the proposed 30 cycle parking spaces at ground level, as specified in the previous consultation response;

III. In relation to the cycle parking there are concerns that the proposed layout within the underground car park is not particularly secure, particularly for residents. Consideration needs to be given to the security needs of the different uses. The Draft Street Design Guidance Fact Sheet C7 - Cycle Parking details the requirements for cycle parking for different uses

### **Children and Families response - 31 January 2019**

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

#### **Assessment and Contribution Requirements**

Assessment based on:

89 Flats (19 one bedroom flats excluded)

This site falls within Sub-Area CB-1 of the 'Craigroyston Broughton Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.*

*The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

*If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.*

*Total infrastructure contribution required:  
£314,704*

*Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.*

*Total land contribution required:  
£1,691*

*Note - no indexation to be applied to land contribution.*

*Although the above assessment is based on the current approach to determining developer contributions, there is a legal agreement attached to the original outline consent for the Granton Harbour development (01/00802/OUT). The Planning service has advised that the terms of this agreement are applicable to this application. This requires payment of £1,366 (to be indexed from 2002) per residential unit towards education infrastructure.*

*If 108 units are delivered at Granton Harbour under the terms of the original agreement, the value of the financial contributions that the Council would receive is estimated to be £233,782 (as at Q4 2017).*

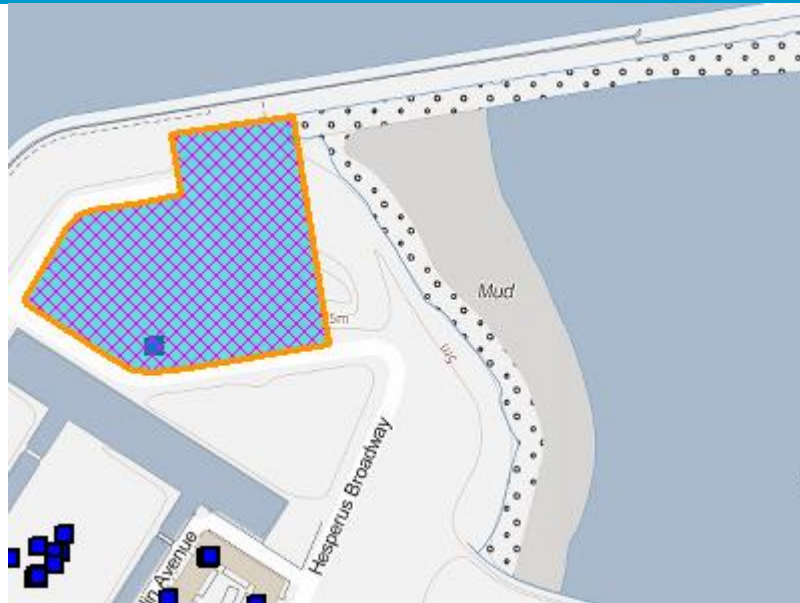
*It is therefore likely that there will be a significant funding gap with regard to the delivery of the infrastructure that is now required to serve the new housing development expected in the Contribution Zone.*

*The potential for such gaps to arise has previously been identified and reported through LDP Action Programme governance arrangements, including a report to the Council's Finance and Resource Committee (24 January 2018). There is as yet no confirmed source of alternative funding to address the cumulative gap in capital funding arising. There will also be significant additional revenue costs arising from the new education infrastructure for which no revenue budget currently exists within either Communities and Families, or Corporate Property (with whom responsibility for all property related budgets now lies).*

*Any future capital and revenue budget pressures arising from the infrastructure requirements in this area, and the Local Development Plan as a whole, will need to be considered as part of the on-going budget consultation process. If the funding gap towards the education infrastructure actions identified in the 'Craigroyston Broughton Education Contribution Zone' and the additional revenue costs are not addressed through Council budget processes, there is a significant risk that the Council will not be able to provide local school places for pupils arising from new development in this area.*

## Location Plan

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**END**



# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/09563/FUL  
At 198 Great Junction Street, Edinburgh, EH6 5LW  
Amendment to previously consented scheme  
17/05415/FUL. Proposal for 37 flatted units comprising of  
refurbishment of existing foyer building and new build  
extension.**

<b>Item number</b>	4.10
<b>Report number</b>	
<b>Wards</b>	B13 - Leith

## Summary

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The proposals largely comply with the local development plan and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will have no adverse impact on the listed building or its setting, will preserve the character and appearance of the conservation area, will have an acceptable impact on residential amenity and traffic and road safety and will have no other unacceptable environmental impacts. There will be no net impact on educational provision and a legal agreement will ensure an appropriate contribution to the provision of affordable housing and transport infrastructure. The principle of the demolition of the auditorium is acceptable subject to a condition with respect to phasing of the construction of the building.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN02, LEN03, LEN04, LEN06, LEN09, LEN16, LEN21, LHOU02, LHOU03, LHOU06, LTRA02, LTRA03, LTRA09, NSG, NSLBCA, NSGD02, OTH, CRPLEI,
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# Report

## **Application for Planning Permission 18/09563/FUL At 198 Great Junction Street, Edinburgh, EH6 5LW Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site relates to a former art deco cinema on the north-east corner of Great Junction Street and Mill Lane and immediately adjacent to the Water of Leith. There are three commercial units on the ground floor to the west of the main entrance, that are not part of this application.

The upper levels of the building have been most recently used as a church, and the auditorium to the rear has been derelict for a number of years, although its last use was that of a night club.

The bulk of the building, which contains the cinema auditorium, is housed to the rear (north east) in a rendered structure with a corrugated sheeting pitched roof. It has suffered fire damage. The art deco part of the building is on the Great Junction Street side of the site. This part of the building is flat roofed and three storey on the front elevation. It is rendered, with a distinctive tower feature and a curved entrance area with projecting canopy on the corner of Great Junction Street and Mill Lane.

There is a small park at Taylor Gardens on the other side of Mill Lane. The area contains a mix of residential with commercial units to the east on the ground floor level of Great Junction Street.

The building was B listed on 29 March 1995 (ref. LB27487).

This application site is located within the Leith Conservation Area.

#### **2.2 Site History**

6 September 2006 - Listed building consent granted for partial demolition, extension and refurbishment of existing building creating new housing, associated car parking and basement restaurant (as amended) (Application reference 06/00252/LBC).

12 October 2007 - planning permission granted for partial demolition, extension and refurbishment of existing building creating new housing, associated car parking and basement restaurant (as amended) (Application reference 06/00252/FUL).

19 June 2018 - Listed building consent granted for refurbishment of former cinema building and demolition of rear building to facilitate flatted development (Application reference 17/05414/LBC).

2 October 2018 - Planning permission granted for change of use and refurbishment of former cinema building, demolition of rear building and erection of new building to accommodate 36 flats, associated basement car parking and landscaping. (Application reference 17/05415/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposals are for a change of use from cinema and church to flatted dwellings. The rear of the building, containing the cinema auditorium, will be demolished and the main art deco section of the building which fronts onto Great Junction Street will be refurbished. The rear auditorium will be replaced by a five storey addition. Altogether there will be 37 flats and parking for 25 cars will be accommodated in the basement.

This an amended application following the previous application (17/05415/FUL) for 36 flats and 32 parking spaces, which was granted. In addition to the extra flat, there are minor changes to the layouts and fenestration details.

The existing building will accommodate six flats and a further 31 flats will be provided in the new build. The breakdown of proposed accommodation is as follows:

Type	No.	Area
Studio	2	45-51 sqm
1 Bedroom	8	52- 58 sqm
2 Bedroom	22	76-106 sqm
3 Bedroom	5	94-112 sqm

All flats meet minimum space standards.

In the new build, on the north-east elevation, the flats will face the Water of Leith and there will be private balconies on this side. On the south side of the new build, there will be a shared courtyard area with planters. Some of the flats will have balconies on this side. At fourth floor level, there are two penthouse flats with roof terraces and there is also an area of communal roof garden.

A ramp down to the basement garage will be located on the south east boundary of the site. Bin storage will be accessed off the lane to the garage and bike storage is located in the basement garage. There will be one motorcycle space. It is proposed to create 25 vehicular parking spaces, three of which will be for people with disabilities. Six spaces will have electrical charging points. 78 cycle spaces are proposed.

The ramp to the basement will block the pedestrian route to the rear of Mill Lane and that connects to Sheriff Park.

The new build element will be a four storey brick building with eaves height matching that of the height of the art deco element. At the fifth storey, the building will step back and the building will be clad with dark bronze aluminium cladding. On the river elevation, there will be perforated aluminium screens that partially screen the balcony areas.

There will be 60 photovoltaic panels installed on the roof of the penthouse.

Affordable housing equivalent to 25% of the total number of units will be delivered via a commuted sum.

### Supporting Documents

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement;
- Archaeological Report;
- Flood Risk and Drainage Impact Assessment;
- Geo-Environmental Report;
- Preliminary Bat Roost Assessment;
- Bat Activity Survey Report;
- Noise Impact Assessment;
- Transport Statement; and
- Supplementary Planning 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.

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.

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.

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 principle of the proposals is acceptable in this location;
- b) the character and appearance of the conservation area will be preserved or enhanced;
- c) there will be any detrimental impact on the character or setting of the listed building;
- d) the design, form and materials are acceptable;
- e) there will be any detrimental impacts on residential amenity;
- f) there will be any adverse impacts on traffic or road safety;
- g) affordable housing provision is acceptable;
- h) educational infrastructure provision will be sufficient;
- i) there are any other material considerations; and
- j) any comments have been addressed.

#### **a) Principle of Development**

Policy Hou 1 of the Local Plan relates to the provision of housing on suitable sites within the urban area.

The surrounding area is dominated by residential uses, although there are commercial units on the ground floor of this building and a pub is on Mill Lane. The principle of housing on this site has been accepted in the previous application (17/05415/FUL). There is a suitable mix of house types in compliance with policy Hou 2 and the density is compatible with the flatted character of the surrounding area, in compliance with policy Hou 4.

Although an additional unit is now proposed in this current application, subject to points addressed below, the principle of the development remains acceptable.

## b) Conservation Area

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

The Leith Conservation Area Character Appraisal (LCACA) notes that:

*Notable buildings on Great Junction Street include: The former State Cinema at No. 105 dating from 1938 in a Modern Movement style with white geometric walls massing up to a pagoda inspired tower.*

The character and appearance of the conservation area will change with the demolition of the auditorium and the erection of this flatted development. The rear of the building that is to be demolished has no external features of merit and its removal and replacement with a new structure of good quality design, as assessed in Section 3.3.d), will be an improvement. The refurbishment of the remaining building will also contribute positively to the character and appearance of the conservation area. The amended proposals will result in minor alterations to the fenestration to that approved. However these will not have any impact on the character of the conservation area.

Policy Env 6 is complied with.

## c) Listed Building

Policies Env 2, 3, and 4 relate respectively to the substantial demolition of listed buildings, developments that impact their setting and alterations to listed buildings.

The existing architectural form of the cinema is composed of two portions, the art deco section on the Great Junction Street frontage and a utilitarian rendered shed like structure to the rear that houses the cinema auditorium. It is the rear section that is being proposed to be removed. The removal of this section of the building constitutes substantial demolition of the building.

The Local Development Plan (LDP) Policy Env 2 states that the total or substantial demolition of a listed building will only be supported in exceptional circumstances. Historic Environment Scotland's Policy Statement outlines the tests that need to be met to justify demolition of all or a substantial part of the building. Only one of the four tests need to be met. The applicant has submitted a statement to show that they meet test a) the building is not of special interest. The statement cites the Historic Environment Scotland's consultation response to the concurrent LBC application which says that "the auditorium's special interest relates to the quality of its interior. The auditorium has been considerably altered. The extent of loss of the original cinema decorative scheme and recent fire damage have significantly diminished the auditorium's historic character. In our view the auditorium does not contribute to the listed building's special interest."

It is accepted that very few of the qualities that contributed to special interest of the cinema auditorium are left. Subject to a replacement structure that is sympathetic to the remaining art deco building, and a program of conservation led restoration for that part of the building, the principle of losing the auditorium is acceptable. A condition is added to ensure that a substantial amount of the remaining cinema building is refurbished before work is commenced on the replacement structure.

The proposed amendments to the consented scheme that are in this new application, in terms of new windows in blocked up openings, are minor and, overall, will be of benefit to the character of the part of the listed building that is to be retained.

On this basis, the special interest of the listed building and its setting will be preserved in compliance with policies Env 2, Env 3 and Env 4.

#### d) Design, form and materials

Policies Des1 and Des 4 require new development to contribute towards a sense of place and to have a positive impact on its surroundings.

The new development will be higher than the remaining original building and the building it replaces. However the bulk of building will line up with the remaining listed building. The penthouse level will step back and will not compete with the original building. Its scale is appropriate.

The proposed new build is L shaped in plan, being arranged around a communal entrance courtyard. Its form is flat roofed and simple. Materials are primarily brick with a metal screen on the river front. The remaining art deco part of the building is rendered and the principle of brick in this context will be acceptable.

The design of a simple flat roofed brick structure with a metal screen that wraps around it on the river elevation. This adds a layer, and level of interest, that is absent on the courtyard elevation. There is no change to the design concept from the approved scheme. Overall the design, in terms of materials, scale and form is acceptable and complies with policies Des1 and Des4.

#### e) Residential amenity

Policy Hou 3 relates to private green space in housing developments. Some communal open space is provided in the communal courtyard at the entrance level (260 sqm) and a communal roof garden of 87 sqm. This is almost 20% of the total site area (1740 sqm). Although this is less than 10 sqm per flat, most flats have some balcony space, and the penthouse flats have generous roof terraces. Although a slight infringement of policy Hou 3, open space provision is acceptable.

Policy Des 5 relates to the residential amenity of new development both for the occupiers of that development and for residential neighbours. The current proposals propose minor amendments to the provision of and layout of the proposed flats. All flats will comply with minimum space standards.

The only residential neighbours are to the north east. Any existing windows are located a considerable distance away from the proposed development. The proposed development locates a number of windows close to the shared boundary. The new building is taller than the existing auditorium structure at this shared boundary. There will be a moderate impact on over-shadowing to the neighbouring land. The level of impact on amenity to the neighbouring land and flats will be the same as the existing consent for flatted development and is therefore considered acceptable.

There will be a detrimental impact on residential amenity but a departure from policy Des 5 is considered acceptable in this instance.

f) Traffic and road safety

Policies Tra 2 and 3 relate to the provision of, and design of, vehicular and cycle parking.

The application now proposes 25 vehicular parking spaces as opposed to the 32 previously consented. The applicant has submitted an amended transport statement in support of this change. The site is well situated to access public transport and the proposed changes are acceptable. 100% cycle parking is provided with 78 spaces.

The proposals meet standards outlined in the Design Guidance in terms of vehicular and cycle parking provision to be accommodated within the basement. Junction improvements at Mill Lane and Great Junction Street will increase pedestrian safety in this location.

The applicant will be required to make developer contributions to the tram line and transport improvements. These contributions will total £22,410.00 and will be the subject of a legal agreement should the application be minded to grant.

Should the applicant wish to enforce the proper use of parking spaces for disabled parking a contribution of £2,000 will be required. This does not need to be included in the legal agreement.

The location of the ramp to the basement parking area is such that a path that exists from the south east side of the site to Sherriff Park will be obstructed. The path is unrecorded as a right of way but is likely to meet the criteria of one. However, as a pedestrian route of similar distance is available from the housing at Sherriff Brae via Mill Lane, the loss of this route may not be significant. The applicant has been advised that a diversion order is required under Section 208 of the Town and Country Planning (Scotland) Act 1997 to divert the right of way. An informative is added to this effect

There will be no adverse impact to traffic and road safety and the proposals comply with policies Tra 2 and Tra 3.



#### g) Affordable housing

Policy Hou 6 relates to the provision of affordable housing. Where the number of units exceeds 11, it is expected that 25% of all units be affordable and be delivered on site. The previous application of 36 units proposed 9 units. However, after further discussions with RSLs, it has not been possible to provide affordable housing on site due to the prohibitive high build costs per unit. The properties are not financially viable for an RSL due to the costs of flood defences and the listed building. A golden share arrangement, where flats may be sold at 80% of the market value is not considered to be appropriate as the prices would still be too high to be considered truly affordable. Although Affordable Housing has discussed the possibility of golden share flats being delivered at 70% of market area, the applicant has stated that this would render the development unviable. Although on site delivery of affordable housing is the ideal, in this instance, a contribution via commuted sum equivalent to 25% of 37 units is considered acceptable, as it will be used to provide affordable housing elsewhere. It will be expected to be delivered as part of any legal agreement and this will be on the basis of the land value determined by the District Valuer.

#### h) School infrastructure

Policy Del 1 relate to development that will impact existing infrastructure such as schools.

The development is not expected to generate the requirement for any additional educational infrastructure in this area and therefore no developer contributions are requested in respect of education.

#### i) Other material considerations

Archaeology:

Works associated with this development has the potential to disturb archaeological remains and a condition is added to ensure that a programme of archaeological work is done prior to and during demolition and development. A further condition is added to ensure that the cinema is appropriately recorded prior to demolition.

Flooding:

Upon submission of a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) both SEPA and the Council's Flooding Team are satisfied that the development is not at risk of flooding and will not contribute to an additional risk of flooding.

Natural Heritage:

Surveys for bats have not found any bat roosts. There will be no adverse impact in terms of protected species.

The amendments outlined in this latest application do not raise any new planning issues. There are no other material considerations which would impact the assessment of this application.

## j) Public comments

The Leith Harbour and Newhaven Community Council support the proposals. Their comments are addressed in section 3.3.c).

## Conclusion

In conclusion, the proposals largely comply with the local development plan and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will have no adverse impact on the listed building or its setting, will preserve the character and appearance of the conservation area, will have an acceptable impact on residential amenity or traffic and road safety and will have no other unacceptable environmental impacts. There will be no net impact on educational provision and a legal agreement will ensure an appropriate contribution to the provision of affordable housing and transport infrastructure. The principle of the demolition of the auditorium is acceptable subject to a condition with respect to phasing of the construction of the building.

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

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

### **Conditions:-**

1. The 31 new build properties to the rear, as part of the new build element, shall not be occupied until the former cinema frontage is restored as shown on the approved plans.
2. No demolition shall take place until the contract for the new development has been let, and written evidence of this has been made available to and accepted in writing by the Planning Authority.
3. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) 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 for the approval of the Planning Authority.

4. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication, public engagement/interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. 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.
6. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

**Reasons:-**

1. In order to safeguard the character of the statutorily listed building.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

**Informatives**

It should be noted that:

1. The applicant shall enter into a suitable legal agreement in respect of the following:
  - i) A contribution of £18,410.00 for developer contributions on infrastructure deliver and to include contribution towards the Edinburgh Tram. The sums are to be indexed as appropriate and the use period to be 10 years from the date of payment.

- ii) A total contribution of £4,000.00 to progress suitable orders to re-determine sections of the footway and carriageway and to introduce loading and waiting restrictions as necessary.
- iii) Affordable housing (to be delivered via a commuted sum).

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
9. The location of the ramp to the basement parking area is such that right of way that exists from the south east side of the site to Sherriff Park will be obstructed. A diversion order is required under Section 208 of the Town and Country Planning (Scotland) Act 1997 to divert the right of way

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

There has been letter of support received from the Leith Harbour and Newhaven Community Council.

## **Background reading/external references**

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- 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**

**Date registered** 29 October 2018

**Drawing numbers/Scheme** 1-32,

Scheme 1

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: [barbara.stuart@edinburgh.gov.uk](mailto:barbara.stuart@edinburgh.gov.uk) Tel: 0131 529 3927

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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

LDP 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.

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.

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 Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

### **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.

#### **Other Relevant policy guidance**

**The Leith Conservation Area Character Appraisal** emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

# Appendix 1

## **Application for Planning Permission 18/09563/FUL At 198 Great Junction Street, Edinburgh, EH6 5LW Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension.**

### **Consultations**

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#### **Transport**

##### Response dated 19 February 2019

*Further to the memorandum dated the 23rd of August 2018, there are no objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

#### **Note:**

*It is understood that the proposed development would add 10 beds to the existing 35 existing care home. Current standards would permit / require the following:*

- o Motor vehicle parking - maximum 1 space per 4 beds, i.e. 3 spaces for the additional 10 beds and 12 spaces for the total 45 beds. 12 Car parking spaces are proposed;*
- o Cycle Parking - minimum of 3 cycle parking space is required, i.e 1 per 15 beds for the total of 45 beds. 10 cycle parking spaces are proposed;*
- o Motorcycle parking - minimum 1 space per 25 beds, i.e. 1 space for the additional 10 beds and 2 for the total 45 beds. 2 motorcycle parking spaces are proposed;*
- o Electric vehicle parking - minimum of 1 space per 6 spaces to feature a charging point. 2 EV parking spaces are proposed, meeting this requirement;*

o *Disabled parking - minimum of 1 space for each disabled employee plus 12% of total motor vehicle parking provision. 2 accessible spaces are proposed, this meets this requirement. There is some concern over the position of space 12, as accessible parking should be as close as possible to building entrances as possible.*

Response dated 23 August 2018

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

- 1. Contribute the sum of £18,410 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (See Note III for further information);*
- 2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- 3. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

*Note:*

- 1. The application has been assessed under the 2017 parking standards. These permit the following:*
  - a. A maximum of 37 car parking spaces, 25 car parking spaces are proposed;*
  - b. A minimum of 78 cycle parking spaces, 78 cycle parking spaces are proposed;*
  - c. A minimum of 8% of the total parking should be designated as accessible. The 3 accessible spaces proposed meets this requirement;*
  - d. A minimum of 1 in 6 spaces of the total parking should be equipped for electric vehicle charging. The 6 spaces proposed meets this requirement;*

- e. A minimum of 1 motorcycle parking spaces, 1 space is proposed;
- II. Tram Line Developer Contributions based on Net Use figure based on proposed use of 37 residential units in zone 3 (£47,294) - Existing Use of 2355m2 GFA of Non Residential Institution in zone 3 (£28,884) = £18,410

## **Archaeology**

*Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for an amendment to previously consented scheme (17/05415/FUL). New proposal for 37 flatted units comprising of refurbishment of existing Foyer building and new build extension.*

*The application site lies on the eastern bank of the Water of Leith and is currently occupied by the former State Social Club and Cinema. This B-listed building was constructed in 1938 and has been significantly altered since its initial construction and was latterly used as a bingo hall. As mentioned in AOC's accompanying Desk-based Assessment (AOC report 24088) the site lies on the edge of the medieval town within an area associated with milling since the early medieval period. The discovery of human remains on/close to the site in 1820 is of further interest as they potentially signifying prehistoric burials in the area. The sites association with the 16th century town defences (they overly the presumed crossing point for these) may suggest a later date for these remains.*

*The site's location is also within the navigable stretch of the Water of Leith and as such the site has significant potential for containing maritime remains such as wharf's, fish traps and ship yards dating back to the medieval. Indeed, the suitability of the site for such industry is shown by the location of a ship-building yard on this site on Ainslie's 1804 Map. The site investigation report by GEOVIA support this potential by indicating deep alluvia deposits underlying the site. The 19th century maps also show a range of industrial concerns being developed on the site culminating with the construction of the Leith Engine Works by 1849.*

*Accordingly, this building is regarded as being of archaeological and historic significance and an important contributor to the character of Leith's historic port. Therefore, this application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Development Plan (2016) policies DES 3, ENV8 & ENV9.*

*As stated in my earlier response (18th Dec 2017) the redevelopment of this site and building will require a phased programme of archaeological mitigation including: Historic Building Recording, Excavation, analysis & reporting, publication, public engagement/interpretation. This was secured by Condition 4 attached to application 17/05415/FUL. Subsequently a WSI was agreed in September 2018 with AOC Archaeology acting on behalf of the developers covering the Historic Building Survey and Phase 1 (Evaluation) of the required archaeological excavation works.*

*To date the only the Historic Building Survey (AOC report 24088) has been undertaken and reported upon by AOC. This still leaves significant archaeological mitigation to be undertaken: excavation, analysis & reporting, publication, public engagement/interpretation. Accordingly, it is recommended that the following condition is attached to this amended application to secure this required archaeological mitigation;*

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

## **Children and Families**

*The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.*

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).*

*Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).*

### **Assessment and Contribution Requirements**

*Assessment based on:*

*27 Flats (10 one bedroom flats excluded)*

*This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The development will generate at least one additional primary school pupil, but not at least one additional secondary school pupil.*

*The education actions relevant to this area only relate to increasing secondary school capacity. As the development is not expected to generate at least one additional secondary school pupil, no contribution is required.*

## **Affordable Housing**

### 1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is 25% (of total units) for all proposals of 12 units or more.

This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

Recommendation: Commuted Sum

### 2. Affordable Housing Provision

This application is for a development consisting of up to 37 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (9) homes of approved affordable tenures.

In all instances for applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. Only where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that alternative proposals are considered.

Onsite RSL delivery was considered but discounted for the reason of high purchase costs. The proposals were discussed with Port of Leith Housing Association but the cost plan identified a build cost of £178,000 per unit. The costs were high due to the additional associated flood defences to protect from the Water of Leith. Places for People also considered the opportunity to purchase from the developer but again did not want to take forward the development as the costs to purchase were too high for the RSL. Both RSLs operate a financial model, which can support purchase of flats at around £130,000 per unit and these costs, are too high for an RSL to purchase.

The cost plan was reviewed by external consultants appointed by the Council's Estate's Department. The Estates Department assessed these costs and their opinion is that the costs plan is accurate and is in line with the market for costs associated with such a project. Some of the reasons for the high associated costs are to do with the retention of the existing façade and providing flood defences at the lower level of the building.

Golden Share has also been proposed by the developer but the proposed valuations are not at an amount that could be recommended as affordable. The properties fall within the golden share threshold of £214,796 but this threshold is set for a three bedroom property. Two bedroom apartments at the proposed Golden Share value of £201,000 are not recommended as an affordable housing product.

The DV has therefore been independently commissioned to provide a land value that could be used as the basis for the commuted sum. The DV findings are that a sum of £42,500 per unit would be applicable for this site, based on the land value. The commuted sum figure is £393,125 based on 9.25 units (25% of 37 units). The developer is querying these costs and the final sum will be as determined by the DV.

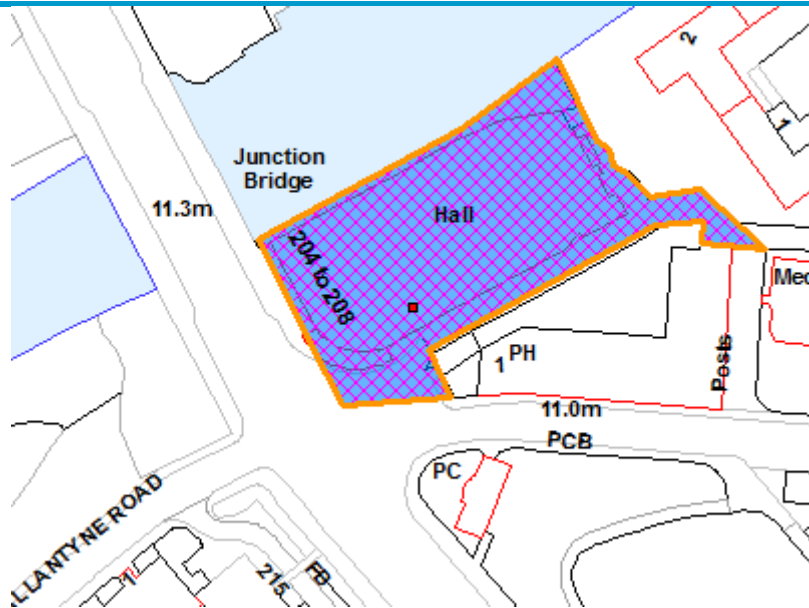
The developer will provide the commuted sum through a Section 75 agreement, paying the agreed sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

This department would then be satisfied with this outcome as it will provide a commuted sum earlier than any AHP provision could have ever been delivered for onsite AHP land.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the Informatives section of the report to committee

We would be happy to assist with any queries on the affordable housing requirement for this application.

## Location Plan



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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/10539/FUL  
At 4 Huly Hill Road, Newbridge, EH28 8PH  
Change of use from industrial unit to leisure use at 4 Huly  
Hill Road Newbridge EH28 8PH.**

<b>Item number</b>	4.11
<b>Report number</b>	
<b>Wards</b>	B01 - Almond

## Summary

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The proposal is contrary to Policies Ret 1, Ret 8, Emp 8 and Tra 1 of the Local Development Plan (LDP). It has not been adequately demonstrated that the proposal will not have an adverse impact on the vitality and viability of existing town centres, the site is not easily accessible by public transport and the proposal would lead to significant travel demand on a daily basis which would have to be met by car travel. In addition, the development would result in the loss of industrial floor space and the introduction of a non-conforming use within a business and industry area.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LEMP08, LTRA01, LRET01, LRET08, LTRA12, NSGD02,
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# Report

## **Application for Planning Permission 18/10539/FUL At 4 Huly Hill Road, Newbridge, EH28 8PH Change of use from industrial unit to leisure use at 4 Huly Hill Road Newbridge EH28 8PH.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The site is a vacant industrial unit situated on the western side of Huly Hill Road. The site includes a section of car parking at the front of the unit and an associated yard to its rear. The site covers a total area of 0.51 hectares. The surrounding area is entirely industrial in nature and is characterised by industrial units of a similar size and design.

The site is located in the Newbridge Business and Industry Area as designated in the adopted Edinburgh Local Development Plan.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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

The proposal seeks planning permission for a change of use of premises from an industrial unit (class 5) to a children's soft play area (Class 11). The proposal includes the use of the yard at the rear of the premises as car parking.

#### Supporting Documents

The applicant has submitted the following supporting documents which are available to view via Planning and Building Standards Online Services:

- Planning Report 2019
- Additional Supporting Information.

### 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 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 development is acceptable in principle in this location;
- b) the proposal raises any issues in respect of aerodrome safeguarding;
- c) the proposal raises any issues in respect of transport and parking, and
- d) any matters raised in representations have been addressed.

#### a) Principle of the Proposal

The site is located within the Newbridge Business and Industry Area as designated in the Edinburgh Local Development Plan.

Policy Ret 1 of the adopted Edinburgh Local Development Plan (LDP) outlines that planning permission will be granted for commercial leisure uses following a town centre first sequential approach. If a development is proposed outwith a town centre and is contrary to the development plan, a retail impact analysis will be required to demonstrate that there is no significant adverse effect on the vitality and viability of existing town centres. In addition, policy Ret 8 outlines that planning permission will be granted for entertainment and leisure development outwith preferred locations provided all potential city centre locations have been discounted as unsuitable, the site is easily accessible by a choice of means of transport and the proposal will not lead to an unacceptable increase in traffic locally.

The application site does not lie within a town centre. No impact analysis has been submitted to demonstrate that the proposal complies with the sequential location approach outlined under policy Ret 1, or that the proposal will not have a significant adverse impact on the vitality and viability of existing town centres.

The site is not well served or easily accessible by public transport. There is no tram stop located within close proximity to the site, although one bus stop is located within walking distance of the unit on Old Liston Road to the north. However, it is served by just two bus routes, only one of which provides a link to the city centre.

In addition to the above, Policy Emp 8 supports proposals for business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'. However, development, including a change of use, which results in the loss of business, industrial or storage floor space or potential will not be permitted in these areas. This policy aims to retain a range of employment sites across the city where new and existing businesses can operate, expand or relocate. In this instance the proposed change of use to a Class 11 leisure use will result in the loss of a unit suitable for employment purposes.

The proposal is contrary to Policies Ret 1, Ret 8 and Emp 8 of the Local Development Plan and is not acceptable in principle.

#### b) Aerodrome Safeguarding

Edinburgh Airport was consulted on the proposal owing to the proximity of the site to the Edinburgh Airport Public Safety Zone. Edinburgh Airport raised no objection to the proposal.

The proposal does not raise any issues in respect of aerodrome safeguarding and complies with LDP policy Tra 12.

#### c) Transport and Parking

LDP policy Tra 1 outlines that the suitability of a proposal for major travel generating development which would generate significant travel demand and is located in a non-city centre site will be assessed having regards to the accessibility of the site by modes other than the car.

As stated in section a) of the report, the site is not in a location which is well served by public transport and is not easily accessible by bus or tram. The proposed use of the site as a soft play area would lead to significant travel demand on a daily basis which, given the location of the site, would have to be met by car travel.

The Roads Authority was consulted on the proposal and raised no objection on the grounds of the proposed parking provision on the site.

The proposal would generate significant travel demand and is not situated in a location which is easily accessible by public transport. The proposal is contrary to LDP policy Tra 1.

## d) Matters Raised in Representations

### **Support Comments**

### **Material Considerations**

- Proposed use is acceptable in principle and is appropriate for the location - addressed in section 3.3 (a).

### Conclusion

In conclusion, the proposal is contrary to Policies Ret 1, Ret 8, Emp 8 and Tra 1 of the Local Development Plan (LDP). It has not been adequately demonstrated that the proposal will not have an adverse impact on the vitality and viability of existing town centres, the site is not easily accessible by public transport, and the proposal would lead to significant travel demand on a daily basis which would have to be met by car travel. In addition, the development would result in the loss of industrial floor space and the introduction of a non-conforming use within a business and industry area.

It is recommended that this application be Refused for the reasons below.

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

#### **Reason for Refusal:-**

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would involve the loss of business, industrial or storage floorspace and the introduction of a non-conforming use.
2. The proposal is contrary to the Local Development Plan Policy Ret 1 in respect of Town Centres First Policy, as it has not been demonstrated that there will be no significant adverse impact on the vitality and viability of existing town centres.
3. The proposal is contrary to the Local Development Plan Policy Ret 8 in respect of Entertainment and Leisure Developments in other locations, as all potential city centre or town centre options have not been thoroughly assessed, and the site is not easily accessible by a choice means of means of transport.
4. The proposal is contrary to the Local Development Plan Policy Tra 1 in respect of Location of Major Travel Generating Development, as the proposed use of the site as a soft play area would lead to a significant travel demand on a daily basis which would need to be met by car travel.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Fifty eight letters of support were received in respect of the proposal. A full summary of the matters raised in these representations can be found in section 3.3) of the main report.

## **Background reading/external references**

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- 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 designated as being within a Business and Industry Area in the adopted Edinburgh Local Development Plan (LDP).

**Date registered**

21 December 2018

**Drawing numbers/Scheme**

01-04,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Emp 8 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Tra 12 (Edinburgh Airport Public Safety Zones) establishes a presumption against new development within the Airport Public Safety Zones apart from in exceptional circumstances.

**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.

# Appendix 1

## **Application for Planning Permission 18/10539/FUL At 4 Huly Hill Road, Newbridge, EH28 8PH Change of use from industrial unit to leisure use at 4 Huly Hill Road Newbridge EH28 8PH.**

### **Consultations**

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#### Roads Authority

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

1. *The applicant should be required to provide:*
  - a. *12 cycle parking spaces;*
  - b. *2 disabled parking spaces;*
  - c. *2 electric vehicle spaces;*
  - d. *2 motorcycle parking spaces.*

#### *Note:*

*The Council's current parking standards do not include standards for this type of leisure use. The existing 45 car parking spaces are to be retained and the above cycle parking etc. is considered appropriate for that level of car parking.*

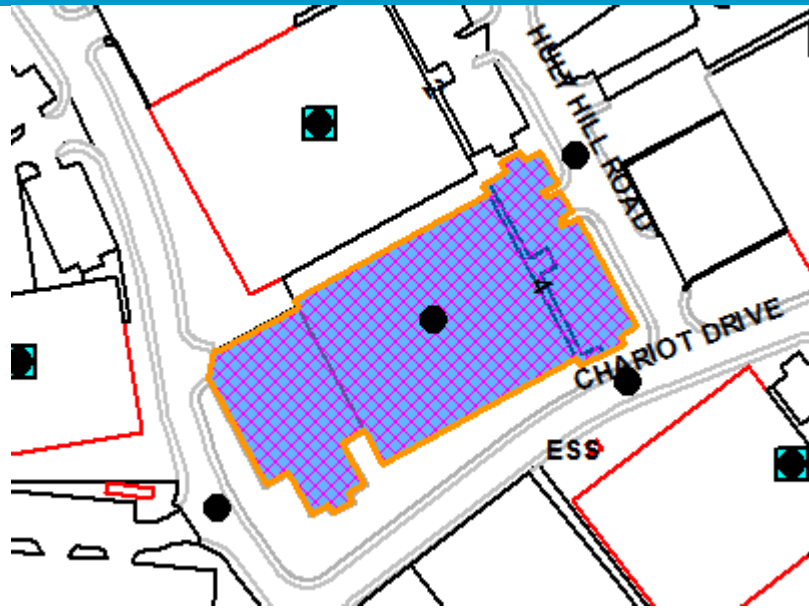
#### Edinburgh Airport

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.*



## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Advert Consent 19/00237/ADV  
At 2 Joppa Road, Edinburgh, EH15 2EU  
Advertisement of the following types: Fascia sign, hoarding  
(in retrospect)**

<b>Item number</b>	4.12
<b>Report number</b>	
<b>Wards</b>	B17 - Portobello/Craigmillar

## Summary

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The proposal will have an acceptable impact on the amenity and public safety. The proposal accords with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and the Council's Guidance for Businesses. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#) NSG, NSBUS,

# Report

## **Application for Advert Consent 19/00237/ADV At 2 Joppa Road, Edinburgh, EH15 2EU Advertisement of the following types: Fascia sign, hoarding (in retrospect)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies on the north side of Joppa Road and relates to a well established commercial building set back approximately 10 metres from the public road occupying the full width of the site with a vehicle forecourt located between the pavement and the building.

The application premises are a large, flat roofed single storey unit in use as a retail showroom.

The premises are flanked on either side by stone built, two storey residential units which are set forward onto the public pavement.

This application site is located within the Portobello Conservation Area.

#### **2.2 Site History**

26 September 2000 - Advertisement consent was granted for the display of signage (application number 00/02147/ADV).

2 November 2000 - Enforcement enquiry in relation to signage (application number 00/00760/A01).

15 May 2008 - Enforcement enquiry in relation to signage (application number 08/00332/EADV).

25 May 2009 - Development Consent was granted for the replacement of the existing sign with new illuminated sign (in retrospect) (application number 09/00597/ADV).

10 November 2010 - Certificate of lawfulness for existing use as retail (class 1) (application number 10/02889/CLE).

## Main report

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### 3.1 Description Of The Proposal

The new signage is attached to the front elevation, facing the road, and consists of individually illuminated letters and logo attached to a non-illuminated grey fascia which is around 3m in height. The lettering is 6.95m in length and 1.4m in height. The logo metres is 1.82m in length and height. Both the logo and the lettering will be internally illuminated.

### 3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

### 3.3 Assessment

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

- a) The impact of the proposal on amenity is acceptable;
- b) The proposal would compromise public safety; and
- c) Any comments raised have been addressed.

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

#### a) Amenity

The signs will be erected on a commercial building area which is surrounded by residential properties. The building has been in commercial use for at least 20 years. Previous signage consisted of an illuminated fascia but this has now been removed.

The new fascia is 1m higher than the previous fascia but the logo and lettering take up a smaller proportion of it. The lettering covers less than one third of the fascia and is proportionate to it. It will also consist of individual letters and the visual impact of the illumination is acceptable on this set back building.

To ensure the impacts on amenity at night time are acceptable a condition is recommended to control light levels from the advertisement. On this basis, the proposed signage does not raise any amenity issues in this location.

The proposal will have an acceptable impact on amenity in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

#### b) Public Safety

The sign is erected on the frontage of a commercial building set back from the road and is positioned on the same part of the frontage as the previous business occupant.

The signs do not raise any public safety issues.

The proposal will have an acceptable impact on public safety in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

#### c) Public Comment

### **Material Considerations**

- brightness of the advertisement and the effect this would have on residential amenity and road safety

### **Community Council**

Portobello Community Council have commented that they undertook an independent on-line consultation from 6 February to 18 February which attracted 86 comments with concerns on the brightness of the LED lighting and the effect this would have on residential amenity and road safety. Since the survey they have noted that the brightness of the signs have been turned down.

### Conclusion

The proposal will have an acceptable impact on amenity and public safety in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) and is in accordance with the Council's Guidance for Businesses.

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

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

#### **Conditions:-**

1. Consent is granted for a period of five years from the date of consent.
2. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

## **Reasons:-**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. To safeguard the amenity of nearby residents.

## **Informatives**

It should be noted that:

1. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

---

### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application has attracted 340 representations. 218 objections and 121 in support. These included comments from Portobello Community Council.

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

## Background reading/external references

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

**Statutory Development****Plan Provision**

The site lies within the urban area of Edinburgh Local Development Plan where it is designated as lying within Portobello Conservation Area.

**Date registered**

31 January 2019

**Drawing numbers/Scheme**

1-6,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

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**Links - Policies**

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**Relevant Policies:****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.



# Appendix 1

**Application for Advert Consent 19/00237/ADV  
At 2 Joppa Road, Edinburgh, EH15 2EU  
Advertisement of the following types: Fascia sign, hoarding  
(in retrospect)**

## **Consultations**

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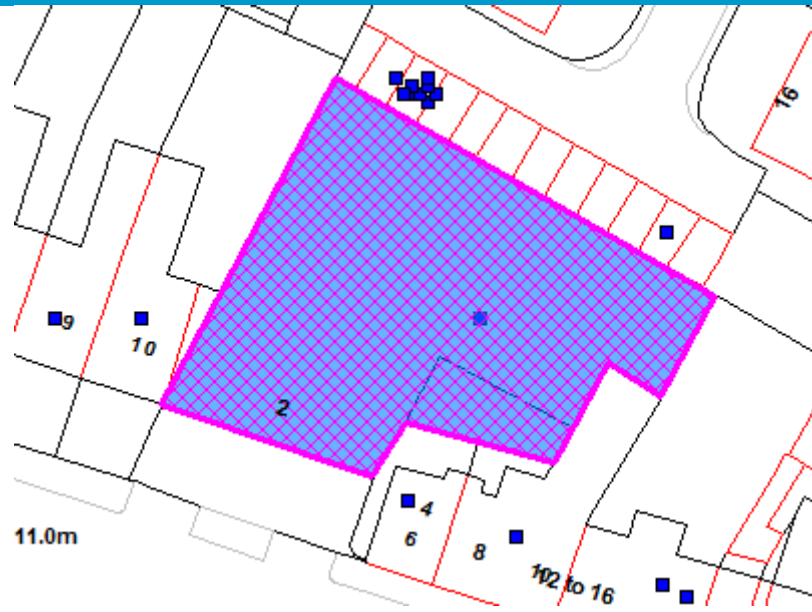
### **Roads Authority Issues**

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

- 1. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;*
- 2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/02464/FUL  
At 13 Lister Square, Edinburgh, EH3 9GL  
Formation of hotel (Class 7) with minor external alterations,  
at ground floor level (Unit 4).**

<b>Item number</b>	4.13
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The proposals comply with the adopted Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area or listed building. The development would have no detrimental impact on residential amenity or road safety and parking. There are no other material considerations to outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDEL02, LEMP10, LEN06, LEN04, LTRA03, LHOU07, NSG, NSGD02, OTH, NSLBCA, CRPMAR,
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# Report

## **Application for Planning Permission 18/02464/FUL At 13 Lister Square, Edinburgh, EH3 9GL Formation of hotel (Class 7) with minor external alterations, at ground floor level (Unit 4).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies on the west side of Lister Square in the Quartermile development and relates to part of one of the former Ear, Nose and Throat and Ophthalmological Pavilions that were an element within the former site of Edinburgh's Royal Infirmary. The building was designed by Sydney Mitchell and Wilson and built in 1900 but has modern additions. It is Category B listed and was listed on 31 May 1994 (LB ref. 30308).

This application relates to the ground floor of the former north block. The upper floors of the building have been converted to residential development. The building is surrounded by new build development and other former Royal Infirmary building converted into new uses such as offices shops restaurants and residential properties.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

#### **2.2 Site History**

29 August 2003 - Listed building consent was granted for part demolition, alteration and extension to the Ear, Nose and Throat and Ophthalmological Pavilions (application number 02/01667/LBC).

19 July 2004 - Planning permission was granted for alterations to the building (as part of a wider masterplan) (application number 02/01662/FUL.) This building was originally to be in office use with extensive bars and restaurants taking up the ground floor area.

13 July 2006 - Listed building consent was granted for alterations and an extension to the Sidney Mitchell Buildings Q7 and Q8 (application number 05/03890/LBC).

10 March 2008 - Planning permission was granted for an amendment to planning permission 02/01662/FUL, change of use of surgical building to residential/leisure; change of use of Q5 to residential/commercial/retail; demolition of Redhome with formation of new public space and erection of office/retail/leisure building; change of use of Sidney Mitchell buildings to hotel and amendment to Q10 with associated increase in affordable housing units and associated car parking and landscaping (application number 05/03894/FUL).

9 September 2014 - Planning permission was granted for a change of use from hotel/retail to residential, with part ground floor use classes 1 (Shops), 2 (Financial, professional & other services) and 3 (Food and Drink), together with part demolition, alteration and extension to North and South Sydney Mitchell Buildings (application number 14/01448/FUL).

2 October 2014 - Listed building consent was granted for part demolition, alteration and extension to North and South Sydney Mitchell Buildings (application number 14/01449/LBC).

6 June 2018 - An application for listed building consent was submitted for the construction of a mezzanine level, internal reconfiguration to accommodate hotel use and minor external alterations (application number 18/02457/LBC). This is pending decision.

## **Main report**

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

The proposal is for the formation of a hotel (Class 7) at ground floor level with minor external alterations. A new mezzanine floor would be formed inside the building to create bed spaces.

At ground floor level there would be a reception, common area and atrium. In addition, seven new rooms would be formed with bed spaces for a total of 20 beds with a separate bathroom and plant room. Two cycle spaces would be provided in the reception area.

At mezzanine level, six bedrooms would be created with spaces for a further 20 beds as well as a separate bathroom.

The proposed use will tie in with existing waste storage and pick up arrangements.

Externally an existing door on the north elevation would be replaced with a door of a design to match the adjacent doors.

### **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.

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.

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.

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 proposed use is appropriate in this location;
- b) The proposals will preserve or enhance the character and appearance of the conservation area;
- c) There will be any adverse impact on the character of the listed building or its setting;
- d) There will be a detrimental impact on traffic or road safety;
- e) There will be any adverse impact on residential amenity; and
- f) Any comments raised have been addressed.

#### a) Principle of Development

The site lies within the urban area of the Edinburgh Local Development Plan (LDP).

The site also lies within the area of the City Centre where LDP Policy Del 2 ensures development provides an appropriate mix of uses and is of a high quality of design taking into account of the characteristics of the historic environment. The proposal would develop part of the ground floor of a historic building into a hotel use. The Quartermile development is part of City Centre Development Principles CC4 which aims to create a mixed-use urban community of houses, offices, restaurants and hotel. Although there is already a hotel in Quartermile, the principles do not preclude an additional hotel. Therefore a hotel use is appropriate to the location of the site and the commercial character of the surrounding area. The proposal accords with this policy.

LDP Policy Emp 10 supports hotel development in the City Centre where development may be required to form part of mixed use schemes to maintain city centre diversity and vitality. Whilst there is an existing hotel within the Quartermile redevelopment scheme, the proposed type of lower end hotel will offer a choice of accommodation attracting people to this part of the city centre sustaining its diversity and vitality. The site is well served by public transport and is easily accessible by foot. The policy recognises that tourism is the third biggest source of employment in Edinburgh. Maintaining and developing this key sector in the city's economy relies upon sufficient provision of a range of tourist accommodation. The proposal accords with this policy.

The development is therefore acceptable in principle provided it complies with other policy requirements.

#### b) Conservation Area

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

The site lies within Marchont Meadows and Bruntsfield Conservation Area where the Marchmont Meadows and Bruntsfield Conservation Area Character Appraisal recognises the former Royal Infirmary for its architectural character and the redevelopment proposals.

The character of this part of the conservation area is predominately mixed-use urban where new contemporary designed buildings sit with refurbished historic buildings. The upper floors of the building have been converted into residential properties. The proposal relates to part of the ground floor of the building. The proposed external changes are minor and the character and appearance of the conservation area will be preserved. The proposed internal mezzanine floor would be formed in such a way that the existing window arrangement would not be disturbed so the character and appearance of the conservation area will be preserved.

The proposal complies with LDP Policy Env 6.

#### c) Listed Building

LDP Policy Env 4 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 a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The proposal includes a mezzanine floor which has been designed to minimise the impact of the new floor plates on the historic window openings. The external alterations are minor and will not affect the character or setting of the listed building. There will be no adverse impact on the character or setting of the listed building and its special interest will be preserved.

The proposal complies with LDP Policy Env 4.

#### d) Road safety and Parking

LDP Policy Tra 2 aims to ensure car parking provided as part of development proposals accords with the Council's standards. LDP Policy Tra 3 aims to ensure that cycle parking provision complies with the standards set out in Council guidance.

No car parking is proposed and this accords with the Council's parking standards. Cycle parking within the building provides 2 cycle spaces which meets the standards.

There are no road safety issues.

The proposal complies with LDP policies Tra 2 and Tra 3.

#### e) Residential Amenity

LDP policy Hou 7 states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The vision for the Quartermile development was to create a vibrant city centre quarter where a mix of uses would sit side by side. In close proximity to the site application there are restaurants, pubs, offices and houses. While the commercial uses operate primarily during the day time, there are pubs and restaurants still trading late at night. Given these characteristics of the area, a Class 7 use is unlikely to generate a significant detrimental effect on residential amenity. Planning cannot regulate human activity or the perception of how noisy a use may be. Therefore in this context the proposal is considered acceptable.

An informative has been included to ensure that any noise from new plant or machinery is within acceptable levels.

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that refuse and recycling facilities have been sensitively integrated into the design.

The Council no longer operates a trade waste collection facility. Commercial premises are now required to make their own arrangements for the storage and disposal of waste. It is intended that the existing refuse collection arrangement on Simpson Loan is to be utilised which is considered acceptable and in accordance with LDP Des 5.

The proposal will not have a detrimental impact on the amenity of neighbouring residents and complies with LDP policies Hou 7 and Des 5.

#### f) Public Comment

##### **Material considerations**

- increased traffic and lack of parking in the area - addressed in section 3.3d);
- the proposed mezzanine would detract from the layout of historic building - addressed in section 3.3c);



- no details showing waste collections and servicing - addressed in section 3.3e); and
- increase noise and antisocial behaviour - addressed in section 3.3e).

### **Non-material considerations**

- large windows covered by beds.
- proposed use would degrade the area.
- no details for signage.
- devalue surrounding residential properties.
- there are legal restrictions on the Quartermile development not to allow short terms lets.
- how the shower and toilet facilities will be organised.

### **Conclusion**

The proposals comply with the development plan and non-statutory guidance. The proposed use is appropriate in this location, the proposals will preserve the character of the conservation area and there will be no adverse impact on the character of the listed building, there are no transport issues. There will be adverse impact on residential amenity. There are no other material considerations to outweigh this conclusion.

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

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

#### **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. The design and installation 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.

## **Financial impact**

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### **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**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

---

### **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**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 22 June 2018 and 20 representations were received objecting to the proposals including comments from the Residential Representatives Committee Quartermile.

A full assessment of the representations can be found in the main report within the Assessment section 3.3).

## **Background reading/external references**

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- 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 lies within the urban area of the Edinburgh Local Development Plan within the boundaries of Quartermile. A city centre proposal for the redevelopment of Edinburgh Royal Infirmary (CC4) forming a mixed use urban community forming houses, offices, shops, restaurant and hotel.

**Date registered**

6 June 2018

**Drawing numbers/Scheme**

1-5, 6A, 7A, 8-13,

Scheme 1

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

### **Relevant Non-Statutory Guidelines**

**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.

### **Other Relevant policy guidance**

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

# Appendix 1

## **Application for Planning Permission 18/02464/FUL At 13 Lister Square, Edinburgh, EH3 9GL Formation of hotel (Class 7) with minor external alterations, at ground floor level (Unit 4).**

### **Consultations**

---

#### **Roads Authority Issues**

*The application should be continued.*

*Reasons:*

- 1. The applicant should submit waste collection and servicing strategy.*
- 2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
- 3. The Council's 2017 Parking Standards requires the applicant to provide a minimum of 1 cycle parking provision for the proposed development.*

*Note:*

*The applicant proposed no parking provision and complies with the Council's 2017 Parking Standards which allows a maximum of 3 parking provision in Zone 1 for the proposed development.*

Further comments received 27.03.2019

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

- 1. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
- 2. The Council's 2017 Parking Standards requires the applicant to provide a minimum of 1 cycle parking provision for the proposed development in Zone 1.*

*Note:*

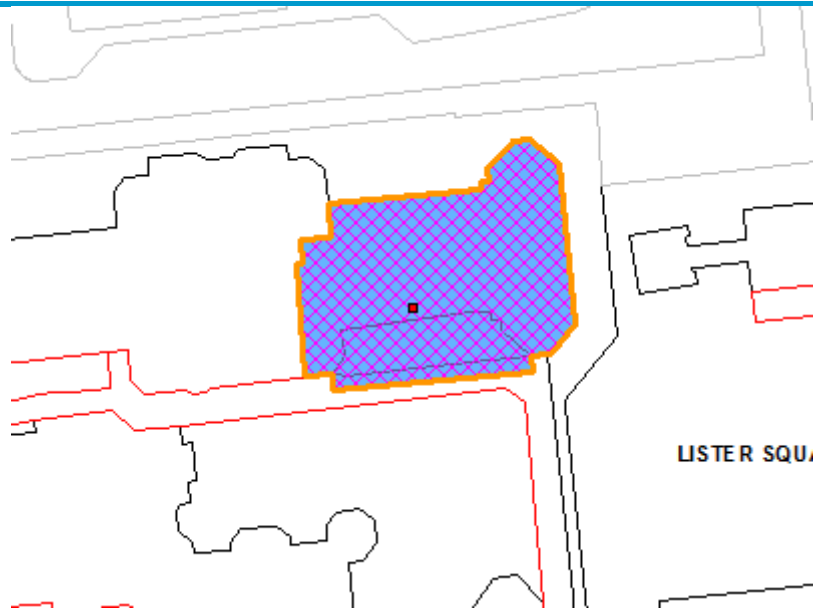
- a. The applicant proposes zero car parking provision and complies with the Council's 2017 Parking Standards which could allow a maximum of 3 parking spaces for the proposed 13 room pod hotel in Zone 1. Zero parking provision is considered acceptable because the proposed is highly accessible by public transport.*
- b. No information about likely trips generation by the proposed development.*
- c. Existing refuse collection arrangement on Simpson Loan to be utilised.*

## Environmental Protection

*Environmental Protection were consulted on the proposal but no reply was received.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00860/FUL  
At 5 Millar Place, Edinburgh, EH10 5HJ  
Demolition of existing office premises, and erection of new  
office with two flatted dwellings above.**

<b>Item number</b>	4.14
<b>Report number</b>	
<b>Wards</b>	B10 - Morningside

## Summary

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The proposed uses are acceptable. The scale, form and design are appropriate to the site and do not cause any unacceptable loss of amenity to neighbours. The amenity of the proposed flats will be adequate. Parking and cycle parking are acceptable. No other issues outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LEMP01, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
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# Report

## **Application for Planning Permission 19/00860/FUL At 5 Millar Place, Edinburgh, EH10 5HJ Demolition of existing office premises, and erection of new office with two flatted dwellings above.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The existing site contains an office. This is housed in a small cottage, extended on its east side. On its approach side (north) it has private parking areas which form part of the application site.

This section of Millar Place is a cul-de-sac, with a branch eastwards to modern mews housing known as Millar Place Lane.

A small path skirts the west side of the site, linking Millar Place to Maxwell Street.

The site backs onto (on its south side) the communal rear gardens of flats on Maxwell Street: a traditional tenement dating from the early 20th century. A large telephone exchange property stands to the south-west.

#### **2.2 Site History**

5 December 2018 - a similar proposal with a more substantial form on its southern boundary was withdrawn (planning reference:18/09465/FUL).

January 2019 - confirmation that no consents required to remove large sycamore to the east.

### **Main report**

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

The application seeks permission to demolish the existing office and redevelop the site to provide increased office accommodation, and development of the roofspace to create two independently accessed residential units.

An office of 258 square metres is created at ground floor and basement levels.

The first floor is created as two independently accessed flats: a three bedroom flat of 106 square metres; and a studio flat of 64 square metres. The larger unit has an outdoor terrace of around 10 square metres. The smaller flat has a large central terrace of around 25 square metres.

The proposal has a contemporary design concept. From the north side it will appear as two storeys high with a flat roof. From the south side it has a pitched zinc roof. The walling material is brick.

An undercroft to the east side provides two parking spaces and an area for cycle storage. Each flat has a cycle store at ground floor level, immediately upon entry.

A supporting report addresses the issues of protecting the potential culverted stream on the south edge of the site. A Design Statement is also included. These are available to view on Planning and Building Standards Online Services.

### **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 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 proposed uses are acceptable;
- b) the scale, form and design are acceptable;
- c) amenity of the proposed flats is acceptable;
- d) impact on neighbouring amenity is acceptable;
- e) parking and cycle parking are addressed;
- f) other issues are addressed; and
- g) comments are addressed.

#### a) Principle of Uses

Policy Emp 1 of the adopted Edinburgh Local Development Plan (LDP) sets out criteria for office development within the city; the criteria is mainly applied to proposals which are of a larger scale and within identified locations. However, where it is demonstrated that sites in identified locations are unavailable or unsuitable, other accessible mixed use locations may be considered where the proposal is in keeping with the character of the local environment. Paragraph 206 of the LDP supporting text supports a flexible approach to office proposals in other mixed locations within the city.

Evidence to demonstrate that there are no available or suitable sites in identified locations has not been submitted. In this instance, due to the current office use and the small scale nature of the proposal, it is considered that this requirement is unnecessary. The site is located in the urban area in a location which is accessible by public transport. Therefore it is considered to comply with the objectives of Policy Emp 1.

LDP policy Hou 1 seeks to create housing on sites capable of supporting housing use. The wider area is almost wholly residential in character. The addition of two residential flats, making the scheme a mixed use development, is acceptable in principle, but is subject to consideration of the factors below.

#### b) Scale, Form and Design

LDP policy Des 1 and Des 4 consider the design and form of a proposal in the context of its setting. These seek that new development be of adequate design quality, and do not have any adverse impact upon their surroundings.

The existing building is of no architectural or historic interest. Permission is not required for its demolition.

The site is not suitable for a tenemental development, matching the majority of surrounding forms, and a lower scale of development is appropriate here. The modest increase in height will better match the buildings to the east. The design concept is contemporary with zinc cladding sitting on top of brick walls with a mixture of flat roofs and sloping roofs.

There is a mixture of styles within the wider area, including a modern mews to the east, and the proposed design is acceptable in this context. Although zinc roofing is not found in the surrounding area, this is acceptable in the context of the chosen design idiom. Similarly the predominant material in the area is stone and the use of brick will introduce a different material. However, this is compatible with the modern design concept and provided this is of high quality, it should blend in successfully. A condition is added on materials.

The addition of an extra floor is appropriate in this context, as it will match the scale of the mews houses to the east. This is subject to other policies (daylight and privacy) being met (see below).

The scale, form and design are appropriate for this site and comply with policies Des 1 and Des 4.

### c) Amenity of the Proposed Flats

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity needs of new housing.

The flats primarily face northwards to the blank tenement gable to the north-east and along the approach road to the site.

The western unit has windows on all four sides (those to the south are velux to avoid overlooking issues). The windows raise no privacy issues.

Daylight and sunlight levels will be acceptable. The smaller eastern unit faces north and west. Its amenity will not be as high as the western unit but remains within acceptable limits.

Each unit has a private terrace. In this instance the smaller unit has the more generous space, but each is sufficient for amenity needs.

Although Environmental Protection suggested that a noise impact assessment should be undertaken, this is not appropriate as the office use currently exists. Noise between the office and the new flats above is addressed through building regulation requirements.

The amenity of each flat will meet policy requirements in compliance with policy Des 5.

### d) Amenity to Neighbouring Residents

LDP policy Des 5 and the Edinburgh Design Guidance consider impact of new development on neighbours.

The site sits to the north of the adjacent common back green. At the west side, the profile of the building on its south side is almost identical to the existing profile of the cottage element on site, mitigating any additional impact on daylight and also having minimal impact on sunlight. To the east, the building rises a storey above the existing single storey element. However, this section is open at ground floor, allowing daylight through. It is also noted that the impact is onto the walled zone that contains the culvert (see below) and the back green is set off the rear wall by around 1.5 metres. The net impact on the adjacent back green is very similar to the existing effect. All daylight requirements to the surrounding windows are met.

Outlook from the rear of Maxwell Street will change slightly. The ridge of the proposed building is around 300mm higher than the existing building apex. Views across the existing building will be lost to second floor flats on Maxwell Street. However, these views are not protected.

Privacy issues arising in the previous proposal (see History) have now been fully addressed. The two outer terraces (in the centre of the roof area) are now screened on their south edges such that they no longer view to the windows at the rear of Maxwell Street.

Several objectors raise concerns of the "overlooking" of the car port area into the rear common green. Privacy guidelines do not cover privacy from a car port area. Equally, issues of "light pollution" or noise from the car port are not covered by any policy. The relationship of the car port to the rear green is therefore not contrary to any guideline and is acceptable.

The proposals comply with policy Des 5 in terms of neighbouring amenity.

#### e) Parking and Cycle Parking

LDP policy Tra 2 considers appropriate parking levels.

Council objectives now seek to minimise car generation within the urban area. The application proposes only two parking spaces. This accords with the objective of maximum 100% for the flats. Whether or not a private agreement is made to share this with the office during working hours is a private concern.

LDP policy Tra 3 considers cycle parking.

Each flat has a store capable of holding at least one cycle immediately upon entry. The offices have a cycle store in the eastmost corner of the car park with space for five cycles. Policy Tra 3 is met.

The footprint of the building stands further onto the tarmac area to the north than the existing building. It is accepted that this area is owned by the applicant. However, this does not preclude the area in question from being a designated "road". A Partial Stopping Up Order is likely to be required over this area.

#### f) Other Issues

LDP policy Env 21 considers flood protection.

The site lies adjacent to the culverted Jordan Burn, which runs just south of the site boundary. Whilst the site has no known flood risk, care must be taken during the excavation for the basement area not to impinge in any way upon this existing culvert. An informative is added to highlight this need.

Environmental Protection asked for noise protection linked to air conditioning for the "computer room". The architect has highlighted that this is not a "computer room" in the commercial sense, and is simply a room dedicated to a small CAD computer system. This does not require cooling in the way a mainframe computer would require. There was no requirement for this use to be stipulated on plan. In use class terms the entire property is a class 4 office and does not require air conditioning equipment.

A substantial tree to the east of the site has already been granted permission for removal (see History).

Waste vehicles cannot turn easily within the existing road configuration. A full turning area cannot be provided, even if the site was not developed. It is presumed that waste vehicles reverse down this section currently, and will continue to do so.

Roads Authority comments relating to the unadopted road surface are legal issues for the applicant to independently clarify.

The site has some potential archaeological interest. An archaeological investigation is requested by condition.

#### g) Public Comments

##### **Material Comments**

- the additional storey is not acceptable - addressed in section 3.3 b);
- building is too close to the tenement - addressed in section 3.3 b);
- loss of daylight and privacy - addressed in section 3.3 c); and
- lack of parking - addressed in section 3.3 e).

##### **Non-Material Comments**

- noise, light and fumes from cars in the car port - this is not a planning issue;
- car port views into common back green - policy does not protect this sort of relationship;
- the car port should have a solid back - this is possible but is not a policy requirement;
- the right of way should not be lost - this is unaltered in the application;
- loss of view - views are not protected; and
- construction would be noisy - this is not a planning consideration.

#### Conclusion

The proposed uses are acceptable. The scale, form and design are appropriate to the site and do not cause any unacceptable loss of amenity to neighbours. The amenity of the proposed flats will be adequate. Parking and cycle parking are acceptable. No other issues 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, 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.

## **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.

## **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. The applicant should satisfy themselves that they have the necessary rights and authority to develop the northern section of the site.
5. The applicant should consider the placing of electric charge points within the proposed car port.
6. Care should be taken to ensure that there is no impediment to the flow within the culverted Jordan Burn either during or following construction.

## **Financial impact**

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### **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**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Eight representations were received in objection to the application. These are addressed in section 3.3 g) of the assessment.

## **Background reading/external references**

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- 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**

**Date registered** 20 February 2019

**Drawing numbers/Scheme** 1-9,

Scheme 1

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

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

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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** 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.

# Appendix 1

## **Application for Planning Permission 19/00860/FUL At 5 Millar Place, Edinburgh, EH10 5HJ Demolition of existing office premises, and erection of new office with two flatted dwellings above.**

### **Consultations**

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#### **Environmental Protection**

Similar to the previous application for this site, we have some concerns about noise from mechanical plant associated with the new office negatively impacting on the amenity of the proposed residential above. Before we could support this application we would look for a Noise Impact Assessment to demonstrate that our expected standard of NR25 would be met within the proposed living apartments (window partially open for ventilation if units are situated externally). Alternatively an NR25 condition could be placed on the planning permission.

#### **Waste Management**

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly [Hema.herkes@edinburgh.gov.uk](mailto:Hema.herkes@edinburgh.gov.uk) at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

## **City Archaeologist**

Further to your consultation request I would like to make the following comments and recommendations concerning this application demolition of existing office and erection of a new office and 2 residential units

The site overlies part of the original site of the Georgian and Victorian Royal Edinburgh Asylum (for the insane) immediately adjacent to the Female Wing, shown below on a detail taken from the 1876 OS Map.

Accordingly, this site has been identified as occurring within an area of archaeological potential and therefore the application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.

Given the scale of the development it is considered that the potential impact of this proposal would be low, however potentially significant as ground breaking works may disturb significant remains and artifacts associated with this important former hospital. It is recommended therefore that a suitable programme of archaeological work (watching brief) is undertaken during any associated ground breaking-works (demolition and construction) to fully record and excavate any significant archaeological deposits uncovered.

It is recommended that the following condition be attached, if granted, to ensure that this programme of archaeological works is undertaken either prior to or during construction.

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting,) 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.

## **Roads Authority**

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

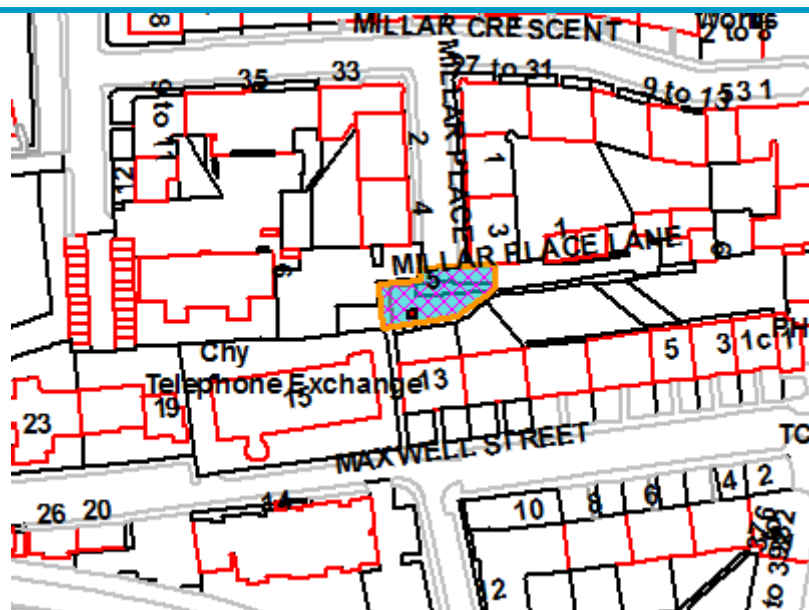
1. Council records indicate that the proposed development extends over an area of land which may form part of a 'road' as defined under the Roads (Scotland) Act 1984. This area may contain utilities and services which may impact on the proposed development. The applicant should satisfy themselves that they have the necessary rights and authority to construct the proposed development;
2. The applicant should be required to provide 4 cycle parking spaces in a secure and undercover location for the 2 residential dwellings and 2 cycle parking spaces for the office;

3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
4. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build);
5. Electric vehicle charging outlets should be considered for this development.

Note:

The retention of 2 parking spaces for the office element is considered acceptable and complies with the Council's parking standards. Zero parking for the proposed residential element is considered acceptable.

## Location Plan



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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00377/FUL  
At 144 Newhaven Road, Edinburgh, EH6 4PZ  
Partial change of use of the property from residential to a  
private car sales business for up to 8 cars.**

<b>Item number</b>	4.15
<b>Report number</b>	
<b>Wards</b>	B04 - Forth

## Summary

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It is accepted that the physical changes, and the vehicles associated with the change of use are well-screened, and have no impact on the appearance of the conservation area. However, the change of use impacts upon the nature of the residential area in its broader sense, with particular detriment to the neighbours who view over the garden. As such, the use is unacceptable due to its location within an established residential area.

## Links

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[Policies and guidance for this application](#) LDPP, LHOU07, LHOU03, LTRA04,

# Report

## **Application for Planning Permission 19/00377/FUL At 144 Newhaven Road, Edinburgh, EH6 4PZ Partial change of use of the property from residential to a private car sales business for up to 8 cars.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The site is the eastmost section of former garden ground relating to a 19th century villa on Newhaven Road facing Victoria Park. The site notionally extends to an area of 330 square metres, but has no boundary defining it from the rest of the garden ground other than the change of surface from hardstanding to grass.

The site is accessed solely from Summerside Place and has no access from Newhaven Road.

The surrounding area is residential in character. A bowling green exists on the south side of Summerside Place but this is wholly compatible with the residential character.

This application site is located within the Victoria Park Conservation Area.

#### **2.2 Site History**

The property has a long enforcement history and a series of applications relating to tree removal on the area in question.

A licence to sell second hand cars from the site was first obtained in August 2007, suggesting the activity has dated from at least that time (licence reference:07/14127/SHDN3). One condition of the licence was that all necessary other permissions (i.e. planning permission) be obtained.

26 October 2007 - mixed decision relating to formation of a driveway and alterations to walls - this approved alterations to house but refused a new vehicle opening south of the house (planning reference 07/03746/FUL).

9 October 2008 - enforcement against unauthorised sale of vehicles (planning reference: 08/00711/ECOU) - closed due to claim that all cars were for family use (which cannot be enforced).

22 December 2008 - planning permission refused for new vehicle access south of the house (planning reference 08/03407/FUL).

11 June 2013 - planning enforcement taken against sale of second hand cars (enforcement reference: 13/00057/ECOU) – closed.

21 June 2013 - consent granted for tree removal (planning reference: 13/02222/TCO).

11 April 2014 - planning permission granted for a new house (planning reference: 13/02120/FUL) - now lapsed.

27 May 2014 - enforcement on unauthorised widening of opening (planning reference: 14/00278/EOPDEV).

19 May 2015 - consent granted for further tree removal (planning reference: 15/02313/TCO).

25 January 2016 - enforcement against unauthorised sale of vehicles (planning reference: 16/00024/ECOU) - enforcement notice served - this related to up to 15 vehicles on site.

4 July 2018 - Council minded not to serve a Tree Preservation Order (planning reference: 18/03223/TCO).

9 October 2018 - appeal against enforcement (sale of 15 vehicles) dismissed (planning reference: 18/00084/ENFORC).

## **Main report**

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

The application proposes a change of use (in retrospect) for an area of formerly residential garden ground to be used for the sale of second hand cars. The area is accessed from Summerside Place and is screened by a high wall and gate.

The area in question is wholly laid out as hard-standing. It is noted that this area of hardstanding is the same area as relating to previous applications and it was put in place at some time over the last 10 years. Whilst the application states it is for "up to 8 cars", it is capable of holding around 15 vehicles.

The scheme was amended to illustrate on-site customer parking (as required within the licence conditions).

### **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.

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.

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 proposed use is acceptable;
- b) the impact on neighbouring amenity is acceptable;
- c) the impact on the conservation area is acceptable;
- d) parking and car generation is acceptable;
- e) loss of garden ground is acceptable;
- f) licensing;
- g) other issues (licensing etc); and
- h) comments are addressed.

#### **a) Principle of Use**

The sale or display for sale of motor vehicles does not fall within any use class and is a sui generis use. In this case, part of the rear garden of this property is used for car sales and so a change of use has occurred on part of the residential land. As the use does not fall within business and industry use classes, there are no Local Development Plan (LDP) policies which advise on suitable locations for car sales activity. The principle of the use is therefore dependent on whether other policies in the LDP would indicate the site is unsuitable for this use.

As the site is within a residential area, the proposal has been assessed against policy Hou 7 - Inappropriate Uses in Residential Areas and found to be in breach of this policy (see below). The principle of the proposed use is therefore unacceptable.

#### **b) Impact on Neighbouring Amenity**

LDP policy Hou 7 considers Inappropriate Uses in Residential Areas. This states: "developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby neighbours will not be permitted". The intention of this policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas.

The area is residential in character and the main issue is whether the development affects residential amenity.

The various enforcement enquiries (see History) stemmed from complaints from neighbours regarding the ongoing unauthorised use for car sales. Case law is clear that "loss of amenity" is a combination of actual loss and perceived loss (i.e. there is a psychological dimension to "amenity"). Therefore, the existence of a car sales facility can have a psychological impact over and above any measurable noise or disturbance.

The proposal has received considerable support. However, the majority of those giving support do not live in close proximity to the site and so would not logically expect to be disturbed. Letters of support do include the neighbour to the immediate south and the neighbour two houses to the east, and these are the most relevant letters of support as these properties might be expected to suffer some loss of amenity. These representations therefore carry some weight.

Set against this, the most relevant objections are from the two immediate neighbours to the north and two neighbours to the east. Of these, the neighbours to the immediate east and north are most likely to suffer loss of amenity. Both these neighbours object to the proposal. These representations therefore carry significant weight.

It is noted that, from the time of the earliest enforcement, the applicant has argued that vehicles are also for the use of his own extended family. There is no limitation on the number of cars a private family may possess, and the initial enforcement enquiry was closed due to the inability to determine who was driving the vehicles.

However, the combination of the licensing history and the formal application for sale of cars now establishes that the use is beyond what might be expected for personal family use. As such, the proposed commercial use of the site, and the activity associated with this, have the potential to detrimentally affect the living conditions of nearby residents.

Whilst it is accepted that the frequency of car sales may currently be limited, this is not within the scope of planning controls. The site is capable of taking up to 15 cars and whilst the applicant states only up to eight cars would be sold, this cannot be enforced through a planning condition. The planning authority cannot be expected to monitor on an ongoing basis the number of cars being sold and whether the cars on the forecourt are for business or personal use.

The two immediate neighbours (to north and east) do have windows from which the area in question is visible. This activity associated with commercial use is likely to impact on visual amenity especially as parked cars dominate the rear garden.

The fact that neighbours have previously raised concerns about the level of activity associated with the car sales - noise and disturbance from car valeting and a steady stream of customers and employees going to/from the site - indicates the use is not compatible with the residential character of the area. It is concluded that this commercial use is not appropriate in a residential area as the level of sales activity detrimentally affects the living conditions and amenity of neighbours.

The proposals do not comply with LDP policy Hou 7.

### c) Impact on the Conservation Area

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

The Victoria Park Conservation Area character appraisal states that part of the essential character is large villas set in generous garden grounds are located around three sides of the Park. The application site is one of them.

The site cannot be seen from the street as it is well screened behind timber gates. There is no impact on the appearance of the conservation area. In addition, whilst a hardstanding has been put in place which facilitates the use, this has been in place for more than four years and as operational development, does not form part of the current application. The overall character of the conservation area is unaffected by the development.

The proposal complies with policy Env 6.

### d) Parking and Layout

The location of the parking lies behind the main house and is screened by a high wall and gate. LDP policy Tra 4 on parking layout is met.

There should be no impact on adjacent on-street parking.

### e) Loss of Garden Ground

LDP policy Hou 3 considers garden ground serving housing.

The use of the rear part of the garden for car sales now dominates this area. However, the existing house retains ample garden ground for its amenity needs albeit with a commercial use adjacent to it.

### f) Licensing

The property has benefitted from over 10 years of licensing for the sale of second hand cars without the requisite planning permission as required within the licence conditions.

The licence also has other limitations which both in theory and in practice do limit the extent of any "nuisance". Clientele may arrive by appointment only, and this aspect in particular, does limit potential impact.

The limitation within the licence as to a maximum of eight vehicles for sale at any given time is very difficult to police.

The enforcement and appeal decision of 2018, relating to the sale of 15 vehicles, in combination with a layout capable of holding 15 vehicles, would imply an existing breach of licence.

The Licensing Board have independence from the planning system and are free to grant a licence for the sale of 8 (or 15) vehicles should they be so minded. However, it is normal within the licence to also state that such granting is conditional upon obtaining all necessary consents, including planning permission, and this has clearly not been addressed, and is a breach of existing licence conditions.

#### g) Other Issues

In the agent's supporting statement they list other "commercial uses" in the area. However all uses listed would be deemed compatible with their surrounding residential neighbours.

No examples cited were of a similar nature regarding the sale of second hand cars. This use is specifically "sui generis" as it raises issues not present in other use classes. None of the examples cited could be used for the sale of second-hand cars.

#### h) Public Comments

##### **Material Objections**

- the use is inappropriate in this area - addressed in section 3.3 a).
- impact on parking - addressed in section 3.3 d).
- impact on neighbouring amenity - addressed in sections 3.3 a) and b).
- impact on trees and garden - all impact is historic (see History).

##### **Material Comments in support**

- proposals comply with policy Hou 7 as there is no impact on amenity - addressed in section 3.3 b).
- no noise or waste products associated with the business - addressed in section 3.3 b).
- the business is not visible from the public road - addressed in section 3.3 c).
- no impact on parking - addressed in section 3.3 d).

##### **Non-Material comments**

- good character of the applicant - this is not a material planning consideration.

##### **Community Council**

Trinity Community Council responded as a formal consultee (see Appendix 1) and wrote in objection.

#### Conclusion

The existing use has a long history of enforcement and, despite having a valid licence to sell second-hand cars, has never had the requisite planning permission to accompany this licence.

Although it is accepted that the same number of vehicles could in theory be privately owned and operated from the same area, this is materially different from the formal use

of the same area to sell second-hand cars. Such a use is not compatible with the residential character of the area, and materially affects the living conditions and amenity of nearby residents. It is contrary to LDP policy Hou 7 and there are no material planning considerations to justify approval.

It is recommended that this application be Refused for the reasons below.

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

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use is unacceptable in principle within an established residential area.

### **Financial impact**

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#### **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**

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#### **6.1 The equalities impact has been assessed as follows:**

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

### **Sustainability impact**

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

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

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

There is no pre-application process history.

#### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 15 February 2019.

Response to the application has been complicated by multiple emails from multiple sources, duplicating support letters, but often with small variations to each letter.

A total of 28 individuals wrote in support of the application but submitted in total around 90 comments (mainly duplicated by the agent by e-mail).

Objection comments did not suffer from the same issue of multiplication. These were received from a total of eight individuals.

## **Background reading/external references**

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- 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 lies within the Victoria Park Conservation Area.

**Date registered**

29 January 2019

**Drawing numbers/Scheme**

1,2,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail: [stephen.dickson@edinburgh.gov.uk](mailto:stephen.dickson@edinburgh.gov.uk) Tel: 0131 529 3529

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

# Appendix 1

## **Application for Planning Permission 19/00377/FUL At 144 Newhaven Road, Edinburgh, EH6 4PZ Partial change of use of the property from residential to a private car sales business for up to 8 cars.**

### **Consultations**

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#### **Trinity Community Council**

Trinity Community Council discussed the current amended application. The Community Council has grave reservations about the proposed development and strongly objects to the use of a large portion of the garden for the sale and parking of cars.

For more than ten years the Community Council and local residents have expressed serious concerns about car trading activities taking place in the garden area of the property. The site has a long and complicated history. There is a close correlation between applications for trading licences made to the City Licensing Board and applications made, or which should have been made, to City of Edinburgh Council as planning authority.

Applications for trading licences were made in 2012, 2013, 2015 and 2016. It is requested that the case officer refers to the details of the applications and the consistent objections from the Community Council and local residents on the basis that a commercial activity taking place in a domestic garden is neither appropriate nor acceptable. In particular it should be noted that the 2013 application was refused on the grounds that the location of the premises in a residential and conservation area is not suitable for car dealing.

144 Newhaven Road is a large Victorian villa on a prominent corner site. It has an extensive area of garden ground much of which has been covered with hard standing material. The use of one room in the house as an office may be reasonable. However the proposal to use a significant portion of the garden area for commercial purposes is a fundamental and unacceptable change of use, detracting from the amenity and setting of the villa and the surrounding neighbourhood. The trading of cars and associated parking in the garden are not appropriate and cannot in any way be considered as incidental to the normal use and enjoyment of the house.

144 Newhaven Road is situated within the Victoria Park Conservation Area. Conservation Area status recognises the particular value of the area and special controls are exercised over any development which should preserve protect and enhance the character and amenity of the area. A car sales business taking place in a domestic garden in a predominantly residential area is not compatible with the designation. Such a use significantly damages the character, appearance and amenity of both the house and the Conservation Area.



The approved Local Plan for the City defines the property as being within the urban area. The type of business proposed, being conducted in the garden area, is contrary to Policy Hou 7 as it represents an inappropriate change of use detrimental to the amenity and living conditions of the surrounding residents. The Council has non-statutory guidelines relating to businesses run from home. The nature of the proposed activities is damaging to the character and amenity of the area by virtue of increased noise, vehicular and pedestrian activity on and around the site.

In April 2018 an enforcement notice was served alleging that without planning consent there had been a partial change of use from residential to residential/second hand car sales. An appeal was lodged against the notice. Again consideration of the current application should take into account evidence submitted by the City Council, the Community Council and many other objectors. The appeal was dismissed in October 2018 on the grounds that the private garden area of the house had been reduced to the detriment of its residential character and that the business activities taking place were no longer incidental to the normal use and enjoyment of the dwelling.

There appear to be no new material considerations or change of circumstances which would warrant any deviation from the dismissal of the appeal. The Community Council therefore recommends that the application should be refused on the grounds that car trading from a domestic property is inappropriate, intrusive and damaging to the residential and Conservation area. The commercial activity represents a significant and detrimental change of use.

It is also requested that Enforcement Action should be instigated as soon as possible.

### **Environmental Protection**

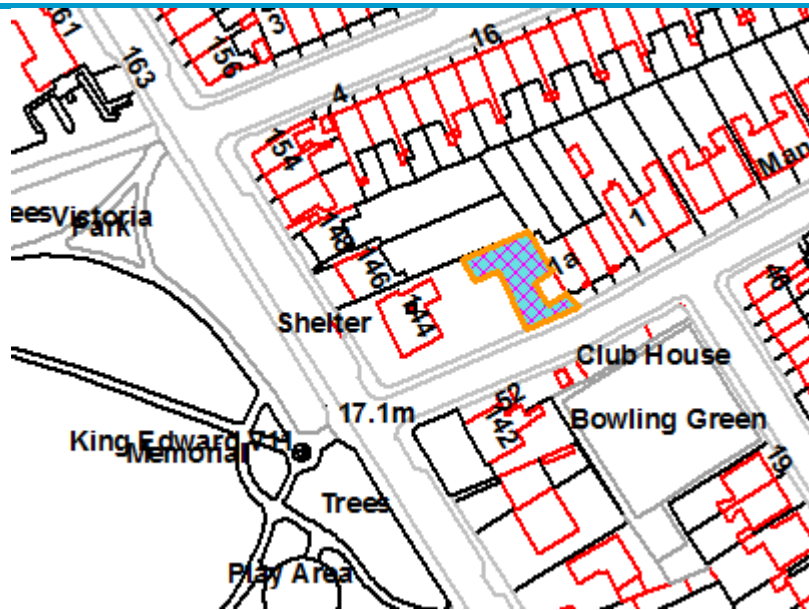
I refer to your consultation on the above application. Within the context outlined below Environmental Protection would offer no objections in respect of this proposal.

The application proposes a partial change of use from residential to a private car sales business. It is understood that the business has been operating for several years now from the premises and a second hand dealers licence is held by the applicant in relation to the car sales business at these premises. In addition to the standard conditions the licence is subject to a number of specific additional conditions. These conditions limit the number of cars kept for sale at the premises to eight, prohibit display of business signage, direct that all business to be carried out via appointment only, all customers to park on the premises and limit the hours of operation to between 9am and 7pm.

No records of complaints to Environmental Protection are held in relation to the operation of the business at this location.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Listed Building Consent 18/10256/LBC  
At 177 Portobello High Street, Edinburgh, EH15 1EU  
Alterations in connection to facilitating a new class 3 use  
on the ground floor, including the installation of two  
ventilation pipes on the rear elevation and the installation  
of a suspended ceiling with associated acoustic measures  
(as amended).**

<b>Item number</b>	4.16
<b>Report number</b>	
<b>Wards</b>	B17 - Portobello/Craigmillar

## Summary

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While the insertion of a suspended ceiling has the potential to impact on the special interest of the listed building, it is required to facilitate the adaptation of the premises to a beneficial new use. The works as part of the proposed conversion will not result in the loss of the original fabric of the building and overall preserve the building and its setting. The works will not detract from the character and appearance of the conservation area.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LEN04, LEN06, NSG, NSLBCA, OTH, CRPPOR,
---	---

# Report

**Application for Listed Building Consent 18/10256/LBC  
At 177 Portobello High Street, Edinburgh, EH15 1EU  
Alterations in connection to facilitating a new class 3 use on  
the ground floor, including the installation of two ventilation  
pipes on the rear elevation and the installation of a  
suspended ceiling with associated acoustic measures (as  
amended).**

## Recommendations

---

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

## Background

---

### 2.1 Site description

The site is a three storey, four bay, rectangular-plan, Renaissance palazzo style building, forming part of a terrace, and is located on the south side of Portobello High Street. The building was the former Royal Bank of Scotland. The upper floors are currently being converted into residential flats.

The building is category B listed, (date of listing: 09/04/1995 and reference: LB27398).

This application site is located within the Portobello Conservation Area.

### 2.2 Site History

The following planning history is relevant:

14 February 2018 - Planning permission granted for change of use from class 2 to class 1 on the ground floor, and to residential use (class 9) on the first and second floor (Application number 17/05359/FUL).

16 February 2018 - Listed building consent granted for internal alterations to implement change of use from class 2 to class 1 on ground floor and residential use on the first and second floor (Application number 17/05360/LBC).

1 April 2019- Planning permission granted for the change of use of the ground floor to class 3 (food and drink). The upper two levels will remain residential with their own common staircase access from a separate door. No external changes to the principal high street elevation. Insertion of ventilation duct/flues to the rear (as amended) (Application number 18/10257/FUL).

## **Main report**

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

The application seeks to carry out a number of alterations in connection to facilitating the conversion of the ground floor premises to a Class 3 (Food and Drink) use. The proposals include the installation of two ventilation pipes (200mm wide each) on the existing rear elevation of the building. Suspended ceilings are proposed as part of the proposed acoustic measures.

#### Scheme One

The original scheme was amended to revise the design of the external flue to the rear of the building.

### **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 proposals will harm the architectural or historic interest of the listed building;
- b) the proposals will adversely affect the special character or appearance of the conservation area; and
- c) any issues raised in representations have been addressed.

#### a) Listed Building

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Interiors, sets out the principles that apply to altering historic buildings.

Policy Env 4 Listed buildings - Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The non-statutory 'Listed Buildings and Conservation Areas' guidance advises the following:

*Care should always be taken with works to old plaster to avoid destroying early decoration. All decorative features from a simple cornice or cove to elaborate wall and ceiling decoration should be preserved. Suspended ceilings should never be formed in principal rooms or entrance halls which have decorative plasterwork. They may be acceptable in minor rooms provided they are above window height.*

*Floors which are original to the building and/or of interest because of their materials, form or surface treatment should be respected, and repaired and retained in situ. Care must be taken when such floors require to be lifted in order to install or repair services. In some instances, features of interest are concealed behind suspended or false ceilings. This should always be the subject of investigation prior to any works being carried out.*

The proposal seeks to install a suspended ceiling below the existing cornice level within the proposed commercial and kitchen areas on the ground floor. The suspended ceiling is to facilitate the required acoustic insulation for the upper flats as a result of the premises proposed conversion to a Class 3 (Food and Drink) use. Whilst the concealment of decorative cornicing would generally not be supported for the reason that it would obscure its special contribution to the building's architectural and historical interest, the applicant has explained that alternative acoustic measures would involve the raising of the floor levels of the upper flats, thus disrupting details of the buildings original floor levels. In addition, since the grant of planning permission to operate as a Class 1 (shop) use in February 2018, the applicant has been unable to secure interest for this use. These aspects are relevant considerations.

The suspended ceiling will be positioned above the top of the windows and while the decorative cornice would be concealed, it would be preserved in-situ. The suspended ceiling is required to support the adaptation of the premises to a new use as opposed to being vacant. The proposed alterations would enhance the beneficial use of the building without harming the special interest of the listed building. The suspended ceiling will not result in unreasonable harm to the character of the building. A condition is required to ensure that works to install the suspended ceiling does not damage the decorative cornices. This is to safeguard the character of the building.

The insertion of two ventilation pipes on the rear elevation of the building as amended will resemble the appearance of down pipes and will not result in unreasonable harm to the character of the building.

The works will not result in unreasonable harm to the historic fabric of the listed building and preserve features of special architectural and historic interest in compliance with the statutory test.

## 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 Conservation Areas - Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the Portobello Conservation Area. The character appraisal states the following:

*Portobello developed significantly in the 18th century, not only because of its industry but due to its popularity as a bathing and spa resort. Discovery of mineral wells added to the village's attraction and in the early years of the 19th century, elegant residential terraces were developed, mainly between the High Street and the sea.*

*The High Street provides the commercial and administrative focus for the Conservation Area retaining many original two storey Georgian buildings as well as a number of significant public buildings.*

*The High Street is an identified shopping centre that provide a diverse mix of commercial activities and in which retail frontages are protected. Key objectives involve encouraging regeneration to attract investors and generate new employment opportunities, promoting good quality design and enhancing existing quality.*

The insertion of two ventilation pipes on the rear elevation to resemble the appearance of downpipes will not have an unacceptable impact on the character and appearance of the conservation area.

The proposals preserve the character and appearance of the conservation area.

## c) Matters Raised in Representations Addressed

Matters raised in representations - Objection

### Material

- Erection of false ceiling will obscure fine cornices that makes an important contribution to the character of the building - Addressed in Section 3.3 (a).
- Sound proofing measures could be achieved from the flats above the premises - Addressed in Section 3.3 (a).

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

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

#### **Conditions:-**

1. The installation of the suspended ceiling on the ground floor as shown on Drawing 03A shall not cause to alter or damage the existing decorative cornices. The existing cornices shall be preserved in-situ.

#### **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.

### **Financial impact**

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

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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

### **Equalities impact**

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#### **6.1 The equalities impact has been assessed as follows:**

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

### **Sustainability impact**

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

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

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.



## 8.2 Publicity summary of representations and Community Council comments

The application was advertised on 11 January 2019 and the proposal attracted 7 objection comments. The comments made are addressed in the Assessment section of the report.

A number of late letters of support were received four days after the date for public comments expired. The comments of support did not raise matters relevant to the current application for listed building consent.

### **Background reading/external references**

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- 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**

**Date registered** 6 December 2018

**Drawing numbers/Scheme** 01-02 and 03A.,

Scheme 2

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail:laura.marshall@edinburgh.gov.uk Tel:

## **Links - Policies**

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### **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 18/10256/LBC  
At 177 Portobello High Street, Edinburgh, EH15 1EU  
Alterations in connection to facilitating a new class 3 use on  
the ground floor, including the installation of two ventilation  
pipes on the rear elevation and the installation of a  
suspended ceiling with associated acoustic measures (as  
amended).**

## **Consultations**

---

Historic Environment Scotland

### **Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments 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.

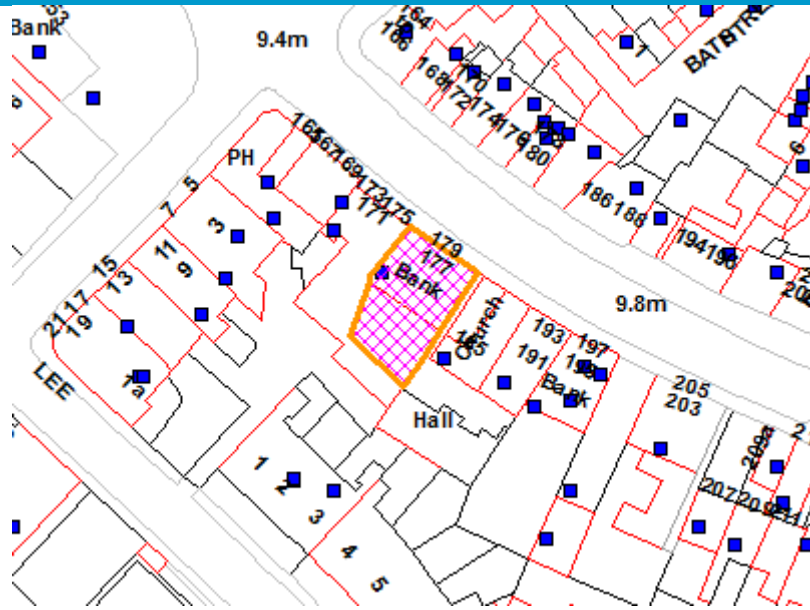
### **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

## Location Plan

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**END**

# Development Management Sub-Committee

**10.00 am, Wednesday, 24 April 2019**

## **Stopping Up Order – Water of Leith Walkway, West Bowling Green Street, Edinburgh PO/18/03**

<b>Item number</b>	4.17
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Ward</b>	12 Leith Walk

### **Executive summary**

---

The purpose of this report is to request that the Sub-Committee confirm as unopposed The City of Edinburgh Council (Millennium Water of Leith Walkway, West Bowling Green Street, Right of Way, Cycle Track and Core Path, Edinburgh) (Stopping Up) Order 2018 was advertised to the public.

### **Links**

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<b>Coalition pledges</b>	
<b>Council outcomes</b>	CO25 – The Council has efficient and effective services that deliver on objectives.
<b>Single Outcome Agreement</b>	

## Stopping Up Order – Water of Leith Walkway, West Bowling Green Street, Edinburgh PO/18/03

### Recommendations

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- 1.1 That the Sub-Committee confirms as unopposed The City of Edinburgh Council (Millennium Water of Leith Walkway, West Bowling Green Street, Right of Way, Cycle Track and Core Path, Edinburgh) (Stopping Up) Order 2018 – PO/18/03 (see Appendix 1).

### Main report

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- 2.1 To facilitate implementation of a grant of approval of full planning permission (reference 17/02345/FUL) for the housing development at the land 43 metres east of 20 Bowling Green Street, Edinburgh, a stopping up order is required.
- 2.2 The stopping up of roads was progressed under the terms of the Town and Country Planning (Scotland) Act 1997, Section 208 and was advertised to the public from 13 November 2018 to 11 December 2018. There are no outstanding objections to the Order.

### Measures of success

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- 3.1 The planning permission will be implemented in full.

### Financial impact

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- 4.1 Associated costs will be met by the applicants.

### Risk, policy, compliance and governance impact

---

- 5.1 All statutory procedures for the making of the Order will be correctly followed.

## Equalities impact

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- 6.1 This was assessed in the report to the Development Management report of handling and is contained within the Assessment section of that report.

## Sustainability impact

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- 7.1 This was assessed in the report to the Development Management report of handling and it was considered that these met the sustainability requirements of the Edinburgh Design Guidance.

## Consultation and engagement

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- 8.1 The consultation period as required by the legislation has been carried out.

## Background reading / external references

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Development Management report of handling - Application for Planning Permission 17/02345/FUL At Land 43 Metres East Of 20 West Bowling Green Street, Edinburgh. Erection of residential accommodation comprising 24 specialised supported living apartments, together with new car parking and open space.

### David R. Leslie

Service Manager & Chief Planning Officer

Contact: John Richmond, Senior Professional Officer

E-mail: john.richmond@edinburgh.gov.uk | Tel: 0131 469 3765

## Links

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### Coalition pledges

**Council outcomes** CO25 – The Council has efficient and effective services that deliver on objectives.

### Single Outcome Agreement

#### Appendices

Appendix 1  
Plan of footpath to be stopped up.  
Plan of new footpath to be provided.  
Location plan



# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00799/FUL  
At 5 - 7 Thorntree Street, Edinburgh, EH6 8PY  
Erection of 3, two storey, flat-roofed, two bedroom houses  
with associated parking, bike storage, refuse/recycling  
storage, amenity space and private gardens.**

<b>Item number</b>	4.18
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

## Summary

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The site is suitable for residential development and the proposed density is less than its surroundings. There is a need for family homes with gardens in this area. The low density is appropriate for a mews type development. Scale, form and design are appropriate and amenity levels both to occupants and to neighbours will be adequate. Parking and cycle parking meet policy requirements. No other considerations outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
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# Report

## **Application for Planning Permission 19/00799/FUL At 5 - 7 Thorntree Street, Edinburgh, EH6 8PY Erection of 3, two storey, flat-roofed, two bedroom houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is an area of land enclosed by tenements and accessed through a pend on Thorntree Street. It extends to an area of 573 square metres and previously held an industrial style workshop building. This was demolished recently (this did not require permission) and the site is now cleared, other than the semi-mature trees retained at the north and south ends of the site.

The site immediately adjoins common back greens on all sides.

The surrounding tenements are of two broad dates: those to the north (Thorntree Street) and east (Easter Road) date from around 1885 to 1890; those to west (Halmyre Street) and south (Lorne Street) date from around 1905 to 1910. Although none are listed or in a conservation area, they form a homogenous stone-built environment enclosing the application site.

#### **2.2 Site History**

25 August 2015 - part change of use to residential approved (planning reference: 15/02275/FUL).

17 January 2018 - redevelopment of workshop to create 8 flats in a four storey block refused ((planning reference: 17/03140/PPP).

### **Main report**

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

The application proposes three two-bedroom houses, laid out in a stepped terrace, to reflect the existing angled site.

The units are flat-roofed. North-south walls are expressed in facing brick and extend to north and south as fins. The flat roof has a deep overhang to both north and south, protecting the timber-clad faces on these sides.

Each house has two cycle spaces at the front and a single car parking space. Each has an enclosed south-facing private garden.

Bin storage is provided between the block and the entrance pend.

Drawings were added to clarify that the semi-mature trees on site shall be retained.

### **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 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 proposed use is acceptable in principle and the type of housing is appropriate;
- b) the proposed scale, form and design are acceptable;
- c) parking and cycle parking standards will be met;
- d) the amenity of the proposed houses is acceptable;
- e) impact on neighbouring amenity is acceptable;
- f) other considerations; and
- g) comments are addressed.

#### **a) Principle of Use and House Type**

LDP policy Emp 9 considers loss of employment sites.

The former employment use ceased upon demolition of the former shed. Whilst a new employment use may have been possible on the site, the proposed housing does not prejudice any ongoing employment use nearby and the proposal contributes to the wider regeneration of the area. The requirements of policy Emp 9 are met.

LDP policy Hou 1 seeks that priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in the plan, including on "other suitable sites in the urban area, provided proposals are compatible with other policies in the plan".

The proposed housing is situated in an area of predominantly residential use with residential properties bounding the site on all sides. A residential use on the site is compatible with neighbouring uses. The proposal accords with LDP policy Hou 1, subject to compliance with other relevant LDP policies.

There is a lack of family houses with gardens in the area, and few sites where this form of development would be possible. The proposal directly addresses policy Hou 2 on housing mix in this regard.

The proposed density equates to only 52 units per hectare, which is low in relation to the tenemental surroundings, but appropriate to this rear site. This density is appropriate for a mews-style development and accords with LDP policy Hou 4 on density.

#### b) Scale, Form and Design

LDP policy Des 1 considers the quality of new design and policy Des 4 seeks that new development fits with its setting.

A previous application of four storeys, matching the surrounding scale, was refused (see History). There is a presumption on this site that development should not match the surrounding buildings in scale and form. and that the site merits a low key solution i.e. a maximum of two storey in height.

Whilst the two-storey proposal does not match the surrounding tenemental form, it is considered an appropriate scale for this rear site. Lower scale buildings are typical of these sites behind the tenements, and are relatively common with the wider area, even if not currently found on this site.

The site was previously occupied by a single storey warehouse building of minimal architectural quality, and occupying most of the site. This previous building was incongruous in terms of its surroundings.

The development of small-scale housing is appropriate on this site. The use of a flat rather than pitched roof minimises daylight impact on neighbouring sites. The proposal will create a "sense of place" in relation to its site and will not damage the character of the wider area.

Due to the secluded location of the site, there is almost no impact from any public street other than a narrow glimpse view through the pend on Thorntree Street. Upon entry to the site, through the pend, the development will create a pleasant and acceptable environment.

The form and design are appropriate to this site and the requirements of policies Des 1 and Des 4 are met.

c) Parking and Cycle Parking

LDP policy Tra 2 considers car parking requirements.

Council guidelines now seek to minimise car generation. The proposal provides one space per house which is now the maximum provision allowed. Policy Tra 2 is met.

LDP policy Tra 3 considers cycle parking requirements.

The proposal includes two cycle spaces per house, which meets policy requirements.

Access to the site is unaltered.

The requirements of policies Tra 2 and Tra 3 are met.

d) Amenity of the Proposed Houses

LDP policy Des 5 and Hou 3 consider the amenity needs of new housing.

Each house is dual aspect with a south-facing garden. Garden sizes vary from 26 to 38 square metres. The gardens are distant from the surrounding tenements and will have adequate sunlight and daylight.

The houses are each 80 square metres in area and meet minimum space standards for a two-bedroom house.

Daylight and sunlight levels will be adequate.

Amenity of the proposed houses will be acceptable and meet the requirements of Des 5 and Hou 3.

e) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact on neighbouring amenity.

Due to the existing relationship of the site to the rear of the Thorntree Street tenements, whilst the development can achieve 9 metre distances to its own boundary, due to short back greens on the properties to the north, some window to window privacy distances drop to 15 metres. This is acceptable in this tight urban context.

On the south side some windows lie only 5 metres from the southern boundary. However, the adjacent land on this side is common back green, and privacy issues do not arise. The windows of the development on the south side face the rear of Lorne Street tenements, over 100 metres distant. No privacy issues arise on the south side.

In terms of overshadowing, the gables of the proposal have a small impact on the common greens to both east and west. This totals around 10 square metres on each side. The back greens in question each have an area of over 100 square metres so this represents an impact on less than 10% of the area. Policy itself seeks to protect daylight to neighbouring windows. No neighbouring window is overshadowed in policy terms. Moreover, it is noted that the previous industrial shed on the site overshadowed the same areas to both east and west to a more extensive degree than now proposed.

In summary, whilst there are minor breaches to privacy and daylight, these are acceptable both due to the previous building on the site and due to the mews style of the development. These minor infringements of policy Des 5 are acceptable.

#### f) Other Considerations

LDP policy Env 8 considers potential impact on archaeological remains.

The City Archaeologist highlights that industrial development on the site predates the surrounding tenements.

A condition is added seeking an archaeological investigation of the site.

LDP policy Env 12 considers impact on trees.

Four semi-mature trees stand on the south side of the site and one on its north side. The proposed building is further from these trees than the previous structure, hence there is no reason to suppose these trees will be adversely impacted.

Bin location is illustrated on the east side of the vehicle access. It is noted that waste collection throughout the adjacent area is from communal bins on the streets. The illustrated bin location will only be required if the method of waste collection alters. Potential noise from bin use is not a planning consideration.

As a previously industrial site the land may require decontamination. This is addressed by condition.

#### g) Public Comments

##### **Material Considerations**

- The site is not suitable for housing - addressed in section 3.3 a).
- Loss of privacy and daylight - addressed in section 3.3 e).
- Inappropriate, scale and design - addressed in section 3.3 b).
- Lack of parking provision - addressed in section 3.3 c).
- Density of residential properties in area already too high - addressed in section 3.3 a).
- Tree loss - addressed in section 3.3 f).
- Bin location will cause noise - addressed in section 3.3 f).
- Site may require decontamination - addressed in section 3.3 f).

## **Non-material considerations**

- Site should remain open space - the land is a brownfield site, whose original development predates the tenements.
- Lighting will cause disturbance - this would equally be true were the site redeveloped to its previous use.
- Noise disturbance during construction - this is not a planning consideration.
- Noise from cars going through pend - this aspect previously existed.
- Devaluation of property - this is not a planning consideration.
- Bin location in alley-way is inappropriate - this is a misinterpretation of plans, the bins are south of the pend.
- Loss of view - views are not protected.
- Insufficient access for emergency services - this is a building warrant issue.
- Contrary to title deed requirements - this is a legal issue.
- The previous industrial shed has been demolished - this is self-evident.
- Road safety - the access is unchanged.
- As the locked gate on the pend will disappear security issues will arise - the status of the previous gate (locked or unlocked) is not a planning concern.

## **Conclusion**

The site is a backland brownfield site. The principle of residential use is acceptable on the site, and a mews style development is deemed more appropriate than a form matching the surrounding scale. The proposal would create a pleasant residential environment with minimal impact on surrounding properties. Car parking and cycle parking meet policy requirements.

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, having first been agreed by the City Archaeologist.
2. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) 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 for the approval of the Planning Authority.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

## **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**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application attracted 40 objections, mainly from neighbours, including comment from Tommy Sheppard MP. A petition with 50 signatures (including several who wrote separately) was also submitted.

All representations were in objection. A summary of objections is within section f) of the Assessment.



## Background reading/external references

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- 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 lies within the white Urban Area as shown in the Edinburgh Local Development Plan.

### **Date registered**

18 February 2019

### **Drawing numbers/Scheme**

1-3,4a,5,6,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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** 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.

# Appendix 1

## **Application for Planning Permission 19/00799/FUL At 5 - 7 Thorntree Street, Edinburgh, EH6 8PY Erection of 3, two storey, flat-roofed, two bedroom houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens.**

### **Consultations**

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#### **Roads Authority**

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

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

Note:

The proposed 2 cycle parking spaces and 1 car parking space per unit is acceptable.

#### **Archaeologist**

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the erection of three two-storey flat roofed two-bedroomed mews houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens.

The site was developed during the mid-late 19th century for maritime industry, with the 1st Edition OS map showing the site forming part of rope walk with associated outbuildings/workshops. Prior to this date the site is likely to have remained open fields, though it is close to the presumed line of English siege works associated with the 1559-60 Siege of Leith, adjacent to Easter Road which became the main route between Leith and the Canongate by the 17th century. As a minor country road Easter Road is likely to date back to the early medieval period. The site was occupied until c.2017 by a warehouse constructed between the OS maps of 1876 and 1893.

Based on the historical and archaeological evidence the site and warehouse have been identified as occurring within an area of archaeological significance. Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies EV8 & 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.

As stated in my responses earlier applications, most recently 2017 (17/03140/FUL), for this site it was occupied by an unlisted warehouse parts of which were thought to date back to the last quarter of the 19th century. Despite requesting recording of this structure prior to demolition there is no record of this being done, nor what impact such work may have had on any underlying remains.

As the proposals will also require ground breaking works in terms of construction, it is essential that a programme of archaeological work is undertaken prior to development to record any surviving remains associated with this Victorian Warehouse and also any underlying archaeological remains including the site's former 19th century rope-walk and associated industrial outbuildings.

This will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site post demolition. The results of which would allow for the production of appropriate, more detailed mitigation strategies to be drawn up to ensure the preservation and full excavation, recording and analysis of any further surviving archaeological remains.

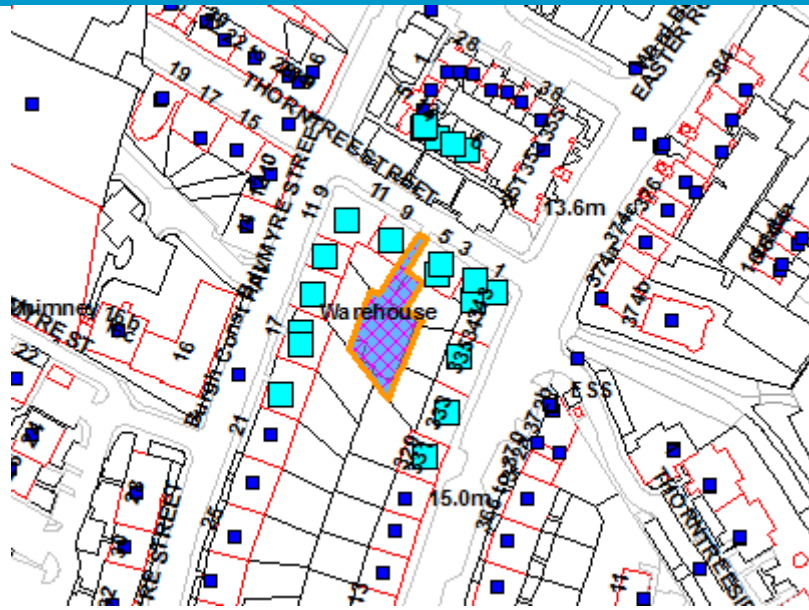
It is recommended that following condition be applied to ensure that the above programmes of archaeological work are carried out;

'No development nor demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, 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.

## Location Plan

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**END**

# Development Management Sub-Committee

**10.00am, Wednesday 24 April 2019**

## **Protocol Note for Hearing**

**Planning Application No 18/04657/FUL, 18/07730/LBC & 18/07127/LBC  
35 - 36 St Andrew Square Edinburgh EH2 2AD**

**Item number** 6.1(a)

**Report number**

**Ward**

### **Laurence Rockey**

Head of Strategy and Communications

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Tel: 0131 529 4283

# Summary

## Protocol Note for Hearing

### Summary

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The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view in the group rooms.

### Committee Protocol for Hearings

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The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	



## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	10.15 -10.35
2	<b>Representors or Consultees</b> Richard Price, New Town and Broughton Community Council Adam Wilkinson, Edinburgh World Heritage Trust Terry Levinthal, Cockburn Association Nuveen Real Estates Mr Antony Jack Mr Andrew Jack	10.40 -10.45 10.50 -10.55 11.00 -11.05 11.10 -11.15 11.20 -11.25 11.30 -11.35
3	<b>Break</b>	11.40 -11.45
4	<b>Ward Councillors</b> Councillor Karen Doran Councillor Claire Miller Councillor Alasdair Rankin	11.50 -11.55 12.00 -12.05 12.10 -12.15
5	<b>Applicant and Applicant's Agent</b> Sir Ewan Brown, IMPACT Scotland Sir David Chipperfield, David Chipperfield Architects Brian Muir, Ryden Planning	12.20 –12.35
6	<b>Break for Lunch</b>	12.40 –13.20
7	<b>Debate and Decision on Application by Sub-Committee</b>	13.25

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can attend the meeting to observe the discussion from the gallery.

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/04657/FUL  
At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD  
Erection of music and performing arts venue with licensed  
café/restaurant and bar facilities, and related arrangements  
for infrastructure, demolitions, and other works. (See Cover  
Letter for full statutory description) (amended).**

<b>Item number</b>	6.1(b)
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The proposed music and performing arts venue would make a valuable contribution to the city's cultural infrastructure and provide opportunities for its use by the wider community. The proposed development, which forms an important cultural strand within the City Deal, will contribute to Edinburgh's strategic aspirations in terms of culture, tourism and the economy. The location of a cultural, leisure and entertainment venue at this accessible city centre site, accords with LDP Policies Ret 1, Ret 7 and Del 2. The proposed use also complies with the relevant principles of the St James Quarter Development Brief.

The proposed venue contributes positively to the formal planned alignment of the First New Town by terminating the axial view along George Street, cleaning the backdrop to Dundas House and contributing towards the symmetry of the street. The development is, however, considered to have an adverse impact on the setting of Dundas House when seen from some of the public viewpoints within St Andrew Square. On the immediate approach to Dundas House, this effect will be noticeably diminished as a result of its set back position within the site. The height, scale and massing of the extension expands beyond Dundas House. However, it has been sensitively designed to reflect its immediate context and mitigate some of these impacts. It is considered that the proposed development does not comply fully with the provisions of LDP Policy Env 3 and Env 4 in terms of impact on the setting of Dundas House. However, in considering the provisions of the Development Plan as a whole and other material considerations, the positive support for other aims, objectives and policies outweighs this negative impact. The considerable benefits to the culture of the city and wider community, including the Old and New Towns of Edinburgh World Heritage Site off-set any adverse impact.

The proposal has been designed to minimise any potential negative impact on its neighbours and raises no issues in respect of privacy, outlook, noise and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to levels of daylight and sunlight into the neighbouring tenement building and garden space. However, this is considered to be a minor infringement given the unique urban historic context, neighbouring property relationship and the proposed public/civic use. An infringement can be justified given the existing context and wider benefits of this case.

The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the New Town but rather to complement and enhance them through a positive engagement with the architecture and urban morphology of its historic setting. The overall height and form create a subtle and positive addition to the skyline, appropriate for a civic building. Likewise, through its coordinated and high quality public realm design, it makes a significant contribution to the delivery of placemaking within the St James Quarter area, as defined in the Local Development Plan and St James Quarter Development Brief. The proposals comply fully with LDP Policy Des 1, Des 2 and Des 4.

There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

## Links

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<a href="#">Policies and guidance for this application</a>	CRPNEW, CRPWHS, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LDES12, LEN01, LEN03, LEN04, LEN06, LEN07, LEN08, LEN09, LEN12, LEN16, LEN21, LEN22, LRET01, LRET07, LRET11, LTRA01, LTRA02, LTRA03, LTRA04, NSGD02, NSLBCA,
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# Report

## **Application for Planning Permission 18/04657/FUL At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works. (See Cover Letter for full statutory description) (amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site lies within the city centre and covers an area of 0.77ha. It is located to the east of St Andrew Square, south of Multrees Walk and west of the residential tenements at St James Square and the new Edinburgh St James development beyond. New Register House and General Register House are located to the south. The Royal Bank of Scotland (RBS) branch, registered office and existing car park are currently located on the site. Existing access to the site is from St Andrew Square through Dundas House forecourt or from Register Place, to the south of the site. Elder Street to the east of the site comes to an end at a wall along the boundary of the site.

The site comprises Dundas House, a Category A listed building and its 1960's office extension and associated car park to the rear (Listed Building Reference: LB29705). In addition, the rear garden and associated boundary walls of the Category A listed 35 St Andrew Square (Listed Building Reference: LB29704) are located on the site along with the Category A listed Monument to John 4th Earl of Hopetoun in the forecourt of Dundas House (Listed Building Reference: LB27862). There are several other listed buildings and monuments in proximity to the site.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

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

#### **2.2 Site History**

There is significant history relating to 35-36 St Andrew Square, for specific works, signage, flagpoles, disabled access ramps, satellite dish and metal shutter. The applications below are for more substantive works:

- October 2005 - Works to listed building including construction of covered link building within the existing external basement area, erection of a traditionally finished outbuilding to house goods lift and refuse bins, reinstatement of original astragal configuration to window openings to south elevation, erection of external escape stairs to rear, and landscaping of existing car park area on bunker roof (all as amended) (application reference numbers: 05/02086/FUL and 05/02086/LBC) - Granted and constructed.
- January 2015 - Internal and external alterations including installation of new ATM, ATM surround and associated signage, advertisement signage, doors, lighting, new entrance lobby, new automation, removal of existing counters and replacement with new banking hall layout, as well as proposed painting and new flooring and other associated works (as amended) (application reference number: 14/04727/LBC) - Granted and constructed.
- Applications submitted by TH Real Estate for the alterations to rear boundary wall to Elder Street to form vehicular access, use of part existing car park as construction site lay down area and other ancillary works for temporary period (application reference numbers: 18/01052/FUL and 18/01053/LBC) - awaiting determination.

## **Main report**

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

The application proposes the removal of the 1960s extension located to the rear of Dundas House and the erection of a new extension to accommodate a music and performing arts venue and related infrastructure, access, servicing, and public realm/landscaping works. The retained structures will continue to operate as a bank. An occasional route through the bank to the new music venue will be provided. The application also includes alterations to the rear of number 35 St Andrew Square, including the demolition of the existing boundary wall, associated modern basement kitchen, small outbuilding and extension, to enable the regrading of land for public access. The removal of the wall currently dividing the existing car park from the hammerhead at Elder Street to the east of the site is also proposed.

The proposal will have a gross floor space of 11,347sqm with five storeys above ground. The proposed venue is organised around the oval form of the concert hall volume raised above the ground floor entrance foyer. The elevated volume contains the main concert hall with its stage platform at first floor level. The main concert hall has 1,000 seats and can accommodate all types of music, performance, recording and conferences. At the other levels, the building provides foyers, bars and other flexible front of house functions. A continuous corridor wraps the scalloped acoustic form of the hall to provide access, egress and an acoustic buffer to the space with multiple access points on each level. A 200 seater studio space, designed to accommodate a flexible range of performance types, recordings and rehearsals, is located within the three storey basement, 14.05m below ground.

Two external rooftop terraces are located at fourth floor level to the north and south. Foyers will provide access to the building from the north, south, east and west, providing an area that can accommodate an all-day cafe/bar and range of informal performances. A range of multi-purpose spaces are also provided for educational use, practice and meetings. The auditorium has been designed to have a flawless acoustic to attract both national and international performers. It is this world class acoustic criteria that has determined its overall height, scale and massing.

The proposed development comprises three main volumes; the main concert hall and two orthogonal side volumes. The oval form of the main concert hall, with a curved form and domed roof sits on axis with George Street. The height of the dome at the top is 13.425m higher than the ridge of Dundas House and 6.985m higher than the St James Square tenements.

The application proposes to use grit blasted and honed concrete as the primary material, standing seam metal roof, and glazing with metal frames. The application proposes new publically accessible routes throughout the site, connecting St Andrew Square, Register Lanes and the Edinburgh St James development. Vehicular access will primarily be from Elder Street into a designated and integrated loading bay, with more occasional service access from St Andrew Square. The main access into the building will be from the northern elevation.

### Scheme one

A number of amendments have been brought forward during the assessment of the proposals. The main changes relate to:

- Amendments to the façade design and window size/detailing;
- Removal and repositioning of window openings on the eastern elevation;
- Detailed refinement to the parapet of the crown through the removal of the metal spandrel panel and replacement with a honed concrete fascia;
- Continuation of the pavement surface along the St Andrew's Square frontage, with dropped kerbs at the two access points;
- Demarcation of the curtilage of 35 St Andrew Square within the landscape design by a change in texture on the surface of the Yorkstone paving;
- Increasing the number of cycle parking stands in the public realm; and
- Reduction in the number and type of proposed trees.

An EIA Report was submitted to support the application, which scoped in three topic specific assessments; Cultural Heritage, Socio-Economics and Culture, and Townscape and Visual. Many of the visualisations illustrating the appearance of the proposal have been revised following some elevational design changes. In this regard, an addendum to the EIA Report was submitted in February 2019.

### Supporting information

The following documents were submitted in support of the application:

- Design and Access Statement;
- Planning Statement;
- Heritage Statement;

- Socio-Economic and Cultural Statement;
- Pre-application Consultation Report;
- Transport Statement;
- Daylight, Sunlight and Privacy Assessment;
- Noise Impact Assessment;
- Bat Survey; and
- Drainage Impact Assessment.

These documents can all be viewed on the Planning and Building Standards Online Service.

### **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.

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.

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.

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 principle of development is acceptable;
- b) The proposal will have a detrimental impact on the character and setting of any listed buildings;
- c) The proposal will preserve the character and appearance of the New Town Conservation Area;

- d) The proposal will have a detrimental impact on the character of the New Town Gardens and Dean Historic Garden Designed Landscape Inventory Site;
- e) The proposal will preserve the outstanding universal value of the Old and New Towns of Edinburgh World Heritage Site;
- f) The design is acceptable and will contribute towards a sense of place;
- g) The proposal will have social, cultural and economic impacts;
- h) The proposal raises any issues in respect of transport and road safety;
- i) The proposal will have a detrimental impact on the amenity of nearby residents;
- j) The proposals are sustainable;
- k) There are other material considerations;
- l) Environmental Impact Assessment Report;
- m) Impacts on equalities and rights are acceptable; and
- n) Public representations have been addressed.

**a) The principle of development is acceptable**

The application site is located within the City Centre, as defined on the Edinburgh Local Development Plan (LDP) Proposals Map. In this regard, LDP Policy Del 2 is relevant. It states that development will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and a capital city.

The proposal seeks to create a diverse, thriving, welcoming and successful place which is integral to Edinburgh's role and functioning as a capital city, a regional service centre and major tourist destination. In order to maintain an intensively developed, vibrant city centre character, a wide range of uses are encouraged, including commercial leisure use, offices, community and cultural facilities and where appropriate libraries, education and healthcare facilities. Leisure, community, cultural and education uses are all provided for in the proposed development and all appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area, thus complying fully with LDP Policy Del 2b). The benefits of these uses are assessed further in section 3.3g).

LDP Policy Del 2c) requires, where practicable, that offices be provided as part of major mixed use developments. Although this is not considered a major mixed use development, the applicant (IMPACT Scotland) and other associated parties will occupy the existing office building at 35 St Andrew Square and RBS will retain their bank branch and associated office space within Dundas House. These existing office uses will complement the proposal and contribute to the overall mix on the site.



LDP Policy Del 2a) supports comprehensively designed proposals which maximise the potential of the site in accordance with any relevant development principles, development brief and/or other guidance. The proposals provide a comprehensive design which maximises the potential of the site in accordance with the principles set out in the St James Quarter Development Brief. Within this context, the Development Principles for Proposal CC1 in the LDP include reference to how the current St James development will contribute to the regeneration of this part of the city centre. In particular, reference is made to the opportunity for a new civic space and public pedestrian routes to strengthen links with St Andrew Square. The proposed development supports this aspiration through the delivery of a high quality public realm, making the entire area between the new Edinburgh St James development and St Andrew Square accessible and permeable to pedestrians and cyclists, adding to the vitality of the city centre. The creation of new traffic-free civic spaces and pedestrian routes complies with LDP Policy Del 2d).

LDP Policy Ret 1 applies a sequential approach to the identification of preferred locations for retail and other uses (including cultural facilities) which generate a significant footfall. The location of the site is in accordance with the town centre first approach, thus complying with LDP Policy Ret 1. Likewise, LDP Policy Ret 7 supports the principle of high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the city centre provided that they make a positive contribution in terms of the type of use and quality of design, are in accessible locations and do not produce unacceptable noise and late night disturbance. The benefits of the proposed use, quality of the design, transport and amenity issues are assessed in greater detail in the sections below. Nevertheless, it can be concluded that the principle of the proposed land use is in accordance with the LDP.

## **b) Impact on the character and setting of any listed buildings**

A detailed assessment of the proposed alterations to the listed buildings on site is provided in the two separate listed building consent applications for the site (application reference numbers: 18/07730/LBC and 18/07127/LBC).

The following sections will more generally address the impact on the listed buildings that the proposed development will have. LDP Policy Env 4 states that proposals to alter or extend listed buildings will be permitted where such works are justified, will not cause any unnecessary damage to historic structures, or diminish its interest, and where any additions are in keeping with other parts of the building.

There are two main aspects to the consideration of the impact on listed buildings which are assessed in turn:

- Impact on the character and setting of Dundas House; and
- Impact on the setting of other neighbouring listed buildings.

## Impact on the character of Dundas House

Dundas House is highly important as one of the first and grandest villas of the New Town, designed by a nationally important architect, Sir William Chambers. It comprises a freestanding symmetrical villa, in set-back position on St Andrew Square in an axial position to George Street, behind a front forecourt and oval carriage drive, giving the impression of a country mansion. It originally had extensive rear garden grounds, an open skyline, and wider landscape setting behind, although this was disturbed by the building of St James Square shortly afterwards.

Dundas House was built contrary to James Craig's planned First New Town, which intended a landmark church (St Andrew's Church) to terminate the eastern axial view along George Street, corresponding to an equivalent landmark church (St George's Church) at Charlotte Square, on the western axial view. Nevertheless, Dundas House is established as an outstanding neo-classical centrepiece, which together with the two framing front pavilions at 35 and 37 St Andrew Square, (the latter designed to be symmetrical with the earlier number 35), remains one of the few surviving original architectural compositions on the square.

The proposed demolition works primarily involve the 1960s office block by Glasgow architects, Gratton & McLean. The maximum AOD level of the office block is 89.04m to the plant room/lift overrun and 85.03m AOD to the principal parapet height. Although it only rises 2.78m above Dundas House, it does not contribute to the special interest and character of Dundas House, justifying its removal. The new music venue will connect with the rear facade of the banking hall, itself a mid-19th century extension to the original villa. In this regard, the original Dundas House villa has been extended several times throughout its history. However, in contrast to the relatively concealed 1960s block it would replace, the new structure would rise above the listed building, and expand beyond it to the rear and to the north.

Dundas House is relatively modest in size at 87.260m AOD to ridge height. The proposed extension would sit 13.425m above the ridge height of Dundas House and double its floor plan. The Heritage Statement acknowledges that the building is "the minimum possible whilst still enabling the provision of an auditorium that meets the acoustic and performance requirements of the brief". The requirement of this brief has resulted in a building of significant size. This is contrary to Historic Environment Scotland's Managing Change guidance note on 'Extensions', which states that extensions should ordinarily be subordinate in both scale and form. While the building would read as a new building, not an extension, in the longer views, the reality is that the integrity, composition and character of Dundas House would be compromised by such a significant extension to the rear. However, this needs to be understood within the context of the neighbouring building heights as set out in section 3.3c).

Although, the extension will have an adverse impact on the composition of Dundas House by virtue of its scale, mass and form, its design seeks to mitigate this impact by responding to the classical order of the New Town, with the proportions and materials representing a contemporary, high quality architectural response to the character of the conservation area. The central oval volume containing the concert hall reflects the cluster of domed volumes of significant cultural and civic buildings within and to the south east of the site. Furthermore, due to the depth of Dundas House and the fact that the building has a forecourt and is set back from the street edge by approximately 32m, the impacts are reduced in closer views.

Furthermore, careful consideration has been given in the design to the relationship and interface of the new building with Dundas House. The physical junction between the new structure and the old has been minimised, exposing the entirety of the historic facade at ground floor level. The 122sqm of the blank portion of the existing building to the rear of the banking hall abuts to the new building by a non-structural connection to weatherproof the new foyer space. The new building steps back from the east facade of the south wing of Dundas House, resulting in a shadow gap, which will be louvered to allow for ventilation and for the historic cornice and corbel details of the wing to remain undisturbed. The design, therefore, preserves the architectural integrity of Dundas House.

In addition, as detailed further in section 3.3g), the proposed cultural use is an important consideration which can justify any adverse impacts. It would form an important strategic development in the city's cultural infrastructure and create a vital stimulus for live music, musicians and audiences. As well as strengthening Edinburgh as a 'Festival City', the venue would become a focal point for engagement, learning and outreach. In this regard, the proposal complies with LDP Policy Env 4 a).

It can be concluded that, although the direct physical interventions would not unduly diminish historic structures and architectural character, as required by LDP Policy Env 4b), there would be an adverse impact on its special interest as defined by its compositional setting. Impact on setting is assessed further in the section below. This view is also reflected by Historic Environment Scotland in its consultation response.

#### Impact on the setting of Dundas House

LDP Policy Env 3 provides that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting. Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that "'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced".

The existing setting of Dundas House is much changed from when it was originally constructed. One of the first buildings in the First New Town, it was set against the back drop of a significant garden area and placed in a set-back position on the square. The twinned flanking pavilion townhouses to the north and south were built shortly after the main listed building, clearly defining the relationship to St Andrew Square and providing a set-piece on the principal George Street axis. This arrangement provides a unified, distinct, architectural composition that is clearly legible on both site and plan. In this regard, Dundas House makes an important contribution to the formal grid plan of the First New Town and this arrangement remains legible today.

This set-piece can be appreciated in a range of axial views to and from Dundas House from St Andrew Square, including Cultural Heritage (CH) Viewpoint 3, 5 and 6, where the symmetry of Dundas House and its pavilions on the axis can be observed. It is acknowledged, however, that views of St Andrew Square along George Street have never been static. There are a number of taller structures both beside and behind the building. These include 19th and 20th century buildings, including Harvey Nichols, the demolished St James Centre and its replacement which is currently under construction. The A listed tenement on St James Square can also be seen behind Dundas House in more distant views of the site. The early 19th century A listed Melville Monument also sits directly in front of Dundas House as a key landmark in the east axial view. For these reasons, besides its three-storey scale, Dundas House is generally not dominant in views along George Street.

Dundas House now forms part of a dense urban context. The present surroundings and baseline for the assessment of impact on setting is the Edinburgh St James Development, currently under construction. Taking the above context into consideration, the key aspects of setting that have been assessed in this section are impacts on longer views, the understanding of the flanking pavilion townhouses and the spatial relationship with Dundas House. The assessment has been informed by the series of verified views included in the Cultural Heritage section of the EIA Report.

#### *Impact on longer views*

The changing pattern of visibility and visual focal points that are experienced as a sequence when moving from west to east along George Street have been well considered. This gives rise to complex changes in how the proposal is perceived.

In the longer views down George Street from the junctions with Hanover Street (CH Viewpoint 9) and Frederick Street (CH Viewpoint 10), the new building would be seen as an additional layer in a wider context of higher buildings which form the backdrop to Dundas House, notably the new Edinburgh St James development and the rear of the tenement buildings on St James Square. All these buildings create a setting that, when viewed from a distance, results in a lack of clarity to Dundas House. This results in it becoming lost within the dense urban environment. In this regard, the addition of the proposed building would not significantly alter this element of Dundas House's setting.

The design of the scheme has sought to create a simpler, more cohesive, backdrop to Dundas House, against which its profile can still be read. The choice of materials in the scheme has sought to complement the traditional stonework and roofing of Dundas House and other buildings in the New Town. The classical architectural language and use of one contrasting material to the rear creates a symmetrical canvas against which Dundas House once more becomes a clear feature appearing to project forward in these views.

Undoubtedly, the new building will have a significant impact on the setting of Dundas House when considered in isolation. However, against the baseline of the Edinburgh St James development and existing buildings, the proposed concert hall is beneficial to the understanding, appreciation and experience of Dundas House, in these longer views along George Street.

#### *Impact on the pavilion townhouses*

Of great importance to the setting of Dundas House is its relationship with the two flanking pavilion townhouses. In certain views from St Andrew Square, on axis with Dundas House (CH Viewpoint 3), and from the inner path south (CH Viewpoint 6), the relationship between these buildings will be affected in an adverse manner by the new building. It is from these views that the profile of Dundas House can be seen more clearly against the skyline, rather than against the backdrop of existing higher buildings. The new building increases the solid mass, filling in some of the sky space, which currently creates a strong relationship between the three buildings and affords Dundas House a degree of prominence. The skyline behind Dundas House and some of the surviving qualities of the building, as a set-piece within a landscape, will be altered, visually detracting from the principal elevation of Dundas house. This has an adverse effect on the setting of Dundas House. Although the EIA Report states this to be a localised significant effect, it is acknowledged that the effect is not widespread. This is agreed.

When Dundas House and the pavilions are viewed from the adjoining pavement beside the front entrance railings and gateways (CH Viewpoint 1), the new building sits below the roofline of Dundas House with a partial section of the new building appearing as an additional setback on the north side. This section of the new building is deferential to the principal elevation, appearing recessive to the main Dundas House. This has a beneficial effect, as concluded in the EIA Report.

#### *Impact on the spatial relationship with Dundas House*

The existing immediate setting within the perimeter of the site is detrimental to the significance of the building and its overall architectural character and appearance. The former rear garden area has been gradually eroded through the 19th and early 20th centuries with subsequent bank developments until it was comprehensively redeveloped in the 1960s with the construction of the office block, lower ground parking, surface and decked car park and access ramps. In this regard, the original setting of Dundas House has already significantly changed. The proposed development and the new public realm will improve the experience of the main building and consequently improve its immediate setting. Furthermore, due to a plan depth of about 24m of the existing banking hall, the new building will be separated from the original villa, reducing the impact on the principal elevation and forecourt to Dundas House.

Historic Environment Scotland (HES) does not object to this application or the corresponding listed building application. It is content that the central relationship Dundas House has with St Andrew Square would be sufficiently preserved and there would be no impact on its distinct set-back position and compositional relationship with its front forecourt and flanking pavilions. They do, however, consider that there would be an adverse impact on the setting of Dundas House from the eastern side of St Andrew Square. Nevertheless, they consider the proposals represent the changing urban townscape of the city and read as interventions to an already compromised backdrop.

### Conclusion - Setting of Dundas House

The relationship of the new building with the setting of Dundas House is complex and will change depending on the point of reference and experience of the view. In views from the eastern and southern sides of St Andrew Square where the development will have an adverse impact on its setting, the elevational design and form, including the set-back and oval form, goes someway to mitigate some of these.

The EIA Report states that the overall significance of the effect on Dundas House is minor/moderate (adverse). This is agreed, taking into account some significantly adverse impacts, along with aspects of the building's setting which are considered to experience a lesser degree of change. Whilst Dundas House is most prominent in local views from the south side of St Andrew Square and on axis from within St Andrew Square garden, the impact on more distant views along George Street is less significant. This reduces its overall effect to some extent. In this regard, although the application does not fully comply with LDP Policy Env 3 or LDP Policy Env 4, the wider community and cultural benefits of the proposed development, as outlined within section 3.3g), are compelling reasons for approving the proposals.

### Impact on the setting of adjacent listed buildings

#### *Melville Monument*

The 45m high A listed Melville Monument (Listed Building Reference: LB27816) dominates the long axial views along George Street from the west and is visible more widely in the city. The Melville Monument is set within the centre of a large enclosed open space, meaning that its dominance within the centre of St Andrew Square and on axial views along George Street will be preserved with the proposed development. The new building will sit on axis with the monument and the St James Central Hotel behind. This axial composition contributes positively to the complex layering of this view. The Melville Monument will continue to dominate and be at the forefront of these views. The EIA report concludes that the magnitude of the impact of the proposed development is negligible. This is agreed.

### *Monument to John, 4th Earl of Hopetoun*

The A listed Hopetoun Monument (Listed Building Reference: LB27862) is an equestrian statue located in the lawn forecourt of Dundas House. The public realm works for the new venue will retain the statue in the oval lawn in its current position. Improvements to the surrounding surfaces and the introduction of a high quality public realm throughout the site will enhance the setting of the listed monument. The overall significance of the effect of the proposed development on the setting of the Hopetoun Monument is positive. The EIA report concludes that the magnitude of the impact of the proposed development is negligible. This is agreed.

### *The pavilion buildings - 35 and 37 St Andrew Square*

As stated previously, number 35 and 37 are two A listed flanking pavilion townhouses at the entrance to the Dundas House forecourt (Listed Building Reference: LB29704 and LB29706). Together they create a group composition with Dundas House as they frame its forecourt. The relatively low scale of the buildings, against the larger scale and more-dominant surrounding development, including trees and planting on St Andrew Square mean that they are neither prominent nor visible in longer or medium distance views. The setting of 35 St Andrew Square in the baseline condition is compromised by trees and the coffee pavilion in the foreground that obscure views to the principal elevation. The proposed development will not affect key views or the framing effect to the open court to Dundas House that the townhouse pavilion provides. In views from the west side of St Andrew Square the new domed roof form of the proposed development is apparent to the sides of the roof profile of number 35, but this does not affect the ability to understand the asset.

Although the principal elevation of number 37 matches that of number 35, the flanking elevation to the north flanking Dundas House forecourt did not follow the same detail and is without the pilasters between the bays. However, this property has planning consent to be extended which will strengthen the enclosing effect around the court of Dundas House. The proposed development does not alter the character or appearance of the principal elevation or built form of number 37, nor the group composition of the building as it frames the entrance to Dundas House with number 35.

The proposed removal of the historic boundary wall of number 35 would alter the layout of the plot of Dundas House, affecting its symmetry to some degree. However, this impact has been effectively mitigated by demarcating this historic curtilage through alterations in surface treatment. Historic Environment Scotland is supportive of this change.

The EIA report concludes that the overall significance of the effect of the proposed development on the setting of 35 and 37 St Andrew Square is negligible/minor. This is agreed.

### *38-39 St Andrew Square*

The proposed new building sits comfortably to the north of this A listed building (Listed Building Reference: LB29707) and is comfortably set back and lower. The EIA Report concludes that the overall significance of the effect of the proposed development on the setting of 37 St Andrew Square is negligible. This is agreed.

### *42 St Andrew Square*

This A listed building (Listed Building Reference: LB29708) dominates views from the west along the south side of St Andrew Square as well as Dundas House and buildings on its immediate north side. The proposed development will not alter the dominance of this building nor its architectural character or presence at this part of St. Andrew Square. The EIA Report concludes that the overall significance of the effect of the proposed development on the setting of 42 St Andrew Square is neutral. This is agreed.

### *23-26 St James Square*

The four-storey A listed tenement property at 23-26 St James Square is one of an isolated pair of tenements that had stood at the northwest corner of St James Square and survived the demolitions to create the St James Centre in the 1960s (Listed Building Reference: LB29728). A small garden court is located in front. The setting of this block has been severely compromised by the loss of St James Square in the 1960s and substantial large scale developments to the north and east associated with Multrees Walk and the Central Bus Station.

The outer-most face of the new building facade is 2.95m from the nearest corner of the A listed tenement. Despite its proximity to the proposed development it does not have an associative relationship with the former garden plot of Dundas House or notably overlook the Dundas House plot. Furthermore, the spatial relationship between Dundas House and the tenement has been substantially altered by the later banking hall addition and the 1960s office block. In this regard the proposed development will not substantially change that spatial relationship. Whilst Edinburgh World Heritage considered there to be an adverse impact on the setting of 23-26 St James Square, the EIA Report concludes that the overall significance of the effect of the proposed development on the setting of 23-26 St James Square is negligible. This is agreed.

### *General Register House*

The back dome to the A listed General Register House (Listed Building Reference: LB27636) sits within a public garden, the Archivist's Garden, connecting New Register House, General Register House and Sasine Office. The back dome is in the centre of the garden which extends up to the outer edge of the boundary wall of the former garden plot of Dundas House. Whilst the proposed concert hall is a more substantial building than the existing 1960s office block, the choice of materials and façade details complement the context. It does not compromise the grouping of the records office buildings as experienced at the rear and side of these buildings centred on the back dome and the Archivists Garden. Nor does it compromise the relationship of the back dome to the General Register House to which it is attached. The EIA Report has concluded that the overall significance of the effect of the proposed development on the setting of the General Register House, circular record hall is negligible. This is agreed.



### *New Register House, Princes Street*

The rear of this A listed building faces the southern elevation of Dundas House and is plain in style (Listed Building Reference: LB27641). Whilst the proposed extension will be noticeably close to New Register House and the garden court from the view along Register Place, the new building does not appear as a solid masonry elevation. The façade detail, the vertical colonnade with slender columns and cornice line, complement the classical geometry of the existing building. The EIA Report concludes that the overall significance of the effect of the proposed development on the setting of New Register House is negligible.

### *James Craig Walk, Scottish office (formerly 27-31 St James Square), and, James Craig Walk, Princes Street, General Register House, Sasine office*

These properties form a grouping within the street context and are connected so have been assessed together. The proposed development will not affect the setting of the Sasine Office to General Register House. The rear of these properties overlook the Archivist's Garden and are oriented towards General Register House. Whilst the south west gable of the former 27-31 St James Square now overlooks the former garden plot rising above the rubble boundary wall, this elevation is heavily altered from the original, former side elevation to the block and is not a significant part of the character of the listed building. The proposed development will be set a distance away within the former garden plot. Furthermore, the materials choice and vertical proportion of the south orthogonal block will complement those of the surrounding buildings to the rear. The EIA Report concludes that the overall significance of the effect of the proposed development on the setting of James Craig Walk, Scottish Office is neutral/negligible (beneficial) and the setting of General Register House, Sasine Office is neutral. These are agreed.

### Conclusion - setting of adjacent listed buildings

The proposals would not have an adverse impact on the setting of neighbouring listed buildings. Most of these A listed buildings have a classical composition and elevational treatment. The architecture and form of the proposed development reflects the classical forms, composition and architecture of the surrounding buildings. Furthermore, the axial arrangement in views along George Street and the symmetrical plan and elevational composition of the concert hall volume contribute to the setting of neighbouring listed buildings.

### **c) The proposal will preserve the character and appearance of the New Town Conservation Area**

LDP Policy Env 6 supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance.
- views and vistas, including axial views along George Street.
- terminated vistas have been planned within the grid layouts, using churches, monuments, buildings and civic statutory, resulting in an abundance of landmark buildings. These terminated vistas and the long distance views across and out of the Conservation Area are important features.
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments.
- grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces.
- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline.
- the New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions.
- the setting and edges of the New Town and Old Town
- the First New Town is characterised by a general consistency of overall building form, an almost exclusive use of sandstone, natural slate roofs and cast and wrought iron for railings, balconies and street lamps.
- the extensive collection of statues, monuments, historic graveyards and national memorials in the Conservation Area make a significant contribution to the historic and architectural character of the area. They also provide a focus and punctuation points for many views.
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material.
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

Although the EIA Report has assessed the effects on the Conservation Area as a whole, this assessment has had regard to the essential characteristics of the First New Town. In this regard, the five key aspects that are assessed below are impacts on formal planned alignment of the First New Town, height and skyline, setting and edges, material palette, design quality and landuse. A detailed visual impact assessment in the EIA Report has informed an understanding of the distant and local views that contribute to the character and appearance of the Conservation Area. The Edinburgh St James development to the east of the proposed development has been included in the baseline visualisations.

## Formal planned alignment of the First New Town

The established spatial hierarchy of the First New Town plan is a key characteristic of the conservation area. The historic plan forms, allied to the dramatic topography, results in important, terminated and long vistas with landmark features.

It is the views along George Street towards St Andrew Square that contribute to the clarity of the urban structure of the planned First New Town and alignment of key buildings. One of the most relevant of the Council's Protected Views is viewpoint C11d at the junction of George Street and Frederick Street looking east to St Andrew Square. The Edinburgh Skyline Study notes that the 'skyline beyond St Andrew Square is degraded and needs improvement in a way symmetrical with street'. It is acknowledged that the removal of the former St James Centre and its replacement with the new St James Central Hotel clearly contributes to this aspiration. This is further enhanced by the proposed development, with its crown element sitting symmetrical to the axis of George Street, Dundas House and the Melville Monument.

Although the new building is centrally aligned with this axis and symmetrical with George Street, its prominence behind Dundas House and between the Melville Monument and the new St James Central Hotel, means that it will have an impact on the character and appearance of the conservation area by contributing to the layering within this view experience. The changing pattern of visibility and visual focal points that are experienced as a sequence when moving from west to east along George Street has been considered in the EIA Report. This gives rise to complex changes in how the proposed development is perceived.

From both the western end of George Street at Charlotte Square (Townscape and Visual Impact Assessment (TVIA) Viewpoint 1) and Castle Street (TVIA Viewpoint 2), the Melville Monument dominates the view. This is because, although the proposed development would rise significantly above Dundas House and enclose more open sky space, an open backdrop to the top third of the Melville Monument will still be retained. The EIA Report concludes that the effect on these views would be beneficial. This is agreed and not considered to be significant. It is recognised that there are often intervening elements in the foreground of these views, particularly TVIA Viewpoint 2. However, these are impermanent features and public consultation has taken place on the redesign of George Street, Hanover Street, Frederick Street and Castle Street that seeks to improve the pedestrian experience and appreciation of heritage along these streets.

Whilst the Melville Monument also obscures some of the view to Dundas House from the Frederick Street junction (TVIA Viewpoint 3), there is a reduction in the open sky space to the north and south of Dundas House. This creates the impression that the new building spans beyond the building lines of George Street, creating a flatter skyline that fully encloses the backdrop of the vista, reducing the elliptical nature and recessive form of the building. In this regard, the effect is considered adverse, contrary to conclusions set out in the EIA Report.

This discordant spanning effect appears to diminish at Hanover Street (TVIA Viewpoint 4) from which Dundas House becomes more prominent as the sky space opens out to the north and south, creating a more positive and symmetrical effect. In this regard, out of the five axial views used to assess impact on the character of the First New Town, on balance, only one does not have a beneficial effect.

It is the proposed façade design of the building, including the selection of materials, and softly curved form of the upper tier of the concert hall that has helped to assimilate the new venue into the surrounding townscape and mitigate the apparent changes along the George Street vista. Furthermore, whilst the venue rises above Dundas House in these views, the setback depth within the plot itself helps to alleviate the perception of scale and align it closer to the AOD levels of the larger surrounding development. Height is assessed further under the next heading.

From the closer range view at the junction of St Andrew Square and George Street (TVIA Viewpoint 6), the Melville Monument forms the main focus of the view and obscures most of Dundas House. At St Andrew Square inner path north (TIVA viewpoint 7), the sense of depth, set-back and the building's elliptical form are revealed. Unlike in the views along George Street, the elliptical path within St Andrew Square gardens does not channel views towards the proposal in the same way. Despite being closer to the development, some of the visual effects are also diminished by the presence of larger scale developments, Melville Monument and the arrangement of trees within St Andrew Square. Whilst the loss of sky space around Dundas House from St Andrew Square (CH Viewpoint 6) has an adverse impact on the setting of Dundas House, as set out in section 3.3b), in terms of the wider character and visual amenity, there is an opening up of views in this location. This contrasts to the channelled views along George Street. The overall effect on these views is, therefore, considered to be neutral. This is contrary to the EIA Report which states these as beneficial.

The detailed elements of the new building are most visible in the closer views from Register Place (TVIA Viewpoint 8), Elder Street (TVIA Viewpoint 9) and the Archivists Garden (TVIA Viewpoint 7). As concluded in the EIA Report, due to the proximity of the proposed development to these existing buildings and spaces, there would be a significant adverse effect in these views. Although this is agreed, it is considered that the design of the existing office block does not currently make a positive contribution to these spaces. Furthermore, the proposed development does not detract from the enjoyment of the Archivist Garden and the opening up of a new welcoming public route from the Elder Street hammerhead is positive.

## Setting and edges

North Bridge and the Mound are the original links between the Old and New Towns. The core of the new building will appear only partially above New Register House within the view from the eastern footpath of North Bridge (TVIA Viewpoint 19). The effect of the proposed development would, however, not alter this planned vista along North Bridge. There would be no visibility of the proposed development from Viewpoint 20 at Market Street/Mound Place. In views from the Castle ramparts (TVIA Viewpoint 10), the elliptical architectural form and gentle curve of its domed roofline integrates with the city. In this regard, despite its scale and central location, the visibility of the proposal is relatively contained by the scale of the surrounding urban blocks within the New Town. The EIA Report assesses a long term neutral impact from the Castle ramparts. This is agreed.

## Height, skyline and views

The Conservation Area Character Appraisal identifies the importance of a cohesive, historic skyline and its contribution to the character of the conservation area. It also highlights the need to avoid incremental skyline erosion through increased building heights.

This is supported by LDP Policy Des 11 which only permits development which rises above the prevailing building height where a landmark is to be created that enhances the skyline and surrounding townscape, the scale of the building is appropriate to its context, and there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth. Likewise, LDP Policy Des 4 supports development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form, scale and proportions, including the spaces between buildings and position of buildings and other features on the site and materials and detailing. This is assessed within the context of the conservation area.

The general height of buildings prevailing in the surrounding area is of a characteristic general height of between 94 and 95m AOD, as defined in the Edinburgh Skyline Report. The eaves of the crown is at 96.685m, which projects above the bottom of the agreed skyspace by 1.685m. The building has been designed with a lower symmetrical massing either side of a central oval volume. In this regard, the main body of the building sits at a maximum AOD range of between 89.470m and 94.260m. The design has mitigated its maximum height by locating the plant, kitchen, stores and studio space below ground level.

In this regard, the new building sits comfortably alongside the datum and height of the surrounding buildings, with Harvey Nichols at 93.870m AOD, St James Square tenement building at 92.7m AOD, New Register House at 88.415m AOD and The Edinburgh Grand (42 St Andrew Square) at 101.950m AOD. Rising above all these heights is the Edinburgh St James Central Hotel at 122.790m AOD to ridge, which is still visible in the skyline and within a number of the tested key views. The upper crown element of the new building, which is 99.685m AOD at the top, relates to and reflects the cluster of domed volumes of significant cultural and civic buildings within and to the south east of the site associated with the developments around Register Place. In this regard, within this wider townscape, the new building sits comfortably, representing an effective use of the site, complying with the principles of LDP Policy Des 4.

In medium and longer range views, it will mainly be the domed roof of the new building that would be observed, but this would not generally break the skyline in views from the south, east and west of the city. The elliptical architectural form and the gentle curve of its domed roofline integrates with the city in views from Calton Hill (TVIA Viewpoint 11) and Salisbury Crags (TVIA Viewpoint 12). In doing so, it creates a subtle addition to the city's silhouette that does not compete with important skyline features, having a neutral effect that would not be significant, as stated in the EIA Report. When visible, only its colonnaded crown can be seen as an identifiable open and welcoming gesture to the city. This is a positive design solution for a public building and complies with LDP Policy Des 11.

From further south at Blackford Hill (TVIA Viewpoint 15), the proposal is blocked by intervening built form, and from Corstorphine Hill (TVIA Viewpoint 16) in the west, the proposal sits below the skyline and would have no effect. A number of closer range viewpoints also show no or limited visibility of the proposed development: Market Street/Cockburn Street junction (TVIA Viewpoint 18) and East Market Street (TVIA Viewpoint 21).

It is from the north of the city where the proposal will be more prominent on the new skyline. From the Royal Botanic Gardens (TVIA Viewpoint 14) the proposed development obscures part of Salisbury Crags. From Inverleith Park (TVIA Viewpoint 13) and Ferry Road (TVIA Viewpoint 17), the new building will break the skyline, rising to a similar height to the main part of the Edinburgh St James development. In these views, the proposal will be visible as a new city monument, adding to the distinctive punctuation of the skyline. The elliptical form of the proposal reduces to some extent the magnitude of change. The EIA concludes that all these views will have a neutral effect that would not be significant. This is agreed.

There is limited information available to assess the impact of the proposal on locations where night time views of the city centre would be experienced, or the impact of solar glare. The solid-to-void relationship of the proposed backdrop created by the development will be important, however, there are no practical means to control levels of internal lighting. In this respect, the window apertures on the main body of the building may stand out if brightly lit. Likewise, the lighting to the upper colonnade level could also stand out in city wide views and views along George Street as a horizontal banding. Given the lack of feature lighting in St Andrew Square, including the Melville Monument and subtle lighting of Dundas House, any external lighting to the concert hall will need to be carefully considered. Two conditions are included which secure the detail of external light fittings and specification of the proposed glazing.

It is concluded that the overall height and form of the new building will create a subtle, but positive addition to the skyline, appropriate for a civic building, complying with LDP Policy Des 4 and Des 11.

### Material palette

The application proposes to use honed concrete as the primary material, a technique which captures the tones of the surrounding stonework, without imitating or replicating it. The concrete will be made from selected stone aggregates of varying scales, exposed through a refined honing process. Based on an analysis of the origins and colour of surrounding stonework within St Andrew Square, it will effectively blend into the richness of the conservation area. The material palette, along with the quiet composition will complement the A listed Dundas House.

Whilst it is acknowledged that sandstone is the characteristic building material of the conservation area, the mineral quality, texture and tone of the honed concrete will reflect the surface layering, articulation and variation in colour and tones of the surrounding stone buildings. This high quality material selection is an appropriate contemporary response to blend in with the richness of the sandstone of its immediate neighbours and the prevailing material within the New Town. The quality, porosity and detailing of the panels will enable the building to absorb and shed water evenly. The applicant has engaged in an extensive sampling process to ensure material quality, composition, finish and detailed design, leading to the installation of an on-site sample panel, which has been taken into consideration in the determination process.

Likewise, the design of the public realm will preserve and enhance the setting of the conservation area. The carriage drive and external spaces around the venue are proposed to be resurfaced with sandstone setts, replacing the asphalt to circulation and car parking spaces, with a high quality and robust surface appropriate to its setting. Permeability will be created through the site, contributing to the planned hierarchy of streets, spaces and gardens associated with the New Town.

### Design quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context. In this regard, the Council supports contemporary designs that are sympathetic and complimentary to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area.

The proposed façade details, proportions and materials of the new building respond to the classical order, proportions and materials of the New Town. The solid base and lighter crown with colonnade ameliorates its impact on many of the views, whilst its symmetrical arrangement and shallow dome respond to the formality of the New Town composition. From views along George Street, the proposal creates a new visual composition with the backdrop of the St James Central Hotel that is not part of one architectural set piece but rather a design response to reconcile the relationship between two contemporary forms. In this regard, its gentle dome and crown are a logical and positive response. More detailed aspects of the design are assessed in section 3f).

### Land use

The proposed development will provide a new cultural venue in the heart of the city, which would add a new civic building within a predominantly commercial area, thus supporting the importance of the First New Town as the heart of the capital. The northern fringe of the Conservation Area is included in the Old and New Towns of Edinburgh World Heritage Site. As set out in section 3.3e) and 3.3g), the proposed development is closely aligned with the cultural attributes of the Outstanding Universal Value of the World Heritage Site. In this regard, the proposed use would make a positive contribution to the cultural, social and educational provision in the New Town and is aligned with the existing character.

### Conclusion

Whilst the proposal does not impact adversely and significantly on city-wide views and townscape character, the mass and scale of the new building will affect the spatial characteristics of the planned First New Town. The proposal seeks to form a new planned alignment. The result is a layering of separate elements, and the extent to which these elements are visible varies as part of the sequence of views along George Street.

However, it is the simplicity of the architectural form and materials corresponding to the classical proportions and rhythm of the immediate context that would appear as a new simple backdrop to Dundas House. This contributes to the visual alignment on axis with George Street by providing a more cohesive backdrop to Dundas House that achieves an effective terminating effect to a significant planned vista.

Therefore, on balance, and taking its proposed use into consideration, it is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with a contemporary high quality building designed to respond to its historic and modern urban environment. The proposal's gentle domed roof, symmetry to the axis of George Street, glazed colonnade and elliptical form of the hall assist in mediating between the scale of the neo-classical Dundas House and the contemporary Edinburgh St James development. In this regard, the special character and appearance of the New Town Conservation Area will be preserved and enhanced, complying with LDP Policy Env 6.



**d) The proposal will have a detrimental impact on the character of the New Town Gardens and Dean Historic Garden Designed Landscape Inventory Site;**

The site is located within the New Town Gardens and Dean Inventory designated Garden and Designed Landscape (GDL). St Andrew Square is the closest New Town garden and the one most likely to be affected by the proposed development. The original 'pleasure garden' was laid out in 1772, with the design centering around the landmark feature of the 45m high Melville Monument. In 2008, the gardens were redesigned to create a publicly accessible and modern space. Calton Hill is another important part of the GDL. Views from Calton Hill have been assessed in section 3.3c) and considered to not impact on the character and views from this part of the GDL.

A key attribute of the GDL is the relationship between the open spaces and the enclosing buildings. In respect of St Andrew Square, the buildings are of varying architectural styles. The proposed development continues this pattern of changing urban form and associated uses. Although there will be localised visual impacts from St Andrew Square as considered in sections 3.3b) and 3.3c), and a higher footfall as a result of the expanded network of public realm and new cultural activity, it is not considered that the proposed development will impact on the balance of characteristics that contribute to the GDL status. In this regard, the proposed development complies with LDP Policy Env 7.

**e) The proposal will preserve the outstanding universal value of the Old and New Towns of Edinburgh World Heritage Site**

LDP Policy Env 1 states that development will not be permitted which would have a harmful impact on the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site, or would have a detrimental impact on the Site's setting.

The Old and New Towns of Edinburgh World Heritage Site (WHS) was inscribed on the World Heritage List by UNESCO World Heritage Committee in 1995. It was accepted at the point of inscription that the 1995 baseline was, in this particular area, going to change as a result of potential change to the St James Centre. These changes are ongoing with the construction of its replacement. In this regard, this sets a new baseline from which to manage the Outstanding Universal Value (OUV) in this area. Likewise, there have been other significant changes in the area since 1995, including the construction of the bus station, Harvey Nichols, the Standard Life building on the south of the square, the Registers development, the addition of the tram infrastructure and the re-imagining of the square itself. The WHS Management Plan, by its very nature, accepts that inevitably change will occur within the WHS. An EIA Report has been submitted with the application to assess the effects of this change.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the OUV which are further explained in Appendix D.3 of the 2017-2022 Management Plan. These are grouped under headings assessed in the section below. The proposed development has the potential to impact on some of these attributes. The attributes that may be affected include both physical built environment considerations and more intangible attributes relating to the cultural life of the city. The EIA Report considers the impacts of the proposed development on these attributes. Given the numerous and overlapping factors that contribute to the OUV of the WHS, the assessment has also been informed by other sections of the report, notably impacts on the New Town Conservation Area in section 3.3c), character and setting of listed buildings in section 3.3b), and the wider social, cultural and economic impacts in section 3.3g).

### The remarkable juxtaposition of the Old and New Towns

As considered in section 3.3d), the proposed development would not be visible across the majority of the WHS, with actual visibility being greatly reduced by the enclosure of built form and mature tree cover. The proposed development would, therefore, be well recessed from the transition between the Old and New Towns. Although visible from the Castle Ramparts (TVIA Viewpoint 10), the proposed building would appear commensurate with the size and scale of the existing and under construction buildings. In this regard, the proposed development would have little influence on this attribute.

### Old Town

From elevated parts of the Old Town for example the Castle Ramparts, where some visual influence may arise, the proposed development would appear commensurate with the size and scale of the existing buildings and would not stand out as a prominent feature in relation to the skyline. In this regard, the proposed development would have little influence on this attribute.

### New Town

The built form and composition of the proposed development will bring about a notable change within the New Town, its prominence accentuated by its position at the end of the axial vista along George Street, as considered in section 3.3c). While its scale would be larger than that of Dundas House, the proposed development will contribute to the axial arrangement and symmetry of the New Town, providing a terminating effect to the axial view along George Street. In this regard, it will add positively to the town planning components, giving clarity to the urban structure of the New Town that contribute to the integrity of the WHS. This is supported by Edinburgh World Heritage Trust, who consider there to be a neutral impact on the layout of the New Town and a positive impact on the clarity of urban structure.

### Architectural Quality

The design quality is considered in section 3.3c) and 3.3f). While the proposed development is a modern intervention in the Georgian New Town, the façade details, proportions and materials of the building have been selected to respond to the classical order, proportions and materials of the New Town. This produces a contemporary high quality building that responds to the New Town character.

### Topography, planned alignments and skyline

The dramatic topography of the Old Town combined with planned alignments of key buildings in both the Old and New Town, result in spectacular views and an iconic skyline. The impact on topography and skyline is assessed in section 3.3c).

The planned view along George Street towards Dundas House also contributes to the clarity of the urban structure of the New Town and alignment of key buildings, as set out in Section 3.3c). Dundas House is aligned on the key axis of the New Town, but generally not dominant in views along George Street. Whilst Edinburgh World Heritage Trust consider there to be a neutral impact on the planned alignments of key buildings, they conclude there would be a negative impact on the classical set piece around Dundas House and Dundas House itself as the finest free-standing house in the New Town. Although the garden space has already been altered, the proposals would make this clearly evident in a way in which it has not previously been appreciated. This is reflected in section 3.3b) where it is concluded that there would be an adverse impact on the alignments of these key buildings in certain views from the south of St Andrew Square (CH Viewpoint 6). However, taking all the viewpoints into consideration, it is considered that this is not significant. This conclusion is supported by Historic Environment Scotland.

Furthermore, key elements of this architectural set-piece would not be affected; the layout of Dundas House on its plot, its front forecourt and flanking pavilions. CH Viewpoint 1 demonstrates that there would also be little impact when viewed from the pavement directly in front of the building, with Dundas House remaining readable as a free-standing house, set back from the urban square. Therefore, on balance, the central relationship Dundas House has with St Andrew Square and associated planned alignment would be sufficiently preserved.

### Influence of urban planning

The First New Town is characterised by its formal urban plan. The proposed development reflects the pattern by terminating the axial view along George Street and contributing to the symmetry of this planned alignment. Therefore, as assessed in section 3.3c), the new building will strengthen the sense of a planned layout. However, although the proposed development will be located to the rear of the primary frontage around St Andrew Square, there will be an adverse impact on the setting of the A listed Dundas House, recognised in the WHS nomination gazetteer as 'the finest free-standing house in the New Town'. The impact on its setting is assessed in section 3.3b).

## Culture and activities

In addition to the physical attributes of the OUV, the proposed development relates directly to the OUV of 'Culture and Activities'. The city has a predominant position within the Scottish arts scene, across a full spectrum of activities, and plays host each year to the highly regarded and world renowned Edinburgh International Festival. The Management Plan states that sustaining a living capital city centre is a balance between protecting the environment, strengthening society and supporting a vibrant cultural scene. The magnitude of change as a result of the proposed development would be high, as the development would provide a new cultural and civic venue in the heart of the city, adding to the character of the city and supporting its vibrant cultural scene. The assessment and consideration of the cultural benefits is set out in section 3.3g). The proposed development has the potential to have a positive impact on this attribute. This is supported by the consultation responses from Historic Environment Scotland and Edinburgh World Heritage Trust.

## Conclusion

The effect of the proposed development on the WHS is complex, reflecting both adverse and beneficial impacts on different attributes of the OUV. The four attributes with potential to be affected include those associated with the New Town, its Architectural Quality, its Topography, Planned Alignments and Skyline, and its Culture and Activities. There would be a localised adverse effect due to the changes the new building would introduce to the perception of the attributes from within St Andrew Square and along George Street. Nevertheless, there is potential for beneficial effects on the cultural life of the city, an important attribute of the OUV of the WHS. In this regard, it is considered that overall the effect of the proposed development on the OUV of the WHS as a whole would be beneficial. Historic Environment Scotland consider that the conclusions of the EIA Report have been reasonably supported by the information provided.

In this regard, the application complies with LDP Policy Env 1.

### **f) The design is acceptable and will contribute towards a sense of place**

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design.

The detailed view analysis in the EIA Report has informed our understanding of distant and local views and the setting of listed buildings, monuments, conservation area, garden and designed landscape and World Heritage Site, as mentioned in sections 3b), 3c), 3d) and 3e), all of which contribute to character and sense of place. This section will consider the more detailed aspects of the design.

The Edinburgh Urban Design Panel was consulted at the pre-application stage. Their full report is contained within Appendix 1. The Panel were supportive of the principle of a music venue in this location and acknowledged that it represented an exciting opportunity to enhance activity and permeability in the surrounding public realm. The Panel's report encouraged a coherent, high quality public realm which enhances legibility through the site, maximises barrier-free pedestrian movement and minimises conflict with service vehicles. The Panel also advised that the proposal's relationship to its special historic setting and its impact on important axial and oblique views, particularly the view of Dundas House from George Street, is critical and requires to be carefully considered. They questioned the then asymmetric form of the building behind Dundas House and expressed a concern about the positioning of the concert hall, studio and public foyer as separate elements across the site. These concerns have been addressed within the application.

### Elevational composition and materials

A contemporary façade is proposed that reflects its sensitive context. The façade design relates to and re-interprets the architecture of the First New Town in both its order and materiality. The ordered expression of a base, body and crown, found on other neoclassical buildings in the surroundings, is reflected in the composition of the proposed building's massing.

The ground floor reads across the whole building and will be made of bespoke in-situ concrete that is grit blasted to provide a robust texture and coloured to a hue that complements the aged sandstone facades of the neighbouring buildings. The ground floor frames the entrance foyer, a space defined by a series of large columns that support the oval form of the concert hall. The foyer continues the external public realm into the interior of the building. The external east-west passage below the northern volume of the building doubles as an enclosed loading bay that can be secured with simple metal gates, while remaining open for the majority of the day as a public route through the site. The overhangs of the façade volumes above the ground floor layer to the north and south define the main entrances into the building.

The central portion of the venue's façade is more refined and introduces additional depth, relief and verticality across its surfaces. A simple rebated profile of honed concrete is applied across their surface. The proud surfaces will be a honed finish, whilst the recessed surfaces will be grit blasted. This composition embraces the verticality of neoclassical facades found throughout the New Town. The application of a continuous façade treatment to this central portion provides a consistently calm backdrop to Dundas House and its flanking pavilions. The addition of a horizontal base and parapet detail adds refinement and definition to these volumes.

The curved solid volume is punctuated by windows. These are positioned to relate to the internal geometry of the curved volume and the colonnaded crown above. The windows are in keeping with the scale and proportion of existing openings around the site. Some are paired or consolidated to form larger groups of openings that balance their size within the extent of the solid façade and provide excellent light conditions to the interior spaces. The additional definition provided by a lintel and sill to each window aperture provides a further layer of shallow articulation to the façade, reflecting the neighbouring façades without replicating them. In the amended scheme, the arrangement of window openings has reduced in number on the east façade to improve privacy conditions to the neighbouring residential building.

The expressive crown of the building manifests itself as an open, welcoming crown that announces the public nature of the new building. Formed by an oval colonnade of honed concrete columns, there is a clear continuation, but also a strong differentiation, to the rhythm and verticality of the façade below. A continuous line of curved glazing is set back behind the crown and relates it with the prominent metal domes of other civic buildings around the city.

The material selection reinforces the defined orders of base, body and crown. The robust base is formed from grit blasted concrete recessed below the main body of the building above. Large format glazing is proposed for the building's public foyer at ground floor level. The principal facades and crown are made from a bespoke honed concrete as described above. The domed roof is formed from a standing seam metal roof in keeping with the roofscape and materials of the city centre. As an extension to an A listed building, it is considered appropriate for the proposed material to be different and distinguishable from Dundas House. The use of honed concrete allows for a sculptural approach which is central to the overall design approach to create a solid robust building with a fineness of detail. The proposed use of high quality materials which complement the main building is positive, complying fully with LDP Policy Des 4d).

Overall, the design of the development is based on a strong concept which draws upon the positive characteristics of the surrounding area. The high quality of design complies fully with LDP Policy Des 1 and Des 3.

### Public realm

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provide direct and convenient connections on foot and by cycle. The proposed development opens up the entire site to the public, creating extensive civic space and a new publically accessible primary east-west route to the north of the new building, and a secondary route to the south. The design of the public realm within the site connects a sequence of three current or planned public spaces; St Andrew Square, the reimaged St James Square and the more intimate spaces at Register Lanes.

LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole. Continuity is provided within the site through the creation of a unified surface material, extending from the forecourt of Dundas House to the eastern entrance at Elder Street. Sandstone is proposed which is traditionally used throughout the New Town and the St James Quarter. The small unit size adapts to the gradient changes and provides inherent strength for vehicular use, whilst also being slip resistant in all weathers. In the south east corner of the site on the more secondary circulation route, a series of more informal terraces are proposed using compacted self-binding gravel. The proposed materials not only reinforce the New Town character, but also allow for ease of movement by disabled users. Six new trees are proposed in combination with lines of mature beech hedges to form green edges to the new civic spaces.

To enable level access and to widen the pedestrian access into the site, the existing stone boundary wall to the curtilage of 35 St Andrew Square will be removed. It is acknowledged that, although this wall is not original, it demarcates the original historic feu. Instead of proposing an alternative physical boundary, the amended scheme proposes a change in material finish to the sandstone paving. A picked finish will help to subtly delineate the historic feu of 35 St Andrew Square whilst also enabling a seamless surface for drainage, vehicle overrun and pedestrian movement. Linear benches are located on the main approaches and clusters of fixed individual seats are located elsewhere. These seats are inclusive for members of the public with pushchairs or those who are wheelchair users.

To minimise the height of the building, the plant has been incorporated into the external landscape behind a screened enclosure to the north of the building. The existing substation on the southern boundary will be retained and redesigned to include six secure cycle racks providing 12 parking spaces for staff and an additional substation dedicated to the building.

Lighting to the public realm is to be achieved from a variety of sources which include feature lighting to trees and planting, wash lighting low light bollards and refurbished existing historic lanterns on the perimeter of the site. The lighting has been designed to provide visual clarity to principal routes, safety and security, integration with the landscape design and a high quality night time experience. Section 3.3c) considers the impact on the wider lighting strategy of the building.

The proposed development complies with LDP Policy Des 7 and Des 8.

#### **g) The proposal has social, cultural and economic impacts**

The aims and strategy of the LDP include supporting the growth of the city economy and helping to create strong, sustainable and healthier communities, enabling all residents to enjoy a high quality of life. In doing so, the LDP supports Edinburgh's role as Scotland's capital city and recognises its importance as a key driver of the Scottish economy.

## Social and cultural impacts

The applicant has submitted a Socio-Economic and Cultural Impact Assessment to support the application, a topic which was also scoped into the EIA Report. These impacts have been assessed and form a material consideration in the determination of the application.

The proposed concert hall will be the first new mid-sized facility of its kind to be built in Edinburgh for 100 years and is the culmination of a 25 year search by the Council and the Scottish Chamber Orchestra (SCO). The need for a new venue has arisen due to the existing physical challenges and constraints associated with the Queen's Hall, the existing home of the SCO. The new venue completes the task of equipping all the national performing companies with modernised working conditions. Being the new permanent home to the SCO, the new venue will be equipped with the highest quality acoustics, clear sightlines, services and foyers. With flexible settings for stage and seating, it is also designed to accommodate a wide variety of music types, including traditional and contemporary, acoustic, pop, jazz and world music, as well as other chamber orchestras, ensembles and solo classical artists.

Creative learning and inclusive outreach will also have a prominent position in the new venue, offering wider community benefits to the city. This will build on the substantial experience of SCO's Creative Learning team, as well as facilitate the development of new strands of engagement with other partners. National Youth Choir of Scotland (NYCOS) will join IMPACT Scotland in their offices at 35 St Andrew Square. Their proximity to the new venue allows them to establish a regional training choir and an ambitious singing programme for communities across Edinburgh. A school for traditional music is also proposed. It is planned that all these initiatives will be designed to complement existing provision in the city and surrounding area. By being able to work with new partners, the design of the whole venue will address audience development and promote inclusion through the diversity of the musical offering and an audience focused approach to programming. The building's architectural appeal, its welcoming internal and external public spaces and central location will attract a wide range of people.

Through the delivery of a wide ranging educational and community programme, the new venue will also develop opportunities to involve those socio-economic groups currently under-represented as participants or audiences. A key aspect of this programme will be to engage people through lifelong learning, addressing the needs of all age groups through different stages of life. This work ranges from early-years music-and-movement to dementia care, covering education and community residencies (nursery, primary and secondary), special concerts for young people, Vibe (youth-music fusion initiatives), creative projects with children, university residencies and special-needs programmes. The proposed development creates the opportunity to present existing activities in a new city centre base that is able to utilise all the resources of the partners, the building, the auditorium, rehearsal hall and the studios, increasing overall effectiveness and efficiency. New digital facilities will also greatly increase the SCO's ability to reach out to wider audiences and retain contact with the more distant communities within Scotland.



The above activities will be supported by the appointment of a full time Education Officer and the letting of rehearsal space for educational outreach activities at no or little cost. These key aspects of the scheme are to a large extent, exemplified by the experience of the Royal Scottish National Orchestra (RSNO) in Glasgow. In 2015 the RSNO moved to a new custom built rehearsal hall, providing new facilities that allowed them to embark on a series of initiatives that had not been possible in their previous accommodation. This resulted in their new venue attracting and engaging some 30,000 additional people per year.

The proposed development also supports the inclusive growth framework set out in the City Deal. Two of the five framework themes are pertinent to the current proposals. These are 'a significant programme of construction' and 'social benefit through innovation'. With regard to the first theme, IMPACT Scotland will, in the construction and subsequent operating phase of the venue, use agreed City Region Deal procurement Community Benefit clauses to support inclusive employment practices and other opportunities to meet inclusive growth targets. With respect to the second theme, consideration has been given to how the project can make a positive contribution to inclusive growth by influencing and supporting the cultural sector in building audiences that reflect the true, diverse nature of the City Region.

The Council's Culture Plan (2015) outlines a number of key objectives to develop the culture of the city. Three of these are particularly relevant for the proposed development:

- Support greater partnership working in the cultural and creative sectors and maximise resources available to help them thrive all year round;
- Develop and support the infrastructure which sustains Edinburgh's cultural and creative sectors; and
- Invest in artist and practitioner developer and support and sustain the local artistic community.

Through a close working partnership with the Edinburgh International Festival, the new venue will provide a world class venue for supporting and developing the Festival. IMPACT Scotland has also established early relationships with other music and performing arts companies who would use the venue for performances and rehearsals. These include the National Youth Choir of Scotland, Red Note Ensemble, Celtic Connections, BBC Scottish Symphony Orchestra, as well as identifying community engagement projects with the SCO. As the first substantial new performance venue to be built in Edinburgh for 100 years, it reflects the city's ambitions and achievements as a Festival City with an expanding role in the creative and cultural industries. A 10 year strategy for Edinburgh titled 'Edinburgh Festivals: Edinburgh Hooves 2.0' prepared in 2015 by BOP Consulting and Festivals and Events International highlighted the importance of supporting proposals for new venues in order to achieve this ambition of Edinburgh as 'The Festival City'. In this regard, the proposed development aligns with the City's strategic aims with regards to culture, by creating additional infrastructure to reinforce and rebalance the creative sector and engage with the wider community.

However, it is acknowledged that there will be an issue around displacement of activity with the proposed venue. With a capacity of 1,000 plus a smaller 200 seat performance space, it will divert some performance activity away from existing venues such as the Usher Hall and Queen's Hall. Both of these venues host performance, rehearsal and recording activity by the SCO, which would all move to the new venue. It is anticipated that the Queen's Hall would experience the most impact due to the similar capacity levels, and it is currently generating revenues from being the principal box office for the SCO. To mitigate this impact and ensure a strategic and co-ordinated approach to the future programming of key music venues in the city, the Council will chair a working group including representatives from IMPACT Scotland, the Queen's Hall, Leith Theatre and the Usher Hall. The working group will ensure that a balanced and co-ordinated diary of events is planned and marketed for the city. The supporting information suggests that discussions with existing venues have confirmed that the new venue will be complementary to existing provision and welcome the competition and dynamism that the new venue offers in building and enhancing Edinburgh's reputation as a great city for live music.

The proposed development is fully endorsed by the Council's Culture Service. It also forms an important cultural strand within the City Deal, unlocking £25million of strategic match funding from all levels of government and has significant financial backing and under-pinning from a private philanthropic donor. As the first new performance venue to be built in Edinburgh in a century, this new development will represent a significant addition to the city's cultural infrastructure, and will signal Edinburgh's success as a Festival City and its ambitions in the creative and cultural industries.

The cultural and wider community benefits to the city, region and nation, brought about as a result of the proposed development and the opportunities for advancement it provides, are acknowledged and supported in the EIA Report. The proposed use would make a positive contribution towards the city's cultural, social and educational provision, in accordance with the aims and strategy of the LDP, as well as LDP policies Ret 1, Ret 7 and Del 2.

### Economic impacts

The application proposes the removal of the office block to the rear of Dundas House. The Council's Economic Development Service were consulted on the application, estimating that, if fully occupied, the existing building could directly and indirectly support a total of 388 FTE jobs and £32.6m of GVA per annum (2016 prices). The Socio-Economic and Cultural Impact assessment provided by the applicant for the proposed use suggests that the development would, once operational, support 204 headcount jobs and £7.1m of GVA per annum. Although the development of a new performance venue is expected to have strong social and cultural impacts, as outlined in the section above, the Socio-Economic and Cultural Impact Assessment and EIA Report demonstrates more limited economic impacts.

However, it is considered that the economic impacts of the new venue are more indirect, being closely related to tourism. The interaction between cultural venues within the city and the relationship of the new venue to the festivals means that the economic benefits could be greater than would normally be expected in most other locations. The two main aims of Edinburgh's Tourism Strategy are to increase the value of tourism to the city and to its tourism industry, and to enhance the city's image and reputation. To achieve these aims, the strategy outlines three objectives to be achieved by 2020. These are to:

- Increase the number of visits to the city by one third, from 3.3 million to 4.4 million visits;
- Increase the average spending of visitors to the city by 10%; and
- Reduce seasonality across the sector, by achieving half of the increased visits from the first objective in the months from October to March.

The strategy also identifies the lack of a suitable venue for live performances as a key challenge in improving the city's tourism appeal. The proposed venue will make a significant contribution to filling an identified gap.

The Council's Economic Strategy aims to deliver growth for everyone and sets out 10 steps Edinburgh needs to take in order to achieve this aim. One of these is to deliver sustainable and inclusive growth in Edinburgh's world leading culture and tourism sectors. The Strategy recognises the importance of culture and tourism to Edinburgh's global reputation and success as a city. It suggests there is a need to take new approaches to ensure the growth of these sectors is sustainable in the long term and provides a good balance between the needs of residents and the needs of visitors. It also highlights the need to make new investment in facilities in order to maintain Edinburgh's position as a world leading city. It specifically cites the delivery of a new world-class performing arts venue in the heart of Edinburgh as a key action and an example of investment it supports, making specific reference to the Impact Centre by name.

The site forms part of the wider Register Lanes area. The aspiration is that developments such as Edinburgh St James, The Registers and this site will enliven this area. The proposed development would be accessible by pedestrians from Register Place, adding considerable additional footfall to this area.

### Conclusion - social, cultural and economic impacts

The proposal creates a positive social and cultural impact and will play an important role in supporting the growth and success of Edinburgh's tourism, cultural and education sector, thus being aligned with the Council's Economic Strategy, Culture Plan and City Deal framework.

## **h) The proposal raises any issues in respect of transport and road safety**

LDP Policy Tra 1 supports major development comprising offices, retail, entertainment, sports, leisure and other non-residential uses, which would generate significant travel demand, on suitable sites in the City Centre. It is stated that these developments should be accessible by a choice of means of transport. The central location of the proposed development makes it ideally suited to make use of established public transport connections, as well as utilising walking and cycling provision and is therefore, aligned with LDP Policy Tra 1.

### Pedestrian access

LDP Policy Des 2 supports a comprehensive and integrated approach to the layout of buildings, streets, footpaths and cycle paths as provided for in an approved development brief or strategy. The new venue is accessible by pedestrians from three directions; St Andrew Square, Elder Street and Register Place. Demolition of the rear wall to the Elder Street hammerhead is required to enable this and for this reason, is secured through condition. The site will, therefore, contribute to the objectives of the St James Quarter Development Brief and the Council's Registers Lane Study by improving footfall and pedestrian flow, adding value, creating a new place and destination, and improving the character of the area. The Registers Lane area has been identified by the Council as a key location within the city centre, connecting Princes Street, Edinburgh St James and St Andrew Square within the immediate vicinity of the tram stop. The north and east of 36 St Andrew square, in particular, has been identified as one of the four main areas of development. The application complies with LDP Policy Des 2.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provide direct and convenient connections on foot and cycle. The Transport Statement demonstrates that the available footway within the site will be able to accommodate the high level of pedestrian activity associated with the proposed use, with the northern route being the same scale as Multrees Walk. Furthermore, the level change of two metres from north to south on the east boundary has been overcome by creating a new walking route with a gradient of 1:22. This enables the public realm to be fully accessible for all users. The applicant is proposing to further enhance pedestrian movement along St Andrew Square through the provision of a continuous footway and dropped kerbs, built to full carriageway construction to accommodate a range of service vehicles. The delivery of this is secured through a condition. The application complies with LDP Policy Des 7.

### Vehicular access

Elder Street will be the main vehicular access and servicing point into the site. All the paved surfaces will be designed for vehicular overrun to enable fire and maintenance access to all facades of the building.

Vehicle access is required into the forecourt for the RBS branch operation. A consolidated waste strategy for the new venue, 35 St Andrew Square and the RBS branch is provided. Twice a year, international touring orchestras require secure access via larger articulated vehicles. These will be able to enter and leave the site via St Andrew Square and also leave via Elder Street. To enable vehicular access into the site from St Andrew Square, dropped kerbs are proposed directly in front of the two front gates. Through the provision of swept path diagrams, it is demonstrated that these arrangements are acceptable, subject to suitable management. Furthermore, the diagrams indicate that the articulated vehicles will pass into the prohibited tram zone. An informative has been included which requires the applicant to arrange for the necessary permits and authority from Edinburgh Trams.

The loading bay for the new building is located and integrated within the back-of-house technical core to the north. It is directly linked to the main performance spaces and dedicated storage areas. The loading bay can be accessed via Elder Street with vehicles up to 10m in length, which comprise the vast majority of all vehicles servicing the new building throughout the year. It can also fit the detached wagon of an articulated lorry with the doors closed. When not in use the loading bay will be fully opened to extend the public realm through the building and further improve the public permeability through the site. Through the design development, the applicant explored a number of potential underground service arrangements. However, these options were not operationally or financially viable.

### Parking

The existing office development has 95 parking spaces. The proposed development does not propose dedicated on-site car parking. The Edinburgh Design Guidance could permit up to 42 car parking spaces. However, the development is proposing zero parking due to the city centre location. Two disabled spaces are provided within the forecourt to Dundas House for the use of the bank branch only. Access is managed by bollards at the entrance of the forecourt. These have been located to allow vehicles to wait within the site without blocking the footway, minimising potential conflict with pedestrians. It is acknowledged that there is a large public car park consented as part of the Edinburgh St James development, which will be available for all uses within the wider area. This complies with LDP Policy Tra 2.

The Edinburgh Design Guidance stipulates that cycle parking should be provided at a minimum of one stand per 50 seats, providing a minimum provision of 24 cycle parking spaces. The application proposes 12 uncovered Sheffield cycle parking stands within the public realm opposite the main entrance, providing space for 24 bicycles. Additionally, six undercover secure cycle stands are provided in the south east of the site to the rear of the sub-station building, providing spaces for 12 bicycles. This provision exceeds the requirements set out in the Edinburgh Design Guidance and complies with LDP Policy Tra 3 and Tra 4.

## Transport infrastructure

Policy Del 1 states that proposals will be required to contribute to the existing and proposed tram network. The site is located in Zone 1. In this regard, the Roads Authority have advised that the applicant will be required to contribute the net sum of £200,507 to the Edinburgh Tram in line with the approved Tram Line Developers Contributions report. This amount will be secured by a legal agreement prior to the issuing of a formal consent.

### **i) The proposal will have a detrimental impact on the amenity of nearby residents**

LDP Policy Des 5 relates to the amenity of existing and future occupiers and seeks to ensure that amenity is not adversely affected by new development. Representations have been made concerning the development's impact on residential amenity to St James Square. The application site is within close proximity to a number of residential properties and on the boundary of their existing communal garden space. The Edinburgh Design Guidance informs compliance with LDP Policy Des 5.

## Daylight

A daylighting study has been submitted by the applicant which applies the Council's recommended Vertical Sky Component (VSC) approach to assessing impact of development on the ratio of daylight available to existing properties. The Edinburgh Design Guidance requires that the amount of daylight reaching an external wall must be more than 27%, or 0.8 of its former value. For those windows that failed the VSC assessment, these have been re-assessed using the Average Daylight Factor analysis (ADF) which assesses internal spaces using assumed internal plan form. As the room types behind these windows are unknown and might vary between apartments, the analysis has been run for bedrooms (ADF of 1%), kitchens (ADF of 2%) and living rooms (ADF of 1.5%), which are protected. The new buildings under construction as part of the Edinburgh St James development have not been included within the baseline condition.

The detailed study tested 76 residential windows on the west gable and northern and southern elevations of the existing residential building at St James Square, as well 104 windows on the two consented residential blocks within the Edinburgh St James development. The results show that, depending on the usage of the room within the St James Square tenements, there may be 18 windows on the west gable and northern elevations of the existing tenement where daylighting levels will be reduced below the targets set out in the Edinburgh Design Guidance. This is a result of the building's height and proximity to the windows. These were assessed using the ADF analysis.

On the west gable elevation, all five rooms tested using the ADF analysis fail in the existing and proposed condition for all room types. However, gable and side windows are generally not protected under the provisions of the Edinburgh Design Guidance.

Out of the 13 rooms on the northern elevation assessed using the ADF analysis, eight rooms fail as bedrooms (six of these fail under the existing conditions), 12 rooms fail as living rooms (eight of these fail under the existing conditions) and 13 rooms fail as kitchens (all of which fail under the existing condition). The difference in ADF percentages between the existing and proposed is marginal at between 0.15% and 0.51%, based on the percentage criteria for each room type as set out above. In this regard, whilst the development does reduce light levels to the neighbouring residential tenement, the existing context and window geometry demonstrate that this location already has minimal access to daylighting under the existing conditions.

The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. In some parts of the New Town, for example mews lanes buildings come close together similar to that proposed. It is evident that, dependent on the use of the rooms on the northern elevation, between eight and 13 rooms of the 13 rooms assessed fall under the targets set out in the Edinburgh Design Guidance. In this regard, they have a reduction in daylight of greater than 27% and they do not achieve the required ADF percentage. However, because of the unique historic and urban context of the New Town, this infringement of the guidance and LDP Policy Des a) is not significant enough to merit refusal of planning permission.

#### Sunlight to existing spaces

The applicant has conducted a sunlight impact assessment on existing gardens and spaces for each hour of the day on the spring equinox (21st March), as required by the Edinburgh Design Guidance. If a space is used all year round, the equinox is the best date for which to prepare shadow plots as it gives the average level of shadowing. The study demonstrates that of the three garden spaces tested, there will be a reduction in sunlight to the communal garden space of the residential tenement at St James Square as a result of the proposal.

The level of sunlight into this space on 21 March remains the same between 0700 and 1200 hours. However, sunlight is significantly reduced between 1300, 1400 and 1500 hours. At 1300 hours the garden drops from 40% of the area experiencing direct sunlight to 20%. At 1400 and 1500 hours the garden no longer receives any direct sunlight, reducing from 60% at 1400 hours and 25% at 1500 hours. This is a significant reduction in sunlight, which would impact on the quality of useable amenity space for existing residents. However, because of the unique historic and urban context of the New Town and giving due consideration to all other material issues, this infringement of guidance and LDP Policy Des 5a) is not significant enough to merit refusal of planning permission.

#### Sunlight to new spaces

The applicant has also assessed the potential sunlight hours with respect to all new civic spaces within the development. The study demonstrated that 55.03% of the proposed new public spaces receive three or more hours of sunlight during the spring equinox. These areas relate to the proposed seating areas. This complies with the Edinburgh Design Guidance.

## Privacy and outlook

An assessment of the impact on privacy and outlook to the neighbouring residential tenement at St James Square was submitted with the application. Revisions were made to the design to limit exposure of the existing residential building to the windows on the eastern façade. The amended scheme not only reduces the overall number of windows on this elevation, but also relocates them away from the window openings of the existing residential building. In this regard, the majority of the venue's façade across its lower four floors is opaque with selected window openings placed away from the residential building or screened by the interlocking massing of the design.

The venue's glazed crown on its fourth floor faces the shorter, solid gable end of the existing residential building. The crown is separated by its difference in height to the residential accommodation. Furthermore, the arc of its colonnade of columns curves away from the existing residential building in both directions. This offers a high level of privacy.

Two external terraces are proposed at level four to the north and the south of the crown. The north terrace faces non-residential buildings and is screened from the existing residential apartments by the new building itself. The south terrace faces non-residential buildings and will be screened from the existing residential buildings to the east by the solid higher form of the proposed buildings circulation volume.

The scale, mass and form of the proposed building has been carefully designed to ensure the existing privacy and outlook of existing residential units is not compromised. There is no impact on privacy.

Although private views are not protected, immediate outlook of the foreground of what can be seen from within a building can be. As a result of the height, scale, massing and proximity of the new building, the immediate outlook of the western gable of the existing tenement building at St James Square will be blocked out. However, this tenement is hard on the boundary of private land, outlook is not protected in this case. Nevertheless, it is considered that this will be an improvement on the existing outlook to the existing office block and associated car park.

## Noise

A revised Noise Impact Assessment was submitted with the revised scheme. It demonstrates that the design of the building meets expected standards for protecting the amenity of nearby residents in terms of music, operational and plant noise from the premises. The performing spaces have been designed to provide a high sound insulation performance, in order to allow simultaneous use with minimal mutual disturbance. This consequently provides effective control of noise emissions to neighbouring buildings.

Two external terrace areas are proposed at level four at the north and south of the building. They will be used for patrons during daytime and evening events. It is not intended that these spaces will be used after performances, and no music or other amplified sound is proposed here. They are positioned on elevations away from, and largely screened from the nearest residential use on St James Square.



Noise from loading has also been assessed. The enclosed loading dock has been positioned to the north of the building, with the loading side of the vehicle positioned on the west of the loading dock, so that loading activities will be significantly screened from the neighbouring noise sensitive buildings. The need for vehicle manoeuvring and use of audible alarms has been minimised, with vehicles driving directly into the site via Elder Street, with a short reverse into the loading dock, and departing with a single forward movement. No night time (2300 to 0700) loading activities are proposed. Where vehicles need to reverse within the site during late evenings, banksmen will be employed to direct reversing without the use of audible alarms. The applicant intends to create a noise management plan for loading activities, outlining the required loading protocol to ensure noise from such activities to neighbouring buildings is minimised.

Predictions have been provided of likely crowd movement and noise levels generated by entrance and egress from the venue, taking account of the Edinburgh St James development. The design proposes several access routes to help maximise the speed with which people exit an event. It is anticipated that the majority of patrons will access the venue via the main entrance which faces west, with patrons arriving and leaving via St Andrew Square where public transport and taxis are located. The study demonstrates that, taking account of the anticipated frequency, duration and timing of the events, there will be minimal impact on the amenity of nearby residents. It is stated that an Event Management Plan will be prepared by the operator, which will cover noise control from patrons.

The Council's Environmental Protection Service is satisfied with the measures proposed in the assessment and raise no objection.

### Odour

In accordance with the Council's Environmental Protection Service guidance, a condition relating to the kitchen ventilation, to ensure that it is capable of achieving 30 air changes per hour to avoid cooking odours escaping into any neighbouring sensitive premises, is recommended.

### Conclusion - neighbouring amenity

The proposal has been designed to minimise any potential negative impact on its neighbour and raises no issues in respect of privacy, outlook, noise and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to levels of daylight and sunlight into the neighbouring tenement building and garden space. However, this is considered to be a minor infringement given the unique urban historic context, neighbouring property relationship and the proposed public/civic use. An infringement can be justified given the wider benefits of this case.

### **j) The proposals are sustainable**

The applicant has completed an S1 Form in support of the application, which confirms that the required sustainability criteria have been achieved. In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections, including the provision of Air Source Heat Pumps. The development is also targeting BREEAM Good Certification under the BREEAM 2014 New Construction Scheme.

In addressing the requirements of LDP Policy Des 6 a), applicants for major developments within the opportunity areas identified in the Heat Opportunities Mapping Supplementary Guidance must demonstrate the approach taken to identify whether a heat network is viable. The applicant has submitted a district heating analysis for the proposed development. The Scottish Government Heat Map illustrates that the development is in a high heat density area, with the closest district heating network 350m away at the Balmoral Hotel on Princes Street. This network is currently under development. The applicant has confirmed that, within the next stages of design, consideration is being given to providing the facilities to allow future connection into this district heating network.

## **k) There are other material considerations**

### Flooding and drainage

LDP Policy Env 21 ensures development does not result in increased flood risk for the site being development or elsewhere. A Drainage Impact Assessment and Flood Risk Assessment was submitted with the application. No significant current risks of flooding or sewer capacity issues were identified in the local area based on an initial desktop assessment. However, a number of residual flood risks have been identified, associated with flooding from blockage/pump failure/surcharge of public sewers, site drainage and burst water supply pipes, groundwater and intense rainfall in excess of the capacity of the drainage. Subject to a number of mitigation measures to be incorporated at the next stage of design, the proposed scheme is considered appropriate for the hydrological setting and acceptable in flood risk terms. The Council's Flood Planning Service were consulted and are satisfied that it addresses the Council's requirements. The application complies with LDP Policy Env 21.

Sustainable Urban Drainage Systems (SUDS) will be incorporated in the design. This will be achieved through utilising a combination of storage systems, soft landscaping and permeable hard landscaping. A condition has been recommended which secures the detail design, location, size and maintenance of the SUDs.

### Archaeology

In order to safeguard the archaeological interests of the existing building and the earth below, the use of a condition is recommended to ensure compliance with LDP Policy Env 9. This would require a site survey to be undertaken to secure the recording of historic buildings and excavations, before development commences on site.

### Ecology and trees

LDP Policy Env 16 supports development that would not have an adverse impact on species protected under European or UK law. A Bat Survey of the site has been undertaken and bat activity within the site was recorded to be very low, indicating the site has negligible importance for commuting or foraging bats, likely due to its city centre location. In the unlikely event that a bat is discovered during the proposed development, contactors have been made aware of what action to take.

LDP Policy Env 12 states that development will not be permitted if likely to have a damaging impact on any tree worthy of retention, unless necessary for arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity. There is one existing tree within the site. The species is Swedish Whitebeam. A tree survey has been submitted, which identifies the tree as having internal decay and a life expectancy of less than five years. It is therefore, recommended that the tree is removed. In its place, the application is proposing six new trees in combination with lines of mature beech hedges. Four disease resistant Dutch Elm semi mature trees are located along the northern east-west route, and two Honey Locust trees are proposed within the secondary circulation space to the east. The planting conditions for these trees will be optimized through the use of proprietary tree cells to provide 30 cubic metres of growing space below ground for each tree. The ecological potential of the site is enhanced through the introduction of new trees, hedges and climbers, plus a limited amount of green roof on the bin store, substation and cycle store.

### Air quality

LDP Policy Env 22 supports development where there will be no significant adverse effects for health, the environment, amenity, air, and soil quality, the quality of the water environment or on ground stability. There is considered to be no impact on Air Quality as a result of there being no car parking on site, no public vehicular access through the site and it being located on a site with high public transport accessibility. An Air Quality Impact Assessment was not required as part of the application. This was based on the fact that the proposed development provides no significant new combustion plant and the changes in operational traffic flows predicted did not reach the threshold for likely significant air quality effects from vehicle traffic. The application complies with LDP Policy Env 22.

### **l) Environmental Impact Assessment Report**

An EIA Report has been provided alongside the application. This provides an assessment of the impact of the development in environmental terms, covering Cultural Heritage, Socio-Economics and Townscape and Visual. An addendum to the EIA Report was also submitted in February 2019 which included revisions to a selection of the verified views. The scope of the EIA Report is acceptable, the content comprehensive and the methodologies used for the landscape/townscape and visual assessment are considered appropriate. Sufficient information has been submitted in the EIA Report to allow a balanced judgement to be made regarding resulting impacts. Therefore, this report not only provides an assessment of the proposal in planning terms, it has also considered the conclusions of the EIA Report.

### **m) Impacts on equalities and rights are acceptable**

An Integrated Impact Assessment (IIA) has been carried out and raises no overriding concerns. This is a significant public venue with wide ranging community benefits. The IIA is viewable on the Planning and Building Standards Online Services.

## **n) Public representations have been addressed**

### Material representations raised in support

- Edinburgh lacks a mid-size concert hall and a fit-for-purpose home and venue for the Scottish Chamber Orchestra, Edinburgh International Festival and other cultural events. This is assessed in section 3.3g);
- The development will add vitality and cultural activity to the east part of the New Town. This is assessed in section 3.3c), 3.3.e), 3.3f) and 3.3g);
- Integrates with other neighbouring developments through the provision of new public spaces and permeable pedestrian links through the site. This is assessed in section 3.3f) and 3.3h);
- It is a well-considered high quality design (externally and internally) that integrates sensitively with the surrounding context, becoming a positive addition to Edinburgh's skyline. This is assessed in section 3.3c), 3.3e) and 3.3f);
- The new venue will bring significant cultural, economic and tourism benefits to the city. This is assessed in section 3.3g);
- The site is well located in the city centre within close proximity to a range of public transport choices. This is assessed in section 3.3h);
- Supports the demolition and replacement of the unattractive existing 1960s office annexe to the rear of Dundas House. This is assessed in section 3.3b) and 3.3f); and
- The design would positively contribute towards the character and setting of the World Heritage Site and New Town Conservation Area. This is assessed in section 3.3c) and 3.3e).

### Material representations - objection

- Question the need for a new cultural venue in the city. This is addressed in section 3.3a) and 3.3g);
- Inappropriate height, scale, massing and materials. This is addressed in section 3.3c) and 3.3f);
- There will be an adverse impact on the character and appearance of the New Town Conservation Area and Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. This is addressed in section 3.3c) and 3.3e);
- There will be an adverse impact on the axial key views along George Street. This is addressed in section 3.3c);
- There will be an adverse impact on the character and setting of the A listed Dundas House including the interface with the new building and existing boundary walls, and the setting of other A and B listed buildings adjacent to the site. This is addressed in section 3.3b);
- Increased noise levels from the operations of the new venue, including the loading bay. This is addressed in section 3.3h) and 3.3i);
- Reduced daylight, sunlight and privacy into neighbouring properties. This is addressed in section 3.3i);
- Objects to the inclusion of Dutch Elm as the predominant tree species. This is addressed in section 3.3k);

- Concern over the health of the Dutch Elm Tree located between the tenement and the concert hall due to lack of sunlight - A condition is included to ensure replacement planting should any trees or plants die, are removed or become damaged or diseased. This will ensure a high standard of landscaping is achieved;
- Concern over the proposed servicing arrangement from Elder Street and St Andrew Square, existing parking situation and safety for pedestrians. This also includes the removal of the bollards located directly adjacent to number 37 St Andrew Square as they currently provide building protection against vehicular movement. - The bollards do not appear to have consent. The application proposes to replace these with a high quality public realm. This is addressed in section 3.3h);
- Concern that the application has not been tested in a wind tunnel to ensure pedestrian safety. - The Council's Environmental Protection service has reviewed the extent of the proposal and its impacts and has not requested any information on this matter. It is not considered to have a significant effect in the same way as a high rise urban block might;
- Concern over potential flooding of neighbouring properties as a result of the new development, including its proximity. This is addressed in section 3.3k);
- Concern over the management of the construction stage including structural damage to Dundas House and neighbouring listed buildings, traffic, noise, vibration and dust. This is particularly the case given the proximity of the new development with its neighbours. - Such controls are not regulated under planning legislation. These are regulated under the Control of Pollution Act 1974, which gives environmental health officers the powers to control noise and vibration pollution from construction sites. Construction issues will be managed and controlled through a Construction Management Plan that will be developed with the appointed contractor at the appropriate time. An informative relating to the Construction Management Plan has been included. The vast majority of construction vehicles will access the site from Elder Street;
- The application fails to identify the consented hotel at number 37 St Andrew Square as a noise sensitive receptor in the context of this proposed use. - Hotels would not be considered a noise-sensitive receptor in the context of this proposed use, given the relative amount of transience in their guests and short periods of exposure. The impact on nearby residents is assessed and reflected in the consultation response from Environmental Protection contained in Appendix 1;
- There would be an adverse impact on key views to the Edinburgh St James Central Hotel - the outline consent for the Edinburgh St James development supported a new feature building in this location, now known as the Central Hotel. This development, currently under construction, has been included within the baseline context for the Townscape and Visual Impact Assessment. In this regard, the effect on this has been considered and it has been concluded that it can still be seen clearly in key views along George Street and in the skyline within wider city views.

- It is understood that there will be refuse bins located on Elder Street. Concern that the interaction between the articulated vehicles mounting the pavement and these bins is not clarified. - The hammerhead at Elder Street was previously identified as a potential site for the relocation of the refuse bins for the St James Square tenements. The Council's Waste Services has since confirmed that they are not supportive of residential refuse bins in this location and are currently working with the developers of the Edinburgh St James development to find an alternative location; and
- The entrance should be through Dundas House. - The application includes an entrance route through Dundas House into the foyer of the new building for occasional access. RBS will continue to use Dundas House as their branch and office.

#### Non-material issues raised - objection

- There will be an increase in anti-social behaviour. Noise associated with the development is assessed in section 3.3i) but anti-social behaviour is not controlled by the Planning Authority;
- Suggests alternative sites, for example Shrubhill depot, are more appropriate locations for a concert hall. - This is not relevant to the planning assessment;
- There will be an increase in litter as a result of the increase in people within the area. - This issue is not relevant to Planning;
- Suggest instead that the Council purchase the site and develop it as a public garden. - This is not relevant to Planning;
- The triangle of land and ramp access to 23-26 St James Square, south of Elder Street, is absent from the wooden architectural model. - The model does not form part of the material submitted with the application. All the plans for approval are accurate and include the triangle of land;
- No reference has been made in the Noise Impact Assessment to the potential fire/emergency alarm testing or the paging announcements prior to recitals and at the end of intervals. - These are issues relating to the operation of the venue and not relevant to the planning assessment; and
- The height of the proposed concert hall will have a detrimental effect on the amenity of guests at the St James Central Hotel. - Private views and daylight levels into hotels and other commercial uses are not protected.

#### Non-material issues raised - support

- There is funding largely in place to deliver the new venue. - This is not relevant to the planning assessment;
- It makes sense to convert the nearby former Royal High School building to a music school. - This site is subject to a separate planning application and therefore, not relevant to the determination of this application; and
- The plans have been consulted on widely throughout the immediate local community as well as the wider network of interest groups within the city. - Public engagement is an essential part of the planning application process and its results help to inform the finalised proposals. However, quality of the engagement process is not a material consideration in the assessment of the finalised proposals.

### Other material comments - general

- Appropriate to acknowledge the stone context, advocating that a sample panel is erected on site before a final decision is taken - A sample panel has been erected on the site and taken into consideration in the determination of the application. A condition referencing this has been included.
- The origin of the single mature beech tree on the site is worthy of consideration if this is a remnant of the former garden landscape. - The Tree Survey identified this tree as having internal decay and needed to be removed. This is addressed in section 3.3k).

### **Conclusion**

The proposed music and performing arts venue would make a valuable contribution to the city's cultural infrastructure and provide opportunities for its use by the wider community. The proposed development, which forms an important cultural strand within the City Deal, will contribute to Edinburgh's strategic aspirations in terms of culture, tourism and the economy. The location of a cultural, leisure and entertainment venue at this accessible city centre site, accords with LDP Policies Ret 1, Ret 7 and Del 2. The proposed use also complies with the relevant principles of the St James Quarter Development Brief.

The proposed venue contributes positively to the formal planned alignment of the First New Town by terminating the axial view along George Street, cleaning the backdrop to Dundas House and contributing towards the symmetry of the street. The development is, however, considered to have an adverse impact on the setting of Dundas House when seen from some of the public viewpoints within St Andrew Square. On the immediate approach to Dundas House, this effect will be noticeably diminished as a result of its set back position within the site. The height, scale and massing of the extension expands beyond Dundas House. However, it has been sensitively designed to reflect its immediate context and mitigate some of these impacts. It is considered that the proposed development does not comply fully with the provisions of LDP Policy Env 3 and Env 4 in terms of impact on the setting of Dundas House. However, in considering the provisions of the Development Plan as a whole and other material considerations, the positive support for other aims, objectives and policies outweighs this negative impact. The considerable benefits to the culture of the city and wider community, including the Old and New Towns of Edinburgh World Heritage Site off-set any adverse impact.

The proposal has been designed to minimise any potential negative impact on its neighbours and raises no issues in respect of privacy, outlook, noise and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to levels of daylight and sunlight into the neighbouring tenement building and garden space. However, this is considered to be a minor infringement given the unique urban historic context, neighbouring property relationship and the proposed public/civic use. An infringement can be justified given the existing context and wider benefits of this case.

The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the New Town but rather to complement and enhance them through a positive engagement with the architecture and urban morphology of its historic setting. The overall height and form create a subtle and positive addition to the skyline, appropriate for a civic building. Likewise, through its coordinated and high quality public realm design, it makes a significant contribution to the delivery of placemaking within the St James Quarter area, as defined in the Local Development Plan and St James Quarter Development Brief. The proposals comply fully with LDP Policy Des 1, Des 2 and Des 4.

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. Prior to commencement of works above ground, full details of the proposed external light fittings on the existing and proposed building elevations shall be submitted to and approved in writing by the Planning Authority, and shall be implemented on site, in accordance with the approved details.
2. The approved hard landscaping scheme shall be fully implemented prior to occupation of the new music venue or a suitable timescale agreed in writing with the Planning Authority.
3. The approved soft landscaping scheme shall be fully implemented within the first planting season of the occupation of the new music venue. Any trees or plants which, within a period of five years from the first planting, die, are removed, or become seriously damaged or diseased, shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out and submitted and approved in writing by the Planning Authority. The purpose of the survey is to confirm whether 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 should 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 Planning Authority.



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.

5. The proposed kitchen ventilation system shall be capable of achieving 30 air changes per hour, to ensure that no cooking odour escapes or is exhausted into any neighbouring sensitive premises, as detailed in approved drawing number 105, dated February 2019, all to the satisfaction of the Planning Authority.
6. The manufacturing technique of grit blasted and honed concrete, as detailed in the Design and Access Statement and the selection of stone aggregate, as illustrated by the sample panel seen on site on 28 March 2019 and illustrated in the document titled 'Concrete Sample Panels March 2019', shall be fully implemented. Any alteration to the colour of the concrete or aggregate shall be submitted and approved in writing by the Planning Authority.
7. Prior to occupation of the new music venue, the applicant must implement the continuous footway and dropped kerbs along the east side of St Andrew Square directly in front of the site, as identified in drawing 53A. This must be built to withstand HGV movements. The detailed design and construction details/specification shall be submitted to and approved in writing by the Planning Authority prior to any works being carried out.
8. Prior to commencement of above ground works, a detailed specification, including trade names where appropriate, of all the proposed external materials (including the public realm), except the proposed concrete, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Samples of the materials may be required.
9. Prior to commencement of above ground works, full details and specification of the glazing and any coatings (including explanation of the impact of the glazing and coating on the visual effects that this creates in a worst case scenario condition when viewed from the viewpoints set out in the EIA Report), must be submitted to and approved in writing by the Planning Authority.
10. Prior to commencement of above ground works, full details of the Sustainable Urban Drainage System, including location, design and maintenance of the underground storage tanks, shall be submitted to, and approved in writing by the Planning Authority.
11. Prior to commencement of above ground works, demolition of the rear wall onto the Elder Street hammerhead must be implemented as per drawing 99A.
12. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic building recording, conservation, excavation, analysis, reporting and publication & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

## **Reasons:-**

1. In order to safeguard visual amenity.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. To safeguard public safety.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the character of the conservation area.
7. In order to safeguard the interests of road safety.
8. In order to enable the planning authority to consider this/these matter/s in detail.
9. In order to understand the visual effects of reflectivity across the townscape
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. In order to deliver the public routes through the site
12. In order to safeguard the interests of archaeological heritage.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to transport infrastructure:
  - Contribute the sum of £200,507 (based on the proposed 11,347sqm concert hall and existing 1,610sqm office use in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.
4. 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.
5. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
6. The EIA Report has been taken into consideration in the making of this decision, as required under the Environmental Impact Assessment (Scotland) Regulations 2017.
7. Noise from new plant must not exceed NR25 within the nearest noise sensitive receptors, with windows slightly open for ventilation.
8. Music and occupational noise within the venue must not exceed NR15 within the nearest noise sensitive receptors, with windows slightly open for ventilation.
9. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)
10. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Planning.
11. The applicant is aware of the potential impact of the proposed servicing arrangement on the Edinburgh Tram and the arrangement for the necessary permits and authority to work. Liaison with Edinburgh Tram will be required (see website <http://edinburghtrams.com/information/atw>).
12. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
13. To minimise the level of construction noise to which sensitive receptors will be exposed, the construction work will be conducted in accordance with a Code of Construction Practice (CoCP). It should be noted the local authority has powers under the Control of Pollution Act (1974) to control noise from construction sites.

14. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed.
15. The archaeological 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.
16. External light fittings on the existing building will require Listed Building Consent
17. Any proposed signage requires advertisement consent and depending on the location, may require Listed Building Consent.
18. All construction works shall be undertaken in accordance with the Construction Management Plan.

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application. As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 27 September 2017. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

## 8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the planning application on 10 September 2018 and the application was advertised on 14 September 2018, with 21 days allowed for comments. The application also appeared in the Weekly List on 11 September 2018. The EIA Report was advertised on 14 September 2018. Due to an administration and technical error, neighbours were notified of the EIA Report on 24 January 2019 and it was decided to re-advertise the EIA Report on 25 January 2019, with 30 days allowed for comments.

The proposals that formed scheme one received 12 letters of objections, 38 letters of support and one general/neutral comment. This included comments from the following amenity bodies:

- The Cockburn Association
- The Architectural Heritage Society of Scotland
- Edinburgh Access Panel

The New Town and Broughton Community Council were treated as a statutory consultee and provided a neutral representation. This is contained in Appendix 1.

All the interested parties who previously commented on scheme one were re-notified on 27 February 2019, with 14 days allowed for comments. An EIA Report Addendum for scheme two was also submitted and advertised on 1 March 2019, with 30 days allowed for comments. Four representations were received objecting to scheme two, plus an additional objection from a party who hadn't previously commented on scheme one.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3n).

### **Background reading/external references**

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- 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 application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

### Date registered

10 September 2018

### Drawing numbers/Scheme

1,2,3A,4A,5,6,7A-17A,18-20,21A-28A,29,30A-40A,41-50,51A-56A,  
57,58A,59A,60-66,67A,68A,69-71,72A,73,74,75A,76,77A-81A,82,  
83A-87A,88,89A,90,91A,92A-95A,96,97,98A-102A,105-111,

Scheme 2

## David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer

E-mail:emma.fitzgerald@edinburgh.gov.uk Tel:0131 529 3794

## Links - Policies

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### Relevant Policies:

**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.

### World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

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

LDP 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.

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.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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 Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.



**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 '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 18/04657/FUL At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works. (See Cover Letter for full statutory description) (amended).**

### **Consultations**

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#### **Edinburgh Urban Design Panel - 27/09/2017**

##### *1 Recommendations*

*1.1 The Panel was supportive of the principle of a music venue in this location and acknowledged that it represented an exciting opportunity to enhance activity and permeability in the surrounding public realm.*

*1.2 The Panel advised that the proposal's relationship to its special historic setting and its impact on important axial and oblique views, particularly the view of Dundas House from George Street, is critical and requires to be carefully considered. The Panel also agreed that a coherent, well designed and high quality public realm would be essential to the success of this development and its integration with the surrounding area.*

*1.3 In developing the proposals, the Panel suggests the following matters should be addressed:*

- o Ensure that the development relates appropriately in position, scale, massing and design to the site's special historic character and key views;*
- o Develop a coherent, high quality public realm which enhances legibility through the site;*
- o Maximise barrier-free pedestrian permeability into and through the site and minimise conflict with service vehicles;*
- o Develop an architectural response which feels part of Edinburgh and can stand the test of time; and*
- o Incorporate security measures through early engagement with security advisors.*

##### *2 Introduction*

2.1 The site is located to the east of St Andrew Square, south of Multrees Walk and west of St James Centre. The site comprises of the A Listed Dundas House (36 St Andrew Square), its rear extension (circa 1960s) and car park. Dundas House is a three storey building of relatively modest scale and it contributes to the very high quality historic townscape of Edinburgh's New Town. It is positioned on axis with George Street where axial views are critical to its setting.

2.2 The site is located in the City Centre Retail Core and City Centre, as defined in the Edinburgh Local Development Plan (LDP). It also sits within the New Town Conservation Area and Edinburgh World Heritage Site. The site is located close to several listed buildings and structures. The site also sits in a number of key views as set out in the Edinburgh Design Guidance.

2.3 The site is also located within the St James Quarter Development Brief, where it identifies new opportunities for pedestrian permeability through the site.

2.4 One declaration of interest was made by Adam Wilkinson from Edinburgh World Heritage Trust (EWHT), who confirmed that he had met previously with the agents/developers regarding this proposal. This was not considered to be conflicted interest.

2.5 This report should be read in conjunction with the pre-meeting papers.

2.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

### 3 Position, Scale, Massing and Design

3.1 The Panel welcomed the use of the model to demonstrate the proposal's potential scale and massing and agreed that its impact upon the site's special historic setting and key views, particularly the long view from George Street, was a critical consideration.

3.2 The Panel was concerned about the proposal's scale and massing particularly given the limited size of the site. The Panel recognised that the design concept is still at an early stage and may have an adverse impact on the character of the area and the amenity of adjacent buildings. The Panel agreed that further work is needed to ensure the proposal sits comfortably on the site.

3.3 The Panel discussed whether the proposal should be viewed as currently proposed in an asymmetric form from behind Dundas House, or whether the proposal should be visible at all above Dundas House when viewed from George Street. Dundas House is part of the 'set piece' of buildings along George Street and the proposal should not detract from this. The Panel suggested that one option could be that the proposal may be sunk down to minimise its visual impact. The Panel concluded that further assessment work was needed to explore how the development will impact on key views, particularly eye level views, and the setting of listed buildings, particularly Dundas House.

3.4 The Panel suggested that distant and unexpected views of the proposal should be explored including those from oblique angles.

3.5 The Panel was concerned that the positioning of the concert hall, studio and public foyer in separate blocks (albeit connected by access links), could result the site appearing fragmented. There is precedent for this in the character of the immediate area but the coherence of the buildings, public realm and links in-between will be critical. Further work is needed to ensure this is delivered. The Panel was also keen to see the site linking logically into adjacent sites.

3.6 The Panel was sceptical about the indicative classical coliseum-style architecture with arcade detailing for the concert hall as this style does not initially resonate with the character of the New Town. However, the Panel was not averse to a contemporary response with a take on classical architecture so long as it is respectful to the site and its context. The Panel confirmed that the detailing and materials will be critical to achieving this aim.

3.7 The Panel felt that the link building could be better concealed as this looked to clash with the rest of the proposal and Dundas House.

3.8 The Panel agreed that lighting of the buildings and their setting would be an important consideration.

3.9 The Panel advised that sandstone should be used if masonry is proposed and glazing would help to lighten the built form.

3.10 The Panel wishes to see a robust design which can stand the test of time.

#### 4 Public Realm

4.1 The Panel strongly emphasised that the discovery of the development as a 'jewel' from the surrounding lanes should be enhanced by a coherent and high quality public realm which links seamlessly (physically and visually) to its context.

4.2 The Panel was supportive of the increased activity that would be created from the proposal and encouraged the use of ground floors to maximise this. The Panel advised that the public realm should create an engaging setting for the surrounding buildings.

4.3 The Panel considered that the built form could come out of a beautiful 'carpet' of materials set out in the public realm. The Panel stated that the use of simple, elegant and high quality materials will be key to creating a coherent, welcoming and active public realm. Careful use of hard and soft materials will also be critical.

4.4 The serviceability of the site needs to be carefully considered and the Panel was supportive of using an underused unit space within Multrees Walk as a service area for the development to separate service vehicles from the pedestrian environment.

4.5 The Panel noted that public and private spaces should be appropriately delineated.

4.6 The Panel emphasised the importance of maintaining the 'set piece' of Dundas House, railings and gates, and noted its significant contribution to the proposal's setting therefore cautioned against any substantive changes.

## 5 Permeability

5.1 The Panel was supportive of the aim to increase pedestrian permeability into and through the site. The Panel stated that links should be barrier-free and accessible for all users. The Panel stated that the emphasis should be placed on routes through rather than buildings across.

5.2 The Panel suggested that the space under the linked overhead walkway between the concert hall and ancillary buildings could be enlarged, creating strong views into the site and encouraging pedestrian use.

## 6 Use

6.1 The Panel was supportive of the use of the site for a music venue and suggested that further links could be made with University of Edinburgh's School of Music.

6.2 The Panel was concerned that the proposal may displace existing residents if it impacts negatively on the amenity of neighbouring housing. This needs to be carefully considered.

## 7 Security

7.1 The Panel advised that early discussions with security advisors should be held to build in any counter-terrorism elements to the proposal.

7.2 The Panel stated that a good security strategy including requirements for lighting/CCTV/passive surveillance should be built into the proposals at an early stage.

### **Archaeology - response dated 22/10/2018**

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL + LBC applications for the erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works.*

*The site occurs within the former gardens and curtilage of the A-listed RBS HQ (Dundas House, 36 St Andrew Square). Originally designed by Sir William Chambers this building was constructed in 1771 for Sir Laurence Dundas, becoming the HQ for the RBS in 1825. The site has seen several extensions since the mid- 19th century, most notably the construction of the banking hall & library wing (by Peddie and Kinnear) in 1858 and the 1960's rear extension and carparking. Located at the heart of James Craig's Georgian New Town the site is also surrounded by a number of A & B listed buildings including New Register House, 2425 James Craig Walk, 37-39 St Andrew Square & 27-31 James Craig Walk*

*As such this site and it's listed buildings are recognised as one of the key elements within the New Town section of Edinburgh's UNESCO World Heritage Site. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Plan (2016) policy ENV1, ENV3, ENV4, ENV8 & ENV9.*

### *Historic Buildings*

*The removal of the 20th century additions to Dundas House will it sin agreed have a beneficial impact upon the setting both of this A-listed Georgian Mansion and also its immediate setting. That said the scale of the proposed new Arts Venue must be considered as having an immediate significant adverse impact as it will be seen overlooking Dundas House from several key view points along George Street. Not only will it have significant impacts upon the immediate setting of this building, but it must also be considered to have similar impacts upon the adjacent listed buildings on James Craig Walk and also New Register House. That said although adverse, in archaeological terms such impacts are regarded as being moderate low, given the Urban context.*

*In terms of physical impacts, the proposals will require the demolition of several 20th century buildings, a section of the listed (A) boundary wall and works to both 36 & 35 George Square. Having assessed these impacts it is considered that these works are acceptable having an overall low significant impact in archaeological terms. That said it is recommended that a programme of archaeological historic building recording (annotated plans, photo and written description) is undertaken of the modern buildings and rear wall prior to their demolition in order to provide a permanent record of these buildings due to their overall contribution to the history of the sites development. In addition, it is recommended that a programme of historic building recording is undertaken during works to No 36 George Square during any downtakings/alterations which could reveal evidence for the development of the Banking Hall and Georgian Mansion.*

### *Buried Archaeology*

*The proposals will require significant ground-breaking works, principally in regards proposed demolition of the 20th century buildings on the site and the construction of the new Arts Venue. Such works have the potential to disturb archaeological remains relating to the construction and development of Dundas House. The potential for earlier remains surviving on site is however considered to be low. Nevertheless, it is recommended in addition/alongside the recommended historic building recording, that programme of archaeological work is undertaken during ground breaking works, in order to record, excavate and analyse any significant remains affected.*

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

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

## **Culture Service - response dated 25/02/2019**

### *1. Context*

*The proposed new mid-scale music venue for the capital represents an ambitious and exciting development in the City's cultural infrastructure, and, for music, the biggest capital intervention in over a century since the construction of the Usher Hall.*

*For over 2 decades the need for a high quality mid-scale music venue has been voiced by many people and organisations, resulting in recommendations for such in a range of reports:*

*the 2006 CEC Review of Music Provision, the 2009 Cultural Venues Study and the 2015 Thundering Hooves Study. It is an infrastructural gap where Edinburgh falls behind in comparison to other cities - nationally and internationally. The significant capital investments achieved to date evidences support from all levels of government from local to UK and forms an important cultural strand in the ESESCR Deal.*

*Its ambitions across the spectrum - design, artistic programme, community and educational engagement, acoustic and user facilities - will make it a destination venue for the country.*

### *2. Cultural Impact*

*The ambitions of the proposed design offer a wide range of opportunities not only to strengthen existing music provision in the city for artists and audiences, but also new opportunities to develop international mid-scale music touring from artists and visitors. It will provide a world class home for the Scottish Chamber Orchestra (SCO) for performance, rehearsal, recording and outreach/community activity. This is a significant point given that Scotland's other four national performing companies have had their capital ambitions realised. A new home for the SCO would complete this process and provide a national base for Edinburgh's only national performing company.*

*Through a close working partnership with the Edinburgh International Festival (EIF), it will provide a world class venue for supporting and developing the Festival's artistic and audience development ambitions. An agreement between the Scottish Government, the City of Edinburgh Council and the 11 major Edinburgh Festivals to invest a £1 million each year for the next five years has also been reached. This will enable the festivals to develop their programming and content, skills sharing and development and deep and wide engagement and the new venue would be a complement to those investments.*

*Equally, the year round cultural infrastructure is a critical element in enabling the festivals to thrive. The capital investment in the IMPACT Scotland proposal therefore reflects the interdependence between renewing cultural content as well as infrastructure, only this twin approach will avoid eroding Edinburgh's status as the pre-eminent cultural 'Festival City'.*

*The IMPACT Centre has also established early relationships with other music and performing arts companies who would use the venue for performance and rehearsal (the National Youth Choir of Scotland (NYCOS), Red Note Ensemble, Celtic Connections, BBC Scottish Symphony Orchestra) as well as identifying community engagement projects with the SCO (e.g. enhancing the Music For Life programme) which will add strength to the cultural offer from the start and extend access to the world class facility.*

*Having a physical venue and facilities associated with community and education will also be transformative, with proposals for a recording studio and digital technologies built in to the finished design, and full-time education officer identified within the staff structure. The business case highlights that the Centre will develop opportunities with range of city region deal and other partners to achieve a diverse audience and participant base for using the venue - at free or minimal cost. A good comparator would be the enhanced facilities at the Glasgow Royal Concert Hall which has allowed the other national orchestra, the Royal Scottish National Orchestra, to significantly enhance and expand its outreach and engagement programme to deliver musical opportunities for all ages and backgrounds. The project is also aligned with the Inclusive Growth within the framework of the City Deal PMO, identifying with 2 themes - a significant programme of construction and social benefit through innovation.*

*In recent years other cities have extended and improved their infrastructure for live music with major developments to support a range of music genres - Glasgow (City Halls, CCA, Royal Concert Hall expansion), the Sage Centre in Gateshead, London (major investment to South Bank Centre, King's Place, among a plethora of other expanding venues), Bristol (St George's, Colston Hall), the Millennium Centre in Cardiff to name a few. It is interesting to note that concert hall construction across the globe has grown dramatically with most cities investing in world class architecturally landmark venues, whilst Edinburgh has seen no new development for 100 years beyond the refurbishment of the Usher Hall.*

*A successful live music environment works on a number of levels - locally it is important to have a competitive and complimentary range of venue spaces from small to large scale which enable a range of activity to take place across different scale and styles. In comparison to many cities, Edinburgh lacks a number of key facilities at present - an arena for the larger scale, a mid-scale rock and pop venue since the demise of The Picturehouse (a role that it is hoped Leith Theatre will be able to fulfil) and a high quality mid-scale contemporary venue which plays an active role in curating content. The latter role would be fulfilled by The Impact Centre which presents an outline business case for programming and renting the venue for a diverse range of music styles - jazz, world, folk, acoustic rock and pop and traditional.*

*Nationally and internationally, the music industry revolves around recording and distribution, either through recorded content (streaming, records/CDs, etc) and touring. Edinburgh currently misses out on a number of mid-scale music tours due to the lack of an active, curating mid-scale venue as well as the high quality performing environment required by artists and promoters. As outlined in the previous paragraph, the IMPACT Centre's business plan aims to offer a dynamic performance space in the heart of the city.*



*It is acknowledged that there will be an issue around displacement of activity with the IMPACT Centre. With a capacity of 1,000 plus a smaller 200 seat performance space, it will occupy a position as the city's pre-eminent mid-scale space, and as will divert some performance activity away from venues such as the Usher Hall and Queen's Hall. Both of these venues host performance, rehearsal and recording activity by the Scottish Chamber Orchestra which would all move to the IMPACT Centre. It is anticipated the Queen's Hall would experience the most impact due to the similar capacity levels, and the Queen's Hall currently generates revenues from being the principal box office for the Scottish Chamber Orchestra which would move to the IMPACT Centre along with other Queen's Hall performance events. Some smaller Usher Hall artists and events could also migrate to the IMPACT Centre, dependent on audience expectancies and market conditions.*

*To mitigate this and ensure a strategic and co-ordinated approach to the future programming of key music venues in the city, the City of Edinburgh Council will chair a working group including representatives from IMPACT Scotland, the Queen's Hall, Leith Theatre and the Usher Hall. The working group will ensure a balanced and co-ordinated diary of events is planned and marketed for the city.*

*To balance this it is recognised that the IMPACT Centre has the potential to offer a net gain to the city for artistic performance and audience attendance. The Queen's Hall has identified future artistic opportunities across a diverse range of music genres as well as capital ambitions of its own, and would benefit from the diary space left by rehearsal bookings by the Scottish Chamber Orchestra. Similarly the Usher Hall can make use of the days left by recordings and rehearsals with demand for diary dates from promoters at a high. The existing venues also welcome the competition and dynamism that the IMPACT Centre offers in building and enhancing Edinburgh's reputation as a great city for live music. With other potential projects on the horizon such as Leith Theatre and the redevelopment of the Ross Bandstand, Edinburgh can look forward to a brighter environment for live music.*

### **3. Summary**

*The IMPACT Centre proposal is fully endorsed by the Culture Service within the City of Edinburgh Council. It forms an important cultural strand within the ESESCR deal, unlocking £25 million of strategic match funding from all levels of government and has significant financial backing and under-pinning from a private philanthropic donor. It will form an important strategic development in the city's cultural infrastructure - the first major new venue in over a century - and create a vital stimulus for live music, musicians and audiences. It will enhance the year round and festival offer in a landmark architectural venue, attracting new and existing audiences as active participants and consumers and set a new and exciting standard for the next 100 years.*

### **Edinburgh Access Panel - response dated 30/09/2018**

*1- The Panel was pleased to see that in the concert hall a number of wheelchair spaces on most levels was proposed, and that accessible WCs were indicated at those levels.*

*However, seating spaces were all at end-of-row locations. From the drawings it was not possible to see how this was to be achieved, but best practice, which we would hope was the aim, is to allow wheelchair users the opportunity to have companions sit alongside them. This is best achieved by separating the wheelchair positions by two conventional seats, which will give a companion the choice of the best communication aspect with regards to the wheelchair user. We have assumed that the accessible spaces are on a designated platform which will allow some flexibility regarding the relative position of wheelchairs and companion seats.*

*No wheelchair places were indicated on the 4th (top) level. Assuming that these would be the cheapest seats, we would hope that the management would permit wheelchair users to get a discounted ticket for the next lower level, or create spaces on the top level.*

*2- The Panel noted that two accessible parking spaces were available at the front of Dundas House. Given that there are 12 wheelchair spaces available in the concert hall, and ambulatory blue-badge visitors particularly would appreciate a shorter walk from car to lifts, we think that additional designated parking provision would be desirable.*

*3- We were surprised to see no toilet facilities at ground floor (Foyer/Event space level), though one accessible WC is indicated outwith the space at the north end.*

*4- Backstage: The panel believes that it is very important that full facilities are available for disable performers and administrators as well as the audience. We make the following comments -*

*1st floor (green room) level; we'd like to see one of the large WCs changed to an accessible WC, with outward opening door.*

*The Principal's room next to the green room seems to be an accessible WC/shower, and should have an outward opening door.*

*2nd floor level; The allocated accessible WC in the toilet 'suite' should have an outward opening door.*

**THE PANEL WOULD BE HAPPY TO DISCUSS THESE COMMENTS WITH EITHER THE CASE OFFICER AND/OR THE ARCHITECTS.**

### **Environmental Protection - response dated 08/03/2019**

*Environmental Protection has no objection to the application subject to the following conditions:*

*1. 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 Head of Planning, 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 Head of Planning.*

*2. The proposed kitchen ventilation system shall be capable of achieving 30 air changes per hour, to ensure that no cooking odour escape or are exhausted into any neighbouring sensitive premises, as detailed in approved drawing 121\_54, dated February 2019, all to the satisfaction of the Head of Planning and Building Standards.*

*The proposal looks to demolish an office block structurally attached to Dundas House, 36 St Andrew Square, and replace this with a performing arts venue, including a 1,000-seat concert hall together with a 200-seat studio.*

*Environmental Protection had concerns regarding noise from this proposal affecting nearby sensitive receptors, particularly those at St James Square.*

*A Noise Impact Assessment by ARUP (ref 255853-60/H04-r1), dated February 2019 has been submitted on behalf of the applicant to address our concerns, demonstrating that the design of the building will meet our expected standards for protecting the amenity of nearby residents in terms of music, operational, and plant noise from the premises. It is acknowledged by ARUP that crowd behaviour is difficult to accurately model. It is also difficult to control via the planning process. However, ARUP have provided predictions of likely crowd movement and noise levels generated by entrance and egress from the venue, demonstrating minimal impact on the amenity of nearby residents.*

*Should all aspects of the design as proposed and commented upon in the ARUP Noise Impact Assessment be implemented, it is unlikely there will be significant impact on the residential amenity of nearby sensitive receptors in relation to noise.*

### **Transport - response dated 18/03/2019**

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

- 1. The applicant will be required to contribute the net sum of £200,507 (based on proposed 11,347m<sup>2</sup> concert hall and existing 1610m<sup>2</sup> office use in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note b);*
- 2. The applicant will be required to upgrade the existing footway on east side of St Andrew Square to a continuous footway/pedestrian priority footway; with dropped kerbs at both vehicular access points designed and built to withstand HGV movements. The detailed design and construction details/specification is subject to the Council's Locality approval;*
- 3. Lighting to be provided within the proposed site boundary to ensure safety at night.*
- 4. The applicant is aware of the potential impact of the proposed servicing arrangement on the Edinburgh Tram and the arrangement for the necessary permits and authority to work. Liaison with Edinburgh tram will be required (see website <http://edinburghtrams.com/information/atw>)*

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

6. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point);

Notes:

a) The submitted transport statement in support of the planning application for a thousand capacity concert hall generally satisfies the requirement of transport statement. The application site is in the city centre and the applicant has demonstrated that the existing and proposed transport infrastructure improvement will be able to accommodate the impacts of the proposed development. Trips for typical weekday evening performance at the venue fall out of PM peak hour period with arrival and departure 17:45-20:00 and 21:15-22:00 respectively.

The applicant has by Fruin LoS analysis (number of pedestrian/metre/minute) justify that the available footway within the proposed site boundary will be able to accommodate the anticipated 15minute peak hour level of pedestrian flow density at departure time period after a typical weekday event. The resulting value of 850 persons at 15 minute peak of the peak hour departure time period with a footway width 2m wide and clearance 0.6m for the venue was estimated to be 36.4 persons/m/minute which corresponds to C LoS (Restricted ability to select normal walking speed and freely pass others; high probability of conflict where crossing movements and counter-flows exist; conflict avoidance requires frequent adjustment of walking speed and direction; flows are reasonably fluid, however considerable friction and interaction between pedestrians is likely to occur). The available footway within the proposed site boundary designed as a shared surface varies in width; with some areas more than 2m wide; hence better pedestrian movement than predicted.

The transport statement submitted expected most trips to the proposed development to be mainly sustainable transport. The proposed development is within 500m to public transport halt/stops/station (tram, buses and rail). It is within 5 minutes walking distance to the tram halt and bus stops on the major streets of the city centre mainly Princes Street, York Place and St Andrews Square. The site is therefore very well served by public transport.

Three main accesses to the proposed development have been identified namely; Elder Street to the east, St Andrew Square via forecourt of Dundas House to the west; and Register Place to the south. Safe service management strategy through risk assessment will be implemented by the applicant to ensure safe movement of vehicles on public circulation areas (St Andrew Square, Multrees Walk and St James Centre). Applicant proposes Banksmen during service by HGVs to ensure pedestrian safety on affected streets. This is considered a suitable solution due to the frequency of service vehicles as detailed in item g below.

b) Existing 1610m<sup>2</sup> office use tram contribution in Zone 1 = £147,920; proposed 11,347m<sup>2</sup> music hall in Zone 1 = £348,427; Net tram contribution in Zone = £200,507.

c) *The existing office development has 95 parking spaces. Current Council parking standards could permit up to 42 car parking spaces. The proposed zero parking is considered acceptable due to the city centre location and public transport availability and delivers a better place.*

d) *It is noted that there is a public car park as part of the St James development and this would be available for all uses with the wider area.*

e) *The proposed 36 cycle parking spaces exceed the required 20 spaces by the Council's 2017 parking standards (12 secure spaces within the building for employees and 24 spaces outside the proposed development for visitors).*

a) *Disabled drop-off and pick-up point from St Andrew Square providing direct and level access to the main entrances of the new venue. Access is managed by a controlled vehicular bollard at the entry gate of the forecourt. The bollards are further inside the courtyard to allow disabled car user/service vehicle to wait without blocking St Andrew Square footway.*

b) *Existing footway within the site boundary to be upgraded to stone paving and built to full carriageway construction to accommodate a range of service vehicles and footway delineated.*

c) *The applicant has demonstrated by swept path analysis to service the proposed concert hall from Elder Street with a service frequency of 2 HGVs per day with occasional service by van. Service frequency of artic lorry is 2 per year and will be undertaken from St Andrew Square via the forecourt of Dundas House (inbound on forward gear and outbound reversing within the private forecourt and forward gear). Refuse collection per existing RBS arrangement 2 per week.*

d) *The applicant explored a number of underground service options namely; using the existing underground service infrastructure with additional tunnel, servicing via Edinburgh St James service yard and servicing via Multrees Walk service yard. While these studies proved by means of swept path analysis, that vehicular access underground would be feasible none of the potential options proved to be operationally viable due to the following;*

- o Significant cost implication*

- o Unlimited right of way*

- o Land acquisition required*

- o Extensive underground works*

- o Conflict with other service arrangements*

- o Operational agreements required with both St James, Multrees Walk and Harvey Nichols.*

### **Flood Planning - response dated 17/10/2018**

*I have reviewed the DIA and FRA provided by Julian for the concert hall development in St Andrew's square. I am satisfied that the contents address CEC requirements therefore we are happy for this to proceed to determination with no further comment from Flood Prevention.*

### **Historic Environment Scotland - response dated 15/01/2019**

*Thank you for your consultations which we received on 13 September 2018. We have considered them in our role as a consultee under the terms of the above regulations.*

*In relation to both the planning application and the EIA consultation, our remit is World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. We have a separate remit regarding listed building consent, concerning works to Category A and B listed buildings, demolition, and applications by planning authorities.*

*For this reason, we have separated our advice into three sections, one under each set of regulations. As there are two listed building consent consultations, we have stated our position separately for each.*

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

#### *Our Advice*

##### *Listed building consent*

###### *18/07127/LBC*

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

###### *18/07730/LBC*

*We are content that the proposed demolitions, alterations and extension to Dundas House would not significantly diminish the special architectural and historic interest of the building. However, we consider there would be a significant impact on the setting of the building, which we have commented on under the associated application for planning permission below.*

*Our detailed comments on this LBC application are given in Annex 1 of this letter.*

###### *Planning application 18/04657/FUL*

*We consider that there would be a significant adverse impact on the setting of the Category A listed Dundas House, affecting some, but not all, key views of the building. We therefore advise that this should be taken into account in the decision making process. However, we are content that this impact would not significantly affect the special interest of the building, and does not raise issues of national interest for our remit. We therefore do not object to the planning application.*

*Our detailed comments on the planning application are given in Annex 2 of this letter.*

###### *Environmental Impact Assessment*

*We are content that sufficient information has been provided to come to a view on the planning application. We are content with the scope of the assessment and its methodology.*

*We have comments on the assessment itself and its conclusions. These are given in Annex 3 of this letter.*

### *Further Information*

*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 in the national interest for our historic environment remit, and therefore we do not object.*

*Our decision not to object should not be taken as our support for the proposals. The applications should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

*This response applies to the applications currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

### *Historic Environment Scotland*

#### *ANNEX 1 Listed building consents*

*Your Council has consulted us in relation to works to two Category A listed buildings, which include the potential impacts on their setting. However, we have concentrated on assessing the impact on setting through the planning application process in Annex 2.*

*Our Managing Change guidance note on Extensions is a relevant consideration in assessing this application. In this instance, however, the guidance which it can offer is necessarily limited, as the most significant impacts of the proposed development relate to the setting of Dundas House. Although the application involves the extension of Dundas House, due to the depth, visibility and accessibility of the site, we consider the proposals would appear, like the rising St James hotel complex behind, to be part of the 'backdrop' of an urban townscape.*

*Our specific policy consideration in assessing applications for LBC is given in the Historic Environment Policy Statement at 3.47. This paragraph relates to alterations which would have an adverse impact on the special interest of the listed building.*

*18/07127/LBC - Application for listed building consent for associated proposed works, including demolitions, new boundary treatment and public realm (35 St Andrew Square)*

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

*18/07730/LBC - Application for listed building consent for proposed demolitions, alterations, and extension (Dundas House, 36 St Andrew Square)*

### *Demolition*

*The proposed demolition works primarily involve the 1960s office block by Glasgow architects Gratton & McLean. We do not consider that this block contributes to the special interest of Dundas House, and therefore do not object to its demolition. We are also satisfied that the other proposed demolitions, or removals, relating to secondary areas to the rear of Dundas House, would similarly result in no significant loss to the special interest of the listed building.*

### *Extension*

*The extension, to form the proposed new music venue, is planned to connect with the rear facade of the banking hall, itself a mid C19th extension to the original Dundas House. In contrast to the relatively concealed 1960s block it would replace, the new structure would rise tall above the listed building, and expand beyond it to the rear on both north and south sides.*

*Our Managing Change guidance note on Extensions states that extensions should ordinarily be subordinate in both scale and form. In this sense, the proposals would be contrary to the advice offered by this guidance. However, as above, in this instance we consider that the key impact of the proposed development would be on the setting of Dundas House. We have assessed this impact as part of our advice on the planning application, with reference to our relevant Managing Change guidance on Setting. (See Annex 2)*

### *Alterations*

*These comprise alterations and remedial works, mainly to external elevations of lesser significance to the rear (east) of Dundas House due to the demolitions and new build. Existing stonework would be made good, and there would be a general tidying up of rainwater goods, cabling and other pipework. A large section of the existing rear elevation stonework would be exposed internally as a feature of the foyer for the new music venue.*

*The works involve various works to the building including covering over lightwells and infilling redundant door and window openings, with a few new openings. These works, and the internal alterations to Dundas House, we consider to be relatively minor, affecting areas of lesser significance. Two exceptions are the proposed doorway link between the banking hall and music venue and the Banking Hall cash cage.*

*A key element of the overall scheme is to provide an internal double-door access link between Dundas House and the new music venue. While we are satisfied that this new doorway would be sympathetic to the fine interior quality of the banking hall, we suggest that the glazed panels for the banking hall doors be obscured to conceal the contemporary metal doors on the music venue side, or at any rate that this important element (ie, where new meets old) be conditioned.*

*The submitted ground floor plan shows some alterations to an existing cash point structure within the banking hall. No interior elevation/section drawings or images appear to be submitted to show how these alterations may affect the special character of the exceptionally important banking hall. Clarity on this point should be obtained. Externally, the proposed tall boiler flue at rear roof level, at the north east corner, would detract from the appearance of the roof, and a more concealed or mitigated solution would be preferable.*



*We are pleased to note that there are no proposals to alter the 19th century ornamental cast-iron-railed screen enclosing the front forecourt on St Andrew Square, an important feature of the category A listing. We would urge that the current proposals to include a large service vehicle access be appropriately managed, under the application for planning permission, to ensure there would be no disturbance to the gatepiers, gates, railings, and lamp standards.*

#### **Conclusion**

*We are broadly content that the proposed direct physical interventions under 18/07730/LBC would not unduly diminish the building's special architectural and historic interest. However, as explained in Annex 2, we consider that the proposed extension would have an adverse impact on the setting of Dundas House, affecting some key views of the building.*

*We have therefore assessed the impacts in light of the policy considerations at paragraph 3.47a-d of HESPS, which concerns adverse impacts to the special interest of a listed building. In this instance, considerations b and d of this policy are relevant. Overall, on balance, we are content that the scale of the impact (3.47b.) on the listed building would not significantly harm its special interest. Therefore, we do not object to the listed building consent application.*

*We also note that the wider community benefits of the proposals (3.47d) may also be a consideration in decision making.*

#### **Historic Environment Scotland - response dated 25/01/2019**

*Thank you for your consultation which we received on 24 January 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations.*

*We understand that this consultation relates solely to the EIA regulations. We note that this consultation is to advise that the 2011 EIA regulations were quoted on your previous consultation letter, dated 13 September 2018.*

#### **Our Advice**

*We are content that our advice on this application and its accompanying environmental assessment, given in our letter dated 15 January 2019, is unaffected by this alteration. Our advice was given in reference to the 2017 EIA regulations, as quoted in our letter. We therefore have no additional or altered advice to offer at this stage, and our position remains as previously presented.*

*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.*

*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 development affecting the historic environment, together with related policy guidance.*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

## **Historic Environment Scotland - response dated 12/03/2019**

*Thank you for your re-consultations which we received on 27 February 2019.*

*Our comments below relate specifically to the design amendments, subject of your re-consultations, and should be taken into account together with our existing main response letter to these applications, dated 15 January 2019. Overall, we are satisfied that the amendments do not raise significant new issues for our interests, and that our position on the proposed development therefore remains the same.*

### *Listed building consent applications*

#### *18/07127/LBC*

*o As you will be aware from our main response letter of 15 January 2019, we are content that the proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We note the revisions, including deletion of the previously proposed retractable marker posts for the historic rear garden boundary line of 35 St Andrew Square, now proposed to be delineated by contrasting surface treatment as part of the wider public realm and landscape treatment for the development. We have no detailed comments to make on this revision.*

#### *18/07730/LBC*

*o We are satisfied that the design revisions for the proposed music venue, including refinement of façade detailing/materials and crown parapet, do not raise new issues for us regarding the overall impact on the category A listed Dundas House. These revisions are mainly set out in the submitted revised Design and Access statement, chapter 16. Please also see our comments on the planning application below.*

*o We are also pleased to note the revised proposals and additional information for Dundas House itself: to delete the previously proposed tall boiler flue; add opaque glazed panels for the banking hall new interior doors; and clarification of works to the existing cash point enclosure. These address the detailed comments we made on these specific proposals in our letter of 15 January.*

### *Planning application*

#### *18/04657/FUL*

*o We note that there is no change to the proposed new building in terms of its scale, height, mass, and site positioning. As the revisions relate mainly to the above mentioned refinement of the façade detailing/materials and crown parapet we are content that the changes do not raise significant new issues for our interests, including potential impact on the A listed Dundas House and its setting; the setting of other neighbouring A listed buildings; and the World Heritage Site.*

*o We acknowledge the intention to further the mitigation of impacts through refinement of materials and creation of a simpler, more cohesive, backdrop to Dundas House. To assist with further consideration of this, we understand that arrangements are being made for the review of material samples on site, including mock up panels for the proposed honed and grit blasted precast concrete for the façades. We suggest that this includes sample panels positioned to the front of the site to allow comparison with Dundas House in close-up views from St Andrew Square.*

*o We have no more detailed comments to make on the planning application, and our advice remains as previously stated*

#### *Environmental Impact Assessment*

*o We note that no further assessment of impacts on our interests has been provided in the EIA Addendum. We therefore have no further advice to offer on this. We refer you to our previous response for our comments on the assessment and its methodology.*

*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.*

*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 development affecting the historic environment, together with related policy guidance.*

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online*

*Technical advice is available through our Technical Conservation website.*

### **SEPA - response dated 11/10/2018**

*We have no objection to this planning application. Please note the advice provided below.*

#### *Regulatory advice for the applicant*

##### *1. Regulatory requirements*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.*

### **SEPA - response dated 07/02/2019**

*We have no objection to this planning application. Please note the advice provided below.*

*Regulatory advice for the applicant*

1. *Regulatory requirements*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.*

**SEPA - response dated 12/03/2019**

*We have no objection to this planning application. Please note the advice provided below.*

*Regulatory advice for the applicant*

1. *Regulatory requirements*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.*

**New Town and Broughton Community Council - response dated 25/10/2018**

*We are very grateful for the extension proposed for the New Town & Broughton Community Council to allow NTBCC to reflect the views of the community council and wider community to this important application.*

*We would want to firstly acknowledge the level of engagement extended by members of the development team with community council members and other local residents during the extended consultation process. Broadly, we expressed support for the approach taken during this consultation of initially setting the context of the proposal and exploring the wider public's thoughts on the key aspects that were important to them, and then using the feedback obtained to develop more specific design details covering the style, footprint, massing and height of the new building. We would, however, note that the initial Design Brief as set by the IMPACT team to achieve their goals has resulted in a significant challenge as to the facilities to be accommodated on this constrained site; requiring both an innovative approach to be taken as well as some compromise to the wider setting including the proximity to the residential tenement to the east. NTBCC would have preferred a slightly less tall main auditorium but we fully understand that is not possible with the proposed brief, and the "normal" option of reducing a residential or office building by one storey is not feasible.*

*The approach taken by the architects is innovative and achieves high levels of permeability for pedestrians through and/or around the building providing a real enhancement to this area.*

*Several members of the NTBCC attended the various Public Consultations (either at the Preview session or the later public sessions). Although some NTBCC members had already completed the Questionnaire - expressing their personal views on what they saw - we agreed to provide a broader consensus of views from within the community as far as we are able to gauge at this time. Hence, we responded to the Pre-Application consultation (17/04797/PAN) summarising our collective thoughts in November 2017; which we were happy to see included in the Pre-Application Consultation report lodged with the above application.*

*Furthermore, NTBCC were appreciative of the presentation by David Chipperfield Architects and others from the IMPACT team on the near-final proposals at the NTBCC meeting in June 2018.*

*We fully acknowledge and welcome the significant efforts of the developers to consult with a wide variety of stakeholders, including importantly residents, throughout the development of the final design for this project. We were also encouraged by the fact that the detailed presentation boards used at these consultations was available on the ImpactScotland.org.uk website. We would further note that the design evolution has reflected many of the comments generated by this extensive consultation.*

*We also welcomed the early engagement with the Edinburgh Urban Design Panel and note their conclusions.*

*1. Support for a new international music and performance venue in central Edinburgh  
NTBCC are clear in stating their full support for the principle to develop a world-class purpose-built concert hall / performance venue in this part of the city centre. The facility as envisaged will be a welcome addition to performance spaces across Edinburgh, offering a mix of classical & other performances in an acoustically-excellent building.*

*Collectively, we are in full agreement that this new performance venue will add immeasurably to the amenity offered in central Edinburgh & specifically at the east end of the New Town. This would add to and complement the mix of resident / visitor offerings in this part of the city centre in addition to the already well-provided for retail, accommodation & food / beverage offerings.*

*We take the view that this project will make a significant and positive contribution to overall residential amenity and act as a transformative catalyst for the revitalisation of the streets, lanes and businesses that surround it.*

*Although this proposal will provide "an acoustically-excellent home for the Scottish Chamber Orchestra", the benefits to the wider community to provide a "year-round bustling arts destination for performers, audiences and the wider community" should not be underestimated. We are also supportive of the applicant's desire to develop partnerships, creative programming and community outreach to engage and encourage participation of people regardless of age or background.*

*NTBCC also note, acknowledge and support the aim of IMPACT Scotland that the range of activities need to be consistent with longer term economic sustainability - despite the substantial public contribution being given in support of the capital costs (through the Edinburgh City deal).*

## *2. Location for the IMPACT Centre building*

*St Andrew Square is an excellent location for this new performance venue both in terms of complementing the mix of resident / visitor offerings in this part of the city centre as well as the transport infrastructure (bus, tram and train) as well as motor vehicles given the proximity to the new Edinburgh St James development. It is also well-positioned regarding pedestrian flows through this part of the city centre.*

## *3. Permeability and Relationship to Other Currently Consented Developments*

*The proposed design provides a welcome inter-connection with neighbouring developments and improves the permeability between St James Square, Elder Street and West Register Street, Register Place and St Andrews Square*

*We support this opening of access through the site, and with the design of the ground floor, we understand that this open access will be available for extended hours irrespective of the operation of the concert hall.*

## *3. Connectivity*

*We acknowledge the considerable connectivity of this site with Edinburgh's public transport network. However, given that it is likely that many concert attendees (at least in the short/medium term) will still travel by private car and will be tempted to park in nearby residential areas of the New Town - putting further pressure on these parking zones which already suffer due to the imbalance between available residential parking spaces versus. Allocated Residential parking permits. We therefore support the suggestion from The Cockburn Association who advocate some relationship with the operators of the new car park associated with the Edinburgh St James development be agreed, with perhaps concessionary ticketing for evening performances (when the car park is less likely to be used). Similarly, the integration of concert and public transport ticketing would be advantageous (i.e. buying a bus or tram ticket as part of the same purchase).*

*We acknowledge that this may be an operational matter and outwith the scope of planning conditions but given the concerns raised by residents in the New Town who may be impacted, we felt it necessary to register this issue.*

*4. Impact on Setting of Adjacent Buildings NTBCC support the principle of designing the new facility from "inside to out" i.e. ensuring that the building functions as an acoustically-excellent space but that does dictate to a degree the height and massing necessary to achieve this.*

*Accepting this, the key design element is to ensure that the new building complements the adjacent listed buildings and does not unduly detract from them or dominate them. We do, however, recognise that there is a desire to ensure that the new building has an individual presence on the site and to a degree, does stand out but this need not nor should not be a priority. The relationship between the new build and Dundas House in particular is key to a successful design that would be embraced by the local community. We recognise that the new building will be visible from many viewpoints within Edinburgh city centre and beyond, but we believe that the key viewpoint is that from George Street / St Andrews Square.*

*Although we understand that concerns have been raised by others, we do not believe that a major consideration should be whether the new building detracts from the new hotel and other adjacent buildings in the new Edinburgh St James development. From the residents' standpoint, it is the views from George Street / St Andrew Square that are of paramount importance rather than the views of hotel residents from the top of the "W" hotel.*

*There are differing views as to the benefits of the "W" hotel as a suitable backdrop / framing for Dundas House versus that of the more symmetrical and geometric proposed IMPACT development. On balance, NTBCC believe that whilst accepting that the IMPACT development cannot be described a subservient to the existing Dundas House, it does offer a different perhaps grander view from the George Street axis. Further, the oval domed roof of the proposed development is perhaps more fitting and consistent with the domed roof of Dundas House and could be seen as more beneficial in views from further afield, albeit with a denser development than the current view.*

*The key to ensuring harmony with the existing buildings is the choice of materials for the new development.*

*Finally, whilst acknowledging that within the constraints of the available site, the proposed concert hall is an effective and positive use of space, in terms of positioning of the new development within this constrained site, we take the view that locating the new building close to (or abutting) the rear of Dundas House (once the later extensions has been removed) has the benefit of both ensuring that there is maximum spacing between any new development and the existing tenements (both residential & commercial) to the east of the site as well as allowing in the longer term, consideration for a more fitting permanent access route through the current RBS building, which we believe would be advantageous in the longer term and therefore we support the proposal to retain that option with the proposed building design.*

## **5. Materials**

*We understand that although the Design & Access Statement covers the approach to be taken in terms of choice of materials, the exact choice of final surface finishes (for both the main elliptical concert hall and the orthogonal support (annex) buildings) has still to be made. NTBCC share the Cockburn's view that it would be appropriate to make some acknowledgement to the stone context of the building's setting. We also share and support the proposal by the Cockburn to ensure that sample panels (of whatever is proposed) be made available on site before any final decision is taken.*

*We have separately had various discussions with the architect on proposed materials and whilst normally being an advocate of sandstone for important developments within the New Town & especially when positioned close to existing listed buildings, we can appreciate the advantage of using reconstituted stone within parts of this development from the standpoint of being able to ensure consistency and also enable finer detailing of some of the building elements. We are also of the view that the use of polished reconstituted stone (formed from an amalgam of materials / colours from buildings adjacent to it) in certain areas could rest sympathetically with the buildings that surround the development site - including the limestone facades of the Edinburgh St James development. The key however is the quality of the final finish and the attention to detail given to it.*

*As we understand it, the elliptical concert hall building itself is shown to have a distinctive façade different from the adjoining orthogonal (annex) blocks. If our understanding is correct, this approach, including choice of materials could help to visually reduce the overall mass of the building and furthermore create additional visual interest.*

*It is worth noting that as far as we are aware, the roof of the annex blocks has still to be finalised. Given that these will potentially be visible from a number of viewpoints, this aspect of the detailed design should also be fully considered.*

*We would support further community consultation on the final detailing of the project if possible through a further AMC application if necessary.*

*Overall, whilst expressing a preference, we would defer the final choice of materials to CEC Planning Dept., perhaps after further consultation with Historic Environment Scotland.*

#### *6. Impact on Local Residents*

*NTBCC would want to stress the importance of giving due regard to the small "enclave" of local residents immediately to the east of the proposed development. Whilst we are aware that they already have communicated their concerns directly, we believe that these concerns should be considered fully with respect to the relevant LDP policies.*

*It is one of Edinburgh city centre's main attractions that it still has a residential presence in its heart which in our view, should be preserved. Furthermore, those residents have already been subject to many disturbances and changes and this will continue for some years.*

*We note that the application includes a comprehensive daylight / sunlight study on the adjacent buildings (Design & Access Statement Appendix C) by Thornton Tomassetti, and we would especially refer to those sections covering "Building No. 1" & "Building No. 2" as defined in the report.*

*Whilst not having expertise in this area, NTBCC notes that this assessment would appear to show that there are multiple windows that do not pass the initial assessment regarding adequate daylighting and are therefore (based on existing LDP policies) required to undergo a further VSC analysis. The VSC analysis which we understand has been carried out in line with CEC policies then indicates that several windows still do not meet the required standards, and are then analysed further under the "Average Daylight Factor Analysis".*

*This would then appear to conclude with the statement "Room does not meet acceptable daylight target in the existing condition. No further analysis required."*

*We would request that the Planning officer ensures that this analysis regarding the impact on residential properties has been carried out in accordance with the current LDP policies.*



## 7. Connectivity

*We share the view of the Cockburn Association that it is essential that the floorscape around the new Concert hall be integrated with the Registers and wider environment. This should respect the limited palette of paving materials in the New Town and be designed so that the pedestrian environment appears seamless to users who will approach the building from the various access points. Linkages to the new Edinburgh St James development should ideally also follow this approach. We would support efforts to regarding access to the several garden areas currently under the auspices of the Registers of Scotland (RoS) - (although we appreciate that there seems some reluctance from RoS to engage currently. There is an opportunity to create a new, interesting and intimate pedestrian quarter, in which the new concert hall forms the centre-point. It is also key that the proposed building connects seamlessly with the new developments that surround it.*

*As we have previously stated, we are somewhat surprised and disappointed) by the current thoughts regarding integration of the new concert hall development with the existing bank branch in 36 St Andrews Square. We would support (perhaps in the longer term) that a single main entrance to the new concert hall is defined and as we would expect the majority of those attending events at the new concert hall would be arriving from the west - either the St Andrews Square tram-stop, bus station or by pedestrian routes from Waverley station or the eastern end of George Street across St Andrews Square, that this would be preferable through 36 St Andrew Square.*

## 8. Access for servicing

*We have discussed the potential issue of ensuring adequate servicing for the facility during the various conversations with the architects. Our strong preference would be to ensure that there is sufficient hard-standing at the rear of the new building to allow for waste removal / deliveries etc. but more importantly, adequate access for delivery vans (in support of the resident orchestra and others) with access from the extension of Elder Street to the square in the new Edinburgh St James development. This should be feasible as we are aware that there is already limited planned access at this location for hotel guests to the new "W" hotel. Although this should be a predominantly pedestrian area, we would hope that arrangements could be agreed (and with the necessary permissions) to provide access to the new concert hall by this route. The alternate of providing access from St Andrews Square could be detrimental to and interact negatively with the pedestrian flow from St Andrews Square; servicing should be located away from the main entrance to the building.*

*We would again express the appreciation of NTBCC members that you have accepted a late representation on the above application.*

*In summary, whilst we are fully supportive in principle with much of the application as stated above, given the concerns on the potential impact of the proposed development on the local residents that live directly adjacent, we would maintain a "neutral" stance on this application.*

*We trust that this representation will be taken as constructive input to the determination of this application.*

## **New Town + Broughton CC - response dated 30/03/2019**

*Although the New Town & Broughton Community Council intended to provide further comments covering the various revisions submitted in February 2019, given the tight schedule for determination of this application and the forthcoming Development Management Sub-Committee (DMC) Hearing scheduled on April 24th; we have re-visited our initial representation and believe that all material comments were satisfactorily reflected in that document.*

*We would again express our thanks both to the City of Edinburgh Council for holding a session covering the key changes in the February 2019 revision and also to the continuing level of engagement extended by members of the development team with community council members and the very helpful consultations, including that at the recent DMC site visit.*

*NTBCC continue to support the principle of developing a world-class purpose-built concert hall / performance venue in this part of the city centre. The facility as envisaged will be a welcome addition to performance spaces across Edinburgh.*

*However, we would offer the following brief comments on key aspects.*

### *1. Materials*

*We appreciated having sight of the 2 large test panels and broadly welcome the approach to delineate the 3 'layers' of the proposed building by changes to the surface treatment (in line with the comment we expressed previously). We are also retain our view that the use of reconstituted / composite stone (a "terrazzo" formed from an amalgam of materials / colours from buildings adjacent) could rest sympathetically with the buildings that surround the development site. However, we were not fully convinced that the sample panels as available represent the most sympathetic final colour palette / composition. We believe that there is a balance between creating a harmonious inter-relation between the proposed new build and the listed buildings surrounding the site vs. the desire to provide the new concert hall building with a distinctive presence; with the need for the building to sit harmoniously within the wider site taking precedence.*

*We would therefore suggest that, given its prominent location within the World Heritage site, further consideration be given to the final palette of the facades; perhaps through a planning condition.*

*Ultimately, however (as expressed previously) , we would defer the final choice of materials to CEC Planning Dept., perhaps after further consultation with Historic Environment Scotland.*

### *2. Impact on Local Residents*

*NTBCC would again want to stress the importance of giving due regard to the small "enclave" of local residents immediately to the east of the proposed development. Whilst we are aware that they already have communicated their concerns directly, we believe that these concerns should be considered fully with respect to the relevant LDP policies.*

*We welcome the comprehensive update to the Thornton Tomasetti Daylight analysis which provides more detail and clarity on the impact of this proposal on the adjacent residential building to the east. As commented previously, NTBCC do not have expertise in this area; NTBCC notes that this updated assessment would appear to show that there are multiple windows that are compromised in terms of daylight by the proposed building.*

*We are also aware (& welcome ) that residents from the James Craig Walk / St James Square tenement building have had the opportunity to make specific comments on the updated assessment and we also understand that they will be granted an opportunity to present their concerns at the forthcoming DMC Hearing.*

*We would hope that the determination process and the draft report to be put before the DMC will ensure that the analysis regarding the impact on residential properties has been carried out in accordance with the current LDP policies and other Council guidance.*

*We trust that these brief final comments will be taken as constructive input to the determination of this application.*

### **Police Scotland - response dated 19/10/2018**

*I write on behalf of Police Scotland regarding the above planning application.*

*We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development. And our Counter Terrorism team would also wish to have input regards wider public safety.*

*Please contact me at your earliest convenience to enable us to progress this project.*

### **Scottish Water - response dated 19/09/2018**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

*Water*

*o There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*Foul*

*o There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly.*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### *General notes:*

*o Scottish Water asset plans can be obtained from our appointed asset plan providers:*

*Site Investigation Services (UK) Ltd.*

*o Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*o If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

*o Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

*o The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*

*o Please find all of our application forms on our website.*

*Next Steps:*

*o Single Property/Less than 10 dwellings*

*For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a PreDevelopment Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.*

*o 10 or more domestic dwellings:*

*For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.*

*Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.*

*o Non Domestic/Commercial Property:*

*Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)*

*o Trade Effluent Discharge from Non Dom Property:*

*Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.*

*If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found online. Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.*

*For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.*

*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer.*

## **Scottish Water - response dated 29/01/2019**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

### *Water*

*o This proposed development will be fed from Glencorse Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a PreDevelopment Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website.*

### *Foul*

*o This proposed development will be serviced by Edinburgh PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

### *Drinking Water Protected Areas*

*A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### *General notes:*

*o Scottish Water asset plans can be obtained from our appointed asset plan providers:*

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223 Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk) [www.sisplan.co.uk](http://www.sisplan.co.uk)

o Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

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o 10 or more domestic dwellings:

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*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer.*

### **Scottish Natural Heritage - response dated 03/10/2018**

*Thank you for your consultation of 13 September 2018 regarding the application and EIA for the above proposed development.*

*This application is not envisaged to raise many natural heritage issues. Ecology was scoped out of the EIA and the undertaking of a Townscape and Visual Impact Assessment (TVIA), to reflect the urban nature of this proposal, was noted.*

*TVIA*

*We note the changes to views as shown in the range of visualisations accompanying this application. These changes relate largely to the urban townscape and/or cultural context. From a natural heritage point of view, we have no comments to make on this proposal.*

### **Scottish Natural Heritage - response dated 28/01/2019**

*Thank you for your consultation of 24 January 2019 regarding the application and EIA for the above proposed development.*

*This application is not envisaged to raise many natural heritage issues. Ecology was scoped out of the EIA and the undertaking of a Townscape and Visual Impact Assessment (TVIA), to reflect the urban nature of this proposal, was noted.*

*TVIA*

*We note the changes to views as shown in the range of visualisations accompanying this application. These changes relate largely to the urban townscape and/or cultural context. From a natural heritage point of view, we have no comments to make on this proposal.*

### **Scottish Natural Heritage - response dated 19/03/2019**

*Thank you for your consultation of 27 February 2019 with the EIA revisions for the above proposal.*

*We have no additional comments to make on this proposal.*



## **Economic Development - response dated 12/03/2019**

### *Commentary on existing use*

*The application relates to a 0.78-hectare site to the east side of St Andrew Square incorporating 36 St Andrew Square (the category 'A' listed Dundas House office building and its annexes: the "south wing" to the south and the "rear block" to the east) along with parking spaces, outbuildings, and the gardens of 35 St Andrew Square.*

*The "rear block" is a 1,764 sqm three-storey office annexe to Dundas House developed in 1965 for Royal Bank of Scotland staff. The economic impact of this building if fully occupied can be estimated. Office lettings in St Andrew Square in recent years have been dominated by the financial services sector with Standard Life Aberdeen, Baillie Gifford, and Computershare all letting large properties. Based on a typical employment density for the financial services sector of one full-time equivalent employee per 10 sqm, a building of this scale could be expected to directly support approximately 176 FTE jobs if fully occupied ( $1,764 \div 10$ ). Based on a mean gross value added per employee (2016 prices) of £110,862, this could be expected to directly add £19.5m of GVA per annum (2016 prices) ( $176 \times £110,862$ ) to the economy of Edinburgh if fully occupied.*

*If multiplier effects - the impact of supply chain expenditure and expenditure by employees - are taken into consideration the projected total impact of the rear block if fully occupied would be 388 FTE jobs and £32.6m of GVA per annum (2016 prices).*

*As the site is less than one hectare, policy EMP 9 of the LDP does not apply. There is therefore no requirement for any development to incorporate business space.*

### *Commentary on proposed uses*

*The application proposes the demolition of the rear block and other ancillary structures to the east of Dundas House and their replacement with a new concert hall. Dundas House and the south wing are proposed to remain relatively unchanged.*

### *Class 11 - Assembly and leisure*

*The development as proposed would deliver 11,347 sqm of class 11 space (gross) in the form of a new concert hall. The concert hall would deliver a 1,000-seat auditorium, a 200-seat studio, and "multi-purpose spaces" along with a café/bar.*

*The applicant has provided a report on the projected socio-economic impacts of the development. This report estimates that the development would, once operational, directly support 32 headcount jobs and £1.2m of GVA per annum. Additional impacts - multiplier effects and the impact of spending by performers and customers visiting Edinburgh to attend the concert hall - are projected to support a further 172 headcount jobs and £5.9m of GVA per annum, giving a total projected impact of 204 headcount jobs and £7.1m of GVA per annum (all figures gross).*

*It is noted that of the 204 jobs expected to be supported by the development 65 are in restaurants and cafés and 35 are in visitor accommodation. These are jobs supported by expenditure in Edinburgh outwith the concert hall by customers and performers attending the concert hall. These jobs may therefore be seasonal with lower levels of employment at times when patronage of the concert hall is lower and vice versa.*

### *Overall impact*

*The development as proposed would result in the loss of the rear block of 36 St Andrew Square, a 1,764 sqm office building. It is estimated that the total economic impact of this building if fully occupied by a financial services occupier would be 388 FTE jobs and £32.6m of GVA per annum (2016 prices). The economic impact assessment provided by the applicant suggests that the development would, once operational, support 204 headcount jobs and £7.1m of GVA per annum.*

### *Overall impact*

*The development as proposed would result in the loss of the rear block of 36 St Andrew Square, a 1,764 sqm office building. It is estimated that the total economic impact of this building if fully occupied by a financial services occupier would be 388 FTE jobs and £32.6m of GVA per annum (2016 prices). The economic impact assessment provided by the applicant suggests that the development would, once operational, support 204 headcount jobs and £7.1m of GVA per annum.*

*There are three principal existing dedicated concert halls in Edinburgh city centre - the Usher Hall (capacity 2,200), Queen's Hall (900), and Reid Concert Hall (218) - along with multiple smaller music venues. There are also multiple other venues in the city centre that host music performances, including the Playhouse (3,059); King's Theatre (1,350); Festival Theatre (1,915); Assembly Rooms Music Hall (788); Royal Lyceum Theatre (658); and St Andrew's and St George's West (200). While it is recognised that there will be differences in the specifications of each venue determining what performances each can host, it is assumed that there will be some degree of crossover in terms of the market for each. From a cursory analysis of event calendars, it does not appear that all of the aforementioned venues are being fully utilised. It is noted that the Scottish Chamber Orchestra currently performs in the Queen's Hall and it is proposed to relocate these performances to the new concert hall, suggesting any economic activity associated with the Scottish Chamber Orchestra will be displaced from the Queen's Hall. In the absence of any detailed analysis evidencing a current shortage of musical venues in Edinburgh city centre it is considered prudent to assume that there will be significant displacement of economic activity from elsewhere. This conclusion is borne out by the applicant's contextual report which describes the Queen's Hall as "a converted former church building with many limitations for both performers and audiences" and highlights the perceived low quality of existing venues, suggesting that the new concert hall is intended to be a higher quality replacement for the existing venues. The Council's Culture service has assessed the proposals and acknowledged that "that there will be an issue around displacement of activity with the IMPACT Centre [which] will divert some performance activity away from venues such as the Usher Hall and Queen's Hall". However, the Culture service has announced plans to create a working group to "ensure a balanced and co-ordinated diary of events is planned and marketed for the city" and concludes that the IMPACT Centre "has the potential to offer a net gain to the city for artistic performance and audience attendance."*

### *Other considerations*

*The site forms part of the wider Register Lanes area: the collection of backroads in the area bounded by Princes Street; St Andrew Square; Multrees Walk; and James Craig Walk. Despite their prime location, these areas receive relatively low footfall. The aspiration is that developments such as Edinburgh St James and The Registers will enliven this area. The proposed development would be accessible from Register Place and it could be expected that creating a major visitor attraction at the end of this street would attract considerable additional footfall.*

### **SUMMARY RESPONSE TO CONSULTATION**

*The development as proposed will result in the loss of a 1,764 sqm office building within the central business district; it is estimated that, if fully occupied by a financial services occupier, this building could directly and indirectly support a total of 388 FTE jobs and £32.6m of GVA per annum (2016 prices). Figures provided by the applicant suggest that the proposed development could directly and indirectly support 204 headcount jobs and £7.1m of GVA per annum.*

*This response is made on behalf of Economic Development.*

### **Edinburgh World Heritage - response dated 12/11/2018**

*Thank you for consulting EWH on the potential impacts of these proposals on the Outstanding Universal Value of the World Heritage Site. It is a complex assessment due to a range of factors, principally the location of the site, the level of change in the area since the inscription of the World Heritage Site, and the proposed uses of the new building.*

*We are grateful to the IMPACT Scotland Team for engaging with us, and the concepts of World Heritage and Outstanding Universal Value, fully and frankly during the consultation process. This, and the quality of materials included within the planning application have greatly assisted in understanding potential impacts.*

*We acknowledge at the outset that the provision of a new public building in the form a 1000 seat concert venue with the very finest acoustics in a city of the size of Edinburgh is a rare occurrence.*

*It must be noted that this is an extremely unusual situation, due to the substantial and ongoing changes in the area around the site of the proposed development - we are in effect attempting to judge impact against a future that is as yet unbuilt.*

#### *Outstanding Universal Value and Attributes of the World Heritage Site*

*The local plan policy against which we test major development proposals is ENV 1, which states that:*

*'Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted'.*

*The application documents demonstrate a good understanding of the World Heritage Site and the relevant aspects of Outstanding Universal Value, identifying four key attributes relevant to the application (abbreviated here):*

- *The eastern view along George Street and the principle axis and primary street of the first New Town*
- *The formality and planned discipline of the New Town Plan*
- *Dundas House - and a group of three of the earliest townhouses*
- *The position of Edinburgh within the Scottish, UK and International arts scene*

*These broadly fit a range of attributes identified in the nomination document, advisory body evaluation, statement of Outstanding Universal Value and the brief synthesis, which we identify as follows (emphasis added). These points are from the nomination document unless otherwise stated:*

- *Dramatic topography combined with the planned alignments of key buildings in both the Old and New Town, results in spectacular views and panoramas and an iconic skyline*
- *First New Town - clarity of urban structure, particularly the axis of George Street (designed for 'an axial public monument as its focus')*
- *Some of the finest public and commercial monuments of the neo classical revival (The Advisory Body Evaluation notes 'The New Town is noteworthy for its planned ensembles rather than individual building. However, there is a number of notable public buildings')*
- *Classical set pieces - Dundas House and its setting*
- *Contrast - Layout, buildings, open spaces and views ,that demonstrate the distinctiveness between the organic growth of the Old Town and the planned terraced and squares of the New Town*
- *Culture: Nomination: Edinburgh represents the essence of cultural traditions of Scotland as a European city, and Edinburgh is tangibly associated with events - being the host of the world's largest number of annual cultural festivals and with living traditions*
- *Edinburgh is a built embodiment of the evolution of Scottish society and settlements, indicating how they have adapted and changed over time, to take advantage of the physical constraints and opportunities..... Edinburgh is pre-eminently an associative cultural landscape enjoying powerful resonances of religious, artistic and cultural history of an international significance*
- *Philanthropy - the nomination document notes that Edinburgh 'with a fiercely proud municipal authority together with a number of influential charitable trusts and public boards was determined to see the Capital adorned with fine architecture'*
- *'Retains its historic role as the administrative and cultural capital of Scotland' (Advisory Body Evaluation)*

*There are a number of other individual receptors that contribute to Outstanding Universal Value nearby:*

- *Dundas House (noted as 'The finest free-standing house in the New Town' in the nomination gazeteer)*
- *23-26 St James Square*
- *Melville Monument*
- *Register House*

*An area of significant change since inscription*

*The site of the proposed concert hall development sits between the St James site and the eastern end of the First New Town.*

*It is normal practice to judge the impact of proposals on Outstanding Universal Value as defined at the point of inscription on the World Heritage list - in Edinburgh's case 1995 - and this is supported by local plan policy ENV 1.*

*In this instance, at the suggestion of the advisory body to the World Heritage Committee, the initial proposal for the World Heritage site was expanded to include the St James Centre, with a view to securing change beneficial to Outstanding Universal Value. Consequently it was accepted at the point of inscription that the 1995 baseline was, in this particular area, going to change.*

*These changes are ongoing - the St James Centre has been demolished and preparations are underway for the construction of its replacement.*

*On being presented with late-in-the-day changes to parts of the St James Centre replacement plan, the view of City of Edinburgh Council officers and EWH was the upper floors (9-12+) of the proposed hotel element would be damaging to Outstanding Universal Value. These concerns are recorded in planning correspondence and the hearing on the hotel element. Nonetheless, these proposals were passed.*

*This therefore set a new (and in our view, less desirable) baseline from which to manage Outstanding Universal Value in this area: the World Heritage Nomination Document notes that the St James Centre was largely hidden from view from the New Towns, whereas the consented scheme is highly visible, and especially dominant in views along the principle axis of the First New Town.*

*There have been other significant changes in the area since 1995, including the construction of the bus station, Harvey Nichols, the Standard Life building on the south of the square, the Registers development, the addition of tram infrastructure and the reimagining of the square itself.*

#### *Impacts of the proposals on Outstanding Universal Value*

*We acknowledge that the development team has substantially altered the proposals during the pre-application consultation process with a view to taking into account potential impacts on Outstanding Universal Value, including a significant reduction in height. It remains the case that the proposals are for a large building in a sensitive location.*

*This sensitivity is largely limited to the view along George Street, the principle axis of the First New Town, and St Andrew Square, and close up to the proposals around Dundas House, the rear of the Registers complex, and the remaining St James Square tenement.*

*In other long views, the main body of the building sits within the 'shoulder' of the city, created by surrounding buildings. This is supported by design that complements the surrounding classical buildings. In some instances the crown/dome element stands proud (it is a similar height to the neighbouring consented Register Lanes development). The general characteristic of higher buildings in the World Heritage Site is that their upper floors are unoccupied.*

*EWH's view of the impacts of the proposals on Outstanding Universal Value is summarised below. A more extensive explanation of these can be found at the end of this letter.*

*We judge there to be a negative impact on one attribute and two receptors, these being*  
*- The classical set piece around Dundas House*  
*- Dundas House as the finest free-standing house in the New Town*

- 23-26 St James Square

*We judge there to be a neutral impact on three attributes and two receptors, these being*

- *Planned alignments of key buildings*
- *The city's skyline*
- *The layout of the New Town*
- *The Melville Monument*
- *Register House*

*We judge there to be positive impact on six receptors. We note that four of these are intangible.*

- *Clarity of urban structure*
- *Public buildings*
- *Culture*
- *Edinburgh as the embodiment and evolution of Scottish society and settlements*
- *Philanthropy*
- *Edinburgh's historic role as administrative and cultural capital of Scotland*

### *Conclusions*

*The majority of planning applications we engage with through the planning protocol with the City of Edinburgh Council primarily touch on the physical aspects of Outstanding Universal Value, and less so the intangible cultural aspects that are identified in the World Heritage Site nomination and associated documents. This reflects their private, commercial rather than cultural, public nature.*

*In this instance the balance is between negative impact on one attribute and two individual receptors, and positive impact on a range of attributes, including intangible elements. It is hard to accurately ascribe weight to the wider cultural impact, although this forms an important part of Outstanding Universal Value.*

*It is our view that the benefits of the proposals, in terms of Outstanding Universal Value, at the very least, balance out any harm, giving a neutral impact and depending on the weight given to the wider cultural impact, may be viewed to be beneficial.*

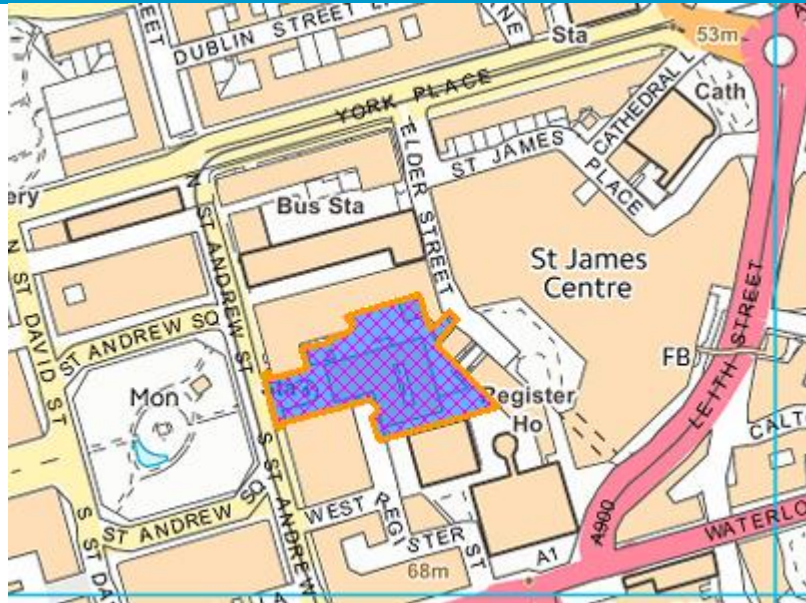
### **Edinburgh World Heritage - response dated 29/03/2019**

*Thank you for consulting EWH on the changes to the proposals.*

*I write to confirm that these results in no way change our overall position, as expressed in our letter of 12/11/2018.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

## Application for Listed Building Consent 18/07730/LBC At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD Proposed demolitions, alterations, remodelling and erection of extension to the listed building.

<b>Item number</b>	6.1(c)
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

### Summary

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The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the listed building and New Town but rather to complement and enhance them through a positive engagement with the architecture and urban morphology of its historic setting. The overall height and form create a positive addition to the skyline, appropriate for a civic building.

However, the development is considered to have an adverse impact on the special interest and setting of Dundas House when considering its compositional impact and when seen from some of the public viewpoints within St Andrew Square. On the immediate approach to Dundas House, this effect will be noticeably diminished as a result of its set back position within the site. Although the height, scale and massing of the extension expands beyond Dundas House, it has been sensitively designed to reflect its immediate context and mitigate some of these impacts. Although the proposed extension does not comply fully with the provisions of the HES Managing Change on the Historic Environment guidance within the 'Extensions' and 'Setting' series, the proposals do accord with points b) and d) of the HESPS tests for assessing development proposals where there is an adverse or significantly adverse impact on the special interest of the building.



Overall and on balance, the scale of the impact on the listed building is judged to adversely but, not significantly adversely affect its special interest including its setting. The cultural and wider community benefits brought about as a result of proposals would make an exceptionally positive contribution towards city's cultural, social and educational provision. It is therefore judged that these exceptional benefits would justify a departure from the presumption set out in paragraph 3.38 of the HESPS.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	CRPNEW, CRPWHS, LEN03, LEN04, LEN06, NSG, NSGD02, NSLBCA,
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# Report

## **Application for Listed Building Consent 18/07730/LBC At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD Proposed demolitions, alterations, remodelling and erection of extension to the listed building.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site lies within Edinburgh city centre, to the east of St Andrew Square. The site is approximately 0.77ha and incorporates the Category 'A' listed building, Dundas House including its curtilage. Harvey Nichols department store and Multrees Walk are located to the north. Elder Street and the Edinburgh St James development site are located to the east, and General Register House and New Register House are situated to the south.

The site is located in the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site. Dundas House is a nationally, as well as internationally, important category 'A' listed building (LB Ref: 29705, listed on July 13th 1965) and acknowledged in the World Heritage Nomination document. Designed by eminent architect, Sir William Chambers, and representing one of only a handful of his buildings in Scotland, it sits on one of the key plots and locations within James Craig's First New Town.

There are several other listed buildings and monuments in proximity to the site. These include, the rear garden and associated boundary walls of the Category 'A' listed 35 St Andrew Square, which is located on the site along with the Category 'A' listed Monument to John, 4th Earl of Hopetoun in the forecourt of Dundas House.

Dundas House is highly significant as one of the first and grandest town houses in the First New Town. It comprises a freestanding symmetrical villa, in a set-back position on St Andrew Square in an axial position to George Street, behind a front forecourt and oval carriage drive, giving the impression of a country mansion. It originally had extensive rear garden grounds, an open skyline, and wider landscape setting behind, although this was disturbed by the building of St James Square shortly afterwards. The original villa was built with a separate single storey kitchen block linked via a colonnaded screen wall/passage and a freestanding two-storey stable block and court to the south and south east.

Dundas House was built contrary to James Craig's plan for the first New Town, which intended a landmark church (St Andrew's Church) to terminate the eastern axial view along George Street, corresponding to an equivalent landmark church (St George's Church) at Charlotte Square, on the western axial view. Nevertheless, Dundas House is established as an outstanding neo-classical centrepiece, which, together with the two framing front pavilions at 35 and 37 St Andrew Square, (the latter designed to be symmetrical with the earlier No.35), remains one of the few surviving original architectural compositions on the square.

Originally built as a residence for Lord Dundas, the building has been in institutional use since 1787 and has been remodelled and extended on a number of occasions including the addition of a front porch; library and banking house extending eastwards from the position of the former kitchen block between 1835 and 1850; and most notably, by the 1858 Peddie and Kinnear designed domed banking hall in 1858. Further extensions, also by Peddie and Kinnear, included a two-storey south wing and a small single storey extension to the north west corner of the banking hall which were added in 1875. During the late 1950s and early 1960s, infill development and extensions by architects Gratton and McLean were undertaken to the south of the banking hall. These comprised the addition of a mansard roof to the former library and bank house building and a two storey infill block between this and the banking hall. In 1965, a large four to five storey flat roofed computer block linked to the former library and bank house was built to the rear of the banking hall.

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

## **2.2 Site History**

There is significant history relating to 35-36 St Andrew Square, for minor works that included signage; flagpoles; disabled access ramps; satellite dish and metal shutter. The applications below are for more substantive works:

October 2005 - Works to listed building including construction of covered link building within the existing external basement area, erection of a traditionally finished outbuilding to house goods lift and refuse bins, reinstatement of original astragal configuration to window openings to south elevation, erection of external escape stairs to rear, and landscaping of existing car park area on bunker roof (all as amended) (application reference numbers: 05/02086/FUL and 05/02086/LBC) - Granted.

January 2015 - Internal and external alterations including installation of new ATM, surround and associated signage, advertisement signage, doors, lighting, new entrance lobby, removal of existing counters and replacement with new banking hall layout, that included new colour scheme, new flooring and other associated works (as amended) (application reference number: 14/04727/LBC) - Granted.

Applications submitted by THRE for alterations to rear boundary wall to Elder Street to form vehicular access, use of part existing car park as construction site lay down area and other ancillary works for temporary period (application reference numbers: 18/01052/FUL and 18/01053/LBC) - awaiting determination.

There is a parallel detailed application for planning permission for the application site:

September 2018 - Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works (amended) (application reference number: 18/04657/FUL).

There is also, an application for listed building consent for the adjoining site:

September 2018 - Demolition of boundary wall, modern basement kitchen, rear extension, and outbuilding within existing rear garden; regrading of land, erection of new boundary features and public realm (amended) (application reference number: 18/07127/LBC).

## **Main report**

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

The application proposes the removal of the 1960's extension located to the rear of Dundas House and the erection of a new extension to accommodate a music and performing arts venue and related infrastructure, access, servicing, and public realm/landscaping works. The retained structures will continue to operate as a bank. An occasional route through the bank to the new music venue will be provided. The application also includes alterations to the rear of number 35 St Andrew Square, including the demolition of the existing boundary wall, associated modern basement kitchen, small outbuilding and extension, to enable the regrading of land for public access. The removal of the wall currently dividing the existing car park from the hammerhead at Elder Street to the east of the site is also proposed.

The proposal will have a gross floor space of 11,347sqm with five storey above ground and a three storey basement, 14.05m below ground. Two external rooftop terraces are located at fourth floor level to the north and south. The main concert hall has 1,000 seats and can accommodate all types of music, performance, recording and conferences. The studio has 200 seats designed to accommodate a flexible range of performance types, recordings and rehearsals. Foyers will provide access to the building from the north, south, east and west, providing an area that can accommodate an all-day cafe/bar and range of informal performances. A range of multi-purpose spaces are also provided for educational use, practice and meetings. The auditorium has been designed to have a flawless acoustic to attract both national and international performers. It is this world class acoustic criteria that has determined its overall height, scale and massing.

The proposed development comprises three main volumes; the main concert hall and two orthogonal side volumes. The oval form of the main concert hall, with a curved form and domed roof sits on axis with George Street. The height of the dome at the top is 13.425m higher than the ridge of Dundas House and 6.985m higher than the St James Square tenements.

The application proposes to use grit blasted and honed concrete as the primary material, standing seam metal roof, and glazing with metal frames. The application proposes new public routes throughout the site, connecting St Andrew Square, Register Lanes and the Edinburgh St James development. Vehicular access will primarily be from Elder Street into a designated and integrated loading bay, with more occasional service access from St Andrew Square.

Enabling works to the rear of Dundas House include the removal of 1958 rear entrance lobby on the rear (east) elevation of Dundas House with associated repairs and making good elevations, including masonry repairs and infilling openings following the dountaking of existing extensions where these have removed elements of original fabric. Alterations are proposed to some window profiles, including infilling some windows and exposing the lower section of the rear elevation to the courtyard and foyer of the new building.

The extension will be built over the existing light well to the basement and physically attaches to Dundas House via a soft non-structural connection across a 122 sqm blank portion of the rear (east) elevation of the banking hall. The connection of the new building with the east gable of south wing comprises a simple weatherproofed seal across a 66 sqm portion to protect the gable end and the ventilation grille of the new building. Shared rainwater goods including a box gutter between the concert hall and banking hall is also proposed

#### *Internal alterations to Dundas House*

The formation of connections from the new venue's foyer to the banking hall to provide direct access between the historic and new building are also proposed. This will incorporate a centrally aligned timber paneled double door with opaque windows and architraves to match the profile and detailing with those existing within the banking hall. Further minor reconfigurations and alterations to facilitate RBS's retained banking functions within the building include a replacement stair and communications room.

#### Scheme one

A number of amendments have been brought forward during the assessment of the proposals. The main changes relate to:

- Amendments to the façade design and window size/detailing;
- Removal and repositioning of window openings on the eastern elevation;
- Detailed refinement to the parapet of the crown through the removal of the metal spandrel panel and replacement with a honed concrete fascia;
- Continuation of the pavement surface along the St Andrew's Square frontage, with dropped kerbs at the two access points;
- Demarcation of the curtilage of 35 St Andrew Square within the landscape design by a change in texture on the surface of the Yorkstone paving;
- Increasing the number of cycle parking stands in the public realm; and
- Reduction in the number and type of proposed trees.

## Supporting information

The following documents were submitted in support of the application for listed buildings consent:

- Design and Access Statement;
- Planning Statement; and
- Built and Cultural Heritage Statement.

These documents can all be viewed on the Planning and Building Standards Online Service.

### **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 impact on the special architectural character or historic interest of the listed building including its setting is acceptable;
- b) The proposal will preserve the character and appearance of the New Town Conservation Area;
- c) Impacts on equalities and rights are acceptable; and
- d) Public comments have been addressed.

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*

Paragraph 4 of Historic Environment Scotland Policy Statement 2016 (HESPS) identifies:

*The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.*

The assessment on character and setting of the listed building and character and appearance of the conservation area have been informed by the Built and Cultural Heritage Statement submitted in support of the listed building consent application, and also other supporting information, including the EIA Report, submitted as part of the associated detailed application for planning permission.

a) Impact on the special architectural character and historic interest of the listed building including its setting

### **Method of assessment**

For the purposes of assessing the impact of the proposals on the special interest and setting of the listed building, a two stage approach is required:

Stage 1:

Consideration should firstly be given to the relevant HES Managing Change Guidance to enable the identification of the impact on the listed buildings special architectural character and historic interest of the listed building including its setting.

The relevant Managing Change Guidance applicable to this assessment is:

- a. Extensions
- b. Interiors
- c. Setting

Stage 2:

Should the impact on the buildings special interest, including its setting, be considered as adverse or significantly adverse, careful consideration must then be given to paragraph 3.47 of the HESPS to assess the relative importance of the listed building; the scale of the impact on that special interest; other options which would ensure a continuing beneficial use for the listed building with less of an impact on its special interest; and whether there are significant benefits for economic growth or wider community which justify a departure from the presumption set out in paragraph 3.38 of the HESPS.

### **HES Managing Change in the Historic Environment - Extensions guidance**

HES Managing Change in the Historic Environment: Extensions guidance (Oct 2010) notes that key issues in extending a historic building require that they:

- 1) *must protect the character and appearance of the building;*
- 2) *should be subordinate in scale and form;*
- 3) *should be located on a secondary elevation; and*
- 4) *must be designed in a high-quality manner using appropriate materials.*

*Furthermore, it is not expected that an extension, or extensions, will dominate a listed building either through scale, materials, location or height. The document notes that extensions should be sensitive and modestly scaled, skilfully sited, and should generally be lower and set-back behind the principal façade. Extensions that would 'unbalance a symmetrical elevation and threaten the original design concept should be avoided'.*

## **HES Managing Change 'Extensions' and 'Interiors' Guidance Key Issue 1 - 'Character and Appearance'**

### *External alterations to Dundas House*

The proposed demolition works primarily involve the 1960's office block by Glasgow architects Gratton & McLean. This block does not contribute to the special architectural interest of Dundas House and its removal is therefore acceptable. However, it should be acknowledged that the existing extension is set-off the rear elevation of the listed building and is of a much smaller scale than the proposed concert hall. The 1960's office block is therefore relatively concealed from public views. The extension to form the proposed new concert hall is planned to directly connect with the rear facade of the banking hall, itself a mid 19th Century extension to the original Dundas House and is of a far greater scale, massing and height than the existing office block.

The covering of the light wells will alter a previously compromised feature given the extent of previous extensions and additions to the rear facade of the banking hall. Within the context of the wider proposals and the benefits the alterations will allow for enhanced public realm will help mitigate any negative impact on the building. Similarly, the proposed blocking up of windows on the rear of Dundas House, which would become part of the interior of the concert hall, is a minor alteration acceptable in the context of the wider proposals. Furthermore, the manner in which the new building attaches to Dundas House is appropriate, using soft connections over a limited area to minimise the proposals impact upon the historic fabric of the rear elevation to banking hall.

The majority of the remaining external alterations to main building are minor in nature and have no adverse impact on the building or any features of architectural or historic interest.



### *Alterations to the curtilage of Dundas House*

The removal of the sections of boundary wall to Elder Street and the shared boundary wall with 35 St Andrew Square delineate the original curtilage of the historic feu to Dundas House and 35 St Andrew Square. Whilst this will undoubtedly dilute the sense of place and historical understanding of the listed building undermining an important element of its special architectural character and historic interest, their removal will permit vehicular access into the site from both the east and west of the site. A picked finish to the unified sandstone setts used within the wider public realm proposals within the site help to subtly delineate and define the historic feu of 35 St Andrew Square whilst also enabling a seamless surface for drainage, vehicle overrun and pedestrian movement.

### *Internal alterations to Dundas House*

The proposed internal alterations include a new opening between the new concert hall and Dundas House. The opening is modest in scale, suitably detailed and would have no adverse impact on the building or any features of historic or architectural interest. The alteration would create a physical opening between Dundas House and the new concert hall and would allow access through the banking hall and into the new extension when it was deemed appropriate. This opening is important to the scheme by facilitating a permanent connection between the foyer of the concert hall with the banking hall of Dundas house to allow for further flexibility in the case of special events. The majority of the remaining internal alterations are minor in nature, taking place in secondary spaces of Dundas House and having no adverse impact on the building or any features of architectural or historic interest.

### **HES Managing Change 'Extensions' guidance Key Issue 2 - 'Scale, Massing and Form'**

The extension, to form the proposed new concert hall, is planned to directly connect with the rear facade of the banking hall, itself a mid 19th Century extension to the original Dundas House and is of a far greater scale, massing and height than the existing office block. From immediately outside the boundary railings, to the front of the listed building, the extension would not be visible above the roof line of Dundas House. The extension would protrude on either side of the building, but would not be visually dominant or impact on the building or its setting. Only as the viewer moves through St Andrew Square and along George Street does the extension become visible and visually dominant. These views clearly highlight that the scale, massing and form of the extension is not in keeping with HES guidance on extensions to listed buildings. Due to the scale, massing and form, and how the building is attached directly to the rear elevation of Dundas House, the proposed extension has an adverse impact on the character of the listed building including its setting.

Dundas House is relatively modest in size and the proposed extension would double the footprint of the original building. The mass of the extension is significantly larger than Dundas House and, regardless of visibility, would have an inappropriate impact on the architectural composition of the listed building. While the building would read as a new building, not an extension, in long views, the reality is that the integrity, composition and character of Dundas House would be compromised by attaching such a significant structure to the rear.

Due to the depth of Dundas House and the fact the building has a forecourt and is set back from the street edge, the extension is also set far back in the site. In addition, the architects have attempted to mitigate the height of the building through design. However, the Heritage Statement acknowledges that the building is *'the minimum possible whilst still enabling the provision of an auditorium that meets the acoustic and performance requirements of the brief'*. This requirement results in a building of significant size that would have an adverse impact on the integrity, composition and setting of the listed building by virtue of its scale, mass and form.

The form and massing of the new building has sought to adopt a simpler, more cohesive backdrop to the rear of Dundas House, against which, its profile can still be read. The classical architectural composition and use of one contrasting material to the rear helps to create a uniform canvas against which Dundas House can be more clearly interpreted. The material qualities including its unified use on the new building helps propel Dundas House forward into views to allow the viewer to interpret it more clearly. Nevertheless there can be no doubt, the new building has a significant impact on the setting of Dundas House when considered in isolation. However, against the baseline of St James development, the proposed building is beneficial to the understanding, appreciation and experience of Dundas House, in these longer views along George Street.

While the composition is considered as a positive response to Dundas House, the scale of the new building is not subordinate.

### **HES Managing Change 'Extensions' guidance Key Issue 3 - 'Position on the building'**

The extension, to form the proposed new concert hall, will directly connect with the plainly detailed rear facade of the banking hall, itself a mid 19th Century extension to the original Dundas House. Whilst the extension is located on a secondary elevation, it will impact on the principal elevation of Dundas House due to its scale.

### **HES Managing Change 'Extensions' guidance Key Issue 4 - 'Design and Materials'**

The new building seeks to respond to Dundas House and the surrounding historic buildings with its proportions and materials representing a contemporary, high quality architectural response to the New Town character.

The central oval concert hall space reflects the cluster of domed volumes of significant cultural and civic buildings within and to the south east of the site associated with the developments around Registers Lane. A contemporary façade is proposed that reflects its sensitive context, whilst also standing out as a modern public building. The façade design relates to and re-interprets the architecture of the first New Town in both their order and materiality. The ordered expression of a base, middle and top, found on other neoclassical buildings in the surroundings, is reflected in the composition of the proposed building's massing.

The ground floor reads across the whole building and will be made of bespoke in-situ concrete that is grit blasted to provide a robust texture and coloured to a hue that complements the aged sandstone facades of the neighbouring buildings. The ground floor frames the entrance foyer, a space defined by a series of large columns that support the oval form of the concert hall. The foyer continues the external public realm into the interior of the building. The external east-west passage below the northern volume of the building doubles as an enclosed loading bay that can be secured with simple metal gates, while remaining open for the majority of the day as a public route through the site. The overhangs of the façade volumes above the ground floor layer to the north and south define the main entrances into the building.

The central portion of the venue's façade is more refined and introduces additional depth, relief and verticality across its surfaces. A simple rebated profile of honed concrete is applied across their surface. The proud surfaces will be a honed finish, whilst the recessed surfaces will be grit blasted. This composition embraces the verticality of neoclassical facades found throughout the New Town. The application of a continuous façade treatment to this central portion provides a consistently calm backdrop to Dundas House and its flanking pavilions. The addition of a horizontal base and parapet detail adds refinement and definition to these volumes.

The curved solid volume is punctuated by windows. These are positioned to relate to the internal geometry of the curved volume and the colonnaded crown above. The windows are in keeping with the scale and proportion of existing openings around the site. Some are paired or consolidated to form larger groups of openings that balance their size within the extent of the solid façade and provide excellent light conditions to the interior spaces. The additional definition provided by a lintel and sill to each window aperture provides a further layer of shallow articulation to the façade, reflecting the neighbouring façades without replicating them. In the amended scheme, the arrangement of window openings has reduced in number on the east façade to improve privacy conditions to the neighbouring residential building.

The expressive crown of the building manifests itself as an open, welcoming crown that announces the public nature of the new building. Formed by an oval colonnade of honed concrete columns, there is a clear continuation, but also a strong differentiation, to the rhythm and verticality of the façade below. A continuous line of curved glazing is set back behind the crown and relates it with the prominent metal domes of other civic buildings around the city.

The material selection reinforces the defined orders of base, body and crown. The robust base is formed from grit blasted concrete recessed below the main body of the building above. Large format glazing is proposed for the building's public foyer at ground floor level. The principal facades and crown are made from a bespoke honed concrete as described above. The domed roof is formed from a standing seam metal roof in keeping with the roofscape and materials of the city centre. As an extension to an A listed building, it is considered appropriate for the proposed material to be different and distinguishable from Dundas House. The use of honed concrete allows for a more sculptural approach which is central to the overall design approach to create a solid robust building with a fineness of detail. The proposed use of high quality materials which complement the main building is positive.

The design of the extension is based on a strong concept which draws upon the positive characteristics of the existing composition and surrounding area.

#### *Conclusion - HES Managing Change Guidance on 'Extensions' and 'Interiors'*

The proposals will not diminish the special interest of Dundas House through the interventions proposed to its interiors or external building fabric and present an extension that's design is based on a strong concept which draws upon the positive characteristics of the existing composition and surrounding area. However, the proposals do represent an over-development of a category A listed building of international significance. The proposed extension to the building is an inappropriate addition by virtue of its size, scale and massing failing to respect the architectural integrity, composition and setting of the listed building to the detriment of its special architectural character and historic interest. The proposals therefore fail to align with the HES Managing Change Guidance on Extensions.

#### *Historic Environment Scotland consultation response*

Historic Environment Scotland (HES) do not object to these considerations in this or the corresponding planning application. HES is content that the proposed direct physical interventions would not unduly diminish the building's special architectural and historic interest. HES is also content that the central relationship Dundas House has with St Andrew Square would be sufficiently preserved and there would be no impact on its distinct set-back position and compositional relationship with its front forecourt and flanking pavilions.

It is considered appropriate to further consider the detailed impacts of the scale massing and form of the proposals on the setting of Dundas House by examining the proposals within the context of HES Managing Change in the Historic Environment guidance on 'Setting'.

#### **HES Managing Change in the Historic Environment - Setting guidance**

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

*'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.*

*The document states that where development is proposed it is important to:*

- Identify the historic assets that might be affected;*
- Define the setting of each historic asset; and*
- Assess the impact of any new development on this.*

Para 3.51 of HESPS notes that *'when considering a developer's proposals to integrate listed buildings into an overall development, Historic Environment Scotland expect planning authorities to take into account not only the desirability of preserving the building's historic fabric but the need to maintain it in an appropriate setting'*.

The setting of a historic asset comprises our present understanding and appreciation of its current surroundings, and what (if anything) survives of its historic surroundings combined with subsequent historic changes.

### **HES Managing Change 'Setting' guidance, point 1 - 'Identify the historic assets that might be affected'**

For the purposes of this listed building assessment, Dundas House is the historic asset most directly affected. However, consideration is given to how the combination of 35, 36 and 37 St Andrew Square as a composition would be affected by the proposals.

### **HES Managing Change 'Setting' guidance, point 2 - 'Define the setting'**

The existing setting of Dundas House is much changed from when it was originally constructed. As one of the first buildings in the First New Town, it was set against the back drop of a significant garden area and countryside. The twinned flanking pavilion townhouses were built shortly after the main listed building creating the set piece along with the forecourt of Dundas House and clearly define its relationship to St Andrew Square on the principal George Street axis. The buildings now form part of a dense urban context as the square and surrounding built environment have been developed through time. The building sits on axis at the east end of George Street and St Andrew Square.

Of primary significance in the composition of the site is Dundas House, flanked by the two pavilion buildings, 35 and 37 St Andrew Square providing a unified and distinct architectural composition that is clearly legible on both site and plan. These buildings help frame Dundas House and add to the significance of the building and its setting.

This set-piece of Dundas House and its two flanking pavilion buildings can be appreciated in a range of axial views to and from Dundas House, including views from the eastern end of George Street, where its symmetry on the axis of the street can be observed. It is however acknowledged, that views of its surrounding urban context within St Andrew Square from along George Street have never been static. There are a number of taller structures both beside and to the rear of the building. These include buildings constructed during the 19th and 20th Centuries including Harvey Nichols department store; the category 'A' listed tenements on St James Square; and also, the new proposals currently under construction on the site of the former St James Centre. The early 19th Century category 'A' listed Melville Monument, sits directly in front of Dundas House within the centre of St Andrew Square as a key landmark in the east axial view. Given this urban context, Dundas House is not dominant in views along George Street.

Dundas House now comprises part of this very dense urban context as the square and surrounding built environment has been developed and further redeveloped through time. The present surroundings and baseline for the assessment of impact on setting is the St James Development, including the landmark hotel which are currently under construction. The site is surrounded by larger buildings such as the twinned pavilion buildings with the adjoining Harvey Nichols and former Bank of Scotland building at 38-39 St Andrew Square to either side. The category 'A' listed tenement on St James Square can be seen behind Dundas House in more distant views of the site. All these buildings create a setting that, when viewed from distance, results in a lack of clarity to the category 'A' listed building and its flanking townhouses. The height of the buildings to the rear, result in Dundas House becoming lost within the dense urban environment.

### **HES Managing Change 'Setting' Guidance, point 3 - 'Evaluate the potential impact of the proposed changes'**

The Design and Access Statement provides important views exploring how the setting of Dundas House exists against the baseline context and how the proposed concert hall would affect these views. The St James development undoubtedly has a significant impact on the setting of Dundas House and how the building is read in both long and more close up views.

#### *Impact on longer views*

In longer views along George Street, rather than being a prominent feature, Dundas House becomes lost in the mix of buildings and materials that appear as its backdrop. The experience and appreciation of the building is reduced significantly in these views. This is tempered slightly by the Melville Monument which undoubtedly impacts on the ability, in certain views, to truly appreciate Dundas House. In this respect, the addition of the proposed building would not significantly alter the appreciation of these elements of Dundas House's setting.

The design of the new building has sought to adopt a simpler, more cohesive backdrop to the rear of Dundas House, against which, its profile can still be read. The classical architectural language and use of one contrasting material to the rear helps to create a uniform canvas against which Dundas House can be more clearly interpreted. The material qualities including its unified use on the extension helps propel Dundas House forward into views to allow the viewer to interpret it more clearly. Nevertheless there can be no doubt, the extension has a significant impact on the setting of Dundas House when considered in isolation. However, against the baseline of St James development, the proposed building is beneficial to the understanding, appreciation and experience of Dundas House in these longer views along George Street helping reduce its overall effect on the setting of Dundas House to some extent.

### *Impact on local views*

In views from the eastern and southern sides of St Andrew Square where the development will have an adverse impact on its setting, the elevational design and form goes some way to mitigate this. However, Dundas House is most prominent in local views from the southern path and on axis with Dundas House from within St Andrew Square garden where the extension increases the solid mass in oblique views and fills in some of the sky space, which would weaken the strong relationship between Dundas House and its flanking pavilions that affords Dundas House a degree of prominence. In these views the proposals would significantly adversely impact on the setting of Dundas House.

### *Impact on the pavilion townhouses*

Of great importance to the setting of Dundas House is its relationship with the two flanking pavilion townhouses. In certain views the relationship between these buildings will be affected in an adverse manner by the new building. The most significant impact would be on some of the close views from St Andrew Square, on axis with Dundas House and from the inner path to the south, where the profile of Dundas House can be seen more clearly against the skyline, rather than against the backdrop of existing higher buildings. From these viewpoints, the extension increases the solid mass in oblique views and fills in some of the sky space, which currently creates a strong relationship between the three buildings and affords Dundas House a degree of prominence. As this relationship is eroded, so too is an element of what affords Dundas House its prominence. However, when Dundas House and the two pavilion townhouses are viewed from the adjoining pavement beside the front entrance railings to Dundas house, the impact of the proposals would be negligible.

### *Impact on the spatial relationship with Dundas House*

The immediate setting within the perimeter of the site is detrimental to the significance of the building and its overall architectural character and appearance. The former rear garden area has been gradually eroded through the 19th and early 20th centuries with subsequent bank developments until it was comprehensively redeveloped in the 1960's with the construction of the office block, lower ground parking, surface and decked car park and access ramps. In this regard, the original setting of Dundas House has already significantly changed. The proposed development and the new public realm will notably improve the experience of the main building and consequently improve its immediate setting. Furthermore, due to a depth of about 24m of the existing banking hall, the new building will be separated from the original villa, minimising any adverse impact on the principal elevation and forecourt to Dundas House.

## *Conclusion - HES Managing Change guidance on 'Setting'*

The relationship of the new building with the setting of Dundas House is complex and will change depending on the point of reference and experience of the view. Without dispute, the proposed extension has a significant adverse impact on the setting of Dundas House. However, this impact must be considered in the context of the proposed St James development. In this context, the proposed concert hall enhances the setting of Dundas House by creating a back drop that compliments the category 'A' listed building and creates the illusion of pushing it forward. The colour and textures of the proposed concrete will be important in ensuring such an affect is achieved. The use of honed concrete as the primary material, a technique which captures the character of the surrounding stonework, without imitating or replicating it and comprising of selected stone aggregates of varying scales, exposed through a refined honed process will help to achieve such a desired effect. In doing so, the new building will effectively blend into the richness of the neighbouring context.

## *Historic Environment Scotland consultation response*

Historic Environment Scotland (HES) do not object in this or the corresponding planning application. HES do however, consider that there would be a significant adverse impact on the setting of Dundas House from closer views, for example, from the eastern and western sides of St Andrew Square, including some loss of the open elements of the backdrop of Dundas House. Nevertheless, although there is a significant impact from some views, overall, HES consider the proposals represent the changing urban townscape of the city and read as interventions to an already compromised backdrop.

## **Overall Stage 1 Assessment - HES Managing Change Guidance on 'Extensions', 'Interiors' and 'Setting'**

It can be concluded that, whilst the direct physical interventions to the listed building's external building fabric and interiors would not unduly diminish its architectural or historic interest, the proposed extension to the building is an inappropriate addition by virtue of its size, scale and massing. The extension fails to respect the architectural integrity and composition of the listed building to the detriment of its special architectural and historic interest. The proposals would also generate a significant adverse impact on its special interest as defined by its compositional setting in local views from St Andrew Square where the extension increases the solid mass in oblique views and fills in some of the sky space, which currently creates a strong relationship between the three buildings and affords Dundas House a degree of prominence. However, Dundas House's baseline context of the proposed St James development and the mitigating affects created by the design approach and the careful use of materials including how they are treated warrants consideration.

## **Stage 2 Assessment**

Having addressed the points in the Managing Change Guidance, the proposals have a significant adverse impact on the special interest of the listed building including its setting. As such, consideration must be given to paragraph 3.47 of the Historic Environment Scotland Policy Statement 2016 (HESPS) that states planning authorities, in reaching a decision should carefully consider:



- a. *The relative importance of the special interest of the building; and*
- b. *The scale of the impact of the proposals on that special interest; and*
- c. *Whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*
- d. *Whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 3.38.*

### **HESPS Point a - Special interest**

Dundas House is an internationally important building. It is one of the finest Georgian houses, built by Sir William Chambers for Sir Laurence Dundas, and one of the earliest buildings in the New Town. Built contrary to James Craig's New Town plan, on a site identified for a public building (St Andrew's Church), it sits on axis with George Street in a significant location within the New Town and World Heritage Site. It is acknowledged, that despite being remodelled and extended on a number of occasions including the addition of the banking hall and the 1960's four to five storey computer block it retains its original form as a freestanding symmetrically designed classical Georgian villa of modest proportions. Despite continuous changes to the surrounding built environment, it retains a presence on St Andrew Square by virtue of its design.

Though relatively small, it is flanked by 35 and 37 St Andrew Square which, as a composition, along with the forecourt to Dundas House create an important set piece and comprises a very significant surviving part of the original fabric of Edinburgh's New Town. Dundas House contributes considerably to the townscape of the New Town Conservation Area and World Heritage Site.

There can be no disputing the special interest of the main building.

### **HESPS Point b - Scale of impact**

Whilst the principle of the use is acceptable in this location the nature and acoustic requirements of the use dictates the scale, mass and form of the proposed extension. As a result the extension is a significant intervention to an extremely important category 'A' listed building. The proposal fails to successfully resolve the key issues in extending a historic building in respect of protecting the character and appearance of the listed building and requiring an extension that should be subordinate in scale and form that are set out in the Managing Change Guidance. However, the advice which the Managing Change Guidance can offer is necessarily limited, as the most significant impacts of the proposed development relate to the setting of Dundas House. Although the application involves the extension of Dundas House, due to the depth, visibility and accessibility of the site, it is considered the proposals would appear, like the rising St James hotel complex behind, to be part of the 'backdrop' of an urban townscape.

It is therefore considered that although the scale, mass and form of the building is such that the impact on the architectural composition and character of the building is adverse, it would not, necessarily be considered significant.

The relationship of the new building with the setting of Dundas House is complex and will change depending on the point of reference and experience of the view. In views from the eastern and southern sides of St Andrew Square where the development will have an adverse impact on its setting, the elevational design and form goes some way to mitigate some of these. However, Dundas House is most prominent in local views from the southern path and on axis with Dundas House from within St Andrew Square garden where the new building increases the solid mass in oblique views and fills in some of the sky space, which would weaken the strong relationship between Dundas House and its flanking pavilions that affords Dundas House a degree of prominence. The impact on more distant views along George Street is less significant and reduces its overall effect on the setting of Dundas House to some extent. Nevertheless, the scale of the adverse impact on these local views from within St Andrew Square are considered significant.

### **HESPS Point c - Other options for Use of the Building**

The site is currently used by the Royal Bank of Scotland. While the 1960's extension is currently vacant, it forms part of the RBS site and could still be used as an office or an alternative use without significant alteration.

### **HESPS Point d - Significant Benefits**

The applicant has submitted a Socio-Economic and Cultural Impact Assessment to support the corresponding application for planning permission, a topic which was also scoped into the EIA Report.

The proposed development is fully endorsed by the Council's Culture Service. It also forms an important cultural strand within the City Deal, unlocking £25million of strategic match funding from all levels of government and has significant financial backing and under-pinning from a private philanthropic donor. As the first new performance venue to be built in Edinburgh in a century, this new development will represent a significant addition to the city's cultural infrastructure, and will signal Edinburgh's success as a Festival City and its ambitions in the creative and cultural industries.

The cultural and wider community benefits to the city, region and nation, brought about as a result of the proposed development and the opportunities for advancement it provides, are acknowledged and supported in the EIA Report.

The report of handling for the parallel full planning application sets out the benefits the proposal brings to the City and contends that the use would make an exceptionally positive contribution towards the city's cultural, social and educational provision. This exceptional level of benefit sets out a compelling case for justifying a departure from the presumption set out in paragraph 3.38 of the HESPS.

## Stage 2 Assessment Conclusion - Paragraph 3.47 HESPS (2016)

In light of the policy considerations detailed within paragraph 3.47 (points a - d) of HESPS, which concerns the assessment of the scale of adverse impacts on the special interest of a listed building including its setting, it is found that consideration of the points b) and d) of this policy are of specific relevance to the assessment of the proposals. Overall and on balance, the scale of the impact (point b) on the listed building is judged to adversely but, not significantly adversely affect its special interest including its setting. The cultural and wider community benefits brought about as a result of proposals would make an exceptionally positive contribution towards city's cultural, social and educational provision present an influential consideration that cannot be overlooked. It is therefore judged that these exceptional benefits would justify a departure from the presumption set out in paragraph 3.38 of the HESPs in accordance with point d) of paragraph 3.47 of HESPS (2016).

### b) Impact on the special character and appearance of the New Town Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance;
- views and vistas, including axial views along George Street;
- terminated vistas have been planned within the grid layouts, using churches, monuments, buildings and civic statutory, resulting in an abundance of landmark buildings. These terminated vistas and the long distance views across and out of the Conservation Area are important features;
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments;
- grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline;
- the New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions;
- the setting and edges of the New Town and Old Town;
- the First New Town is characterised by a general consistency of overall building form, an almost exclusive use of sandstone, natural slate roofs and cast and wrought iron for railings, balconies and street lamps;

- the extensive collection of statues, monuments, historic graveyards and national memorials in the Conservation Area make a significant contribution to the historic and architectural character of the area. They also provide a focus and punctuation points for many views;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material;
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area; and
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

Although the EIA Report has assessed the effects on the conservation area as a whole, this assessment has had regard to the essential characteristics of the First New Town. In this regard, the five key aspects that are assessed below are impacts on formal planned alignment of the First New Town, height and skyline, setting and edges, material palette and design quality. A detailed view analysis in the EIA Report has informed an understanding of the distant and local views that contribute to the character and appearance of the conservation area. The Edinburgh St James development to the east of the proposed development has been included in the baseline visualisations.

#### *Formal planned alignment of the First New Town*

The venue is set back from the principal street frontage and in this manner, does not disturb the established spatial hierarchy of the New Town plan, a key characteristic of the Conservation Area. Nevertheless, the historic plan forms, allied to the dramatic topography, results in important, terminated and long vistas with landmark features.

It is the views along George Street towards Dundas House that contribute to the clarity of the urban structure of the planned First New Town and alignment of key buildings. Although the new building is centrally aligned with this axis, its prominence behind Dundas House and between the Melville Monument and the new St James Central Hotel, means that it will have a significant impact on the character and appearance of the conservation area by contributing to the layering within this view experience. The changing pattern of visibility and visual focal points that are experienced as a sequence when moving from west to east along George Street has been considered in the EIA Report. This gives rise to complex changes in how the proposed development is perceived.

From both the western end of George Street at Charlotte Square (Townscape and Visual Impact Assessment (TVIA) Viewpoint 1) and Castle Street (TVIA Viewpoint 2), the Melville Monument dominates the view. This is because, although the proposed development would rise significantly above Dundas House and enclose more open sky space, an open backdrop to the top third of the Melville Monument will still be retained. The EIA Report concludes that the effect on these views would be beneficial. This is agreed and not considered to be significant. It is recognised that there are often intervening elements in the foreground of these views, particularly TVIA Viewpoint 2. However, these are impermanent features and public consultation has taken place on the redesign of George Street, Hanover Street, Frederick Street and Castle Street that seeks to improve the pedestrian experience along these streets.

Whilst the Melville Monument also obscures some of the view to Dundas House from the Frederick Street junction (TVIA Viewpoint 3), there is a reduction in the open sky space to the north and south of Dundas House. This creates the impression that the new building spans beyond the building lines of George Street, creating a flatter skyline that fully encloses the backdrop of the vista, reducing the elliptical nature of the building. In this regard, the effect is considered adverse, contrary to conclusions set out in the EIA Report.

This discordant spanning effect appears to diminish at Hanover Street (TVIA Viewpoint 4) from which Dundas House becomes more prominent as the sky space opens out to the north and south, creating a more positive effect. In this regard, out of the five axial views used to assess impact on the character of the First New Town, only one has an adverse effect.

It is the proposed façade design of the building, including the selection of materials, and softly curved form of the upper tier of the concert hall that has helped to assimilate the new venue into the surrounding townscape and mitigate the apparent changes along the George Street vista. Furthermore, whilst the venue rises above Dundas House in these views, the setback depth within the plot itself helps to alleviate the perception of scale and align it closer to the AOD levels of the larger surrounding development. Height is assessed further under the next heading.

From the closer range view at the junction of St Andrew Square and George Street (TVIA Viewpoint 6), the Melville Monument forms the main focus of the view and obscures most of Dundas House. At St Andrew Square inner path north (TIVA viewpoint 7), the sense of depth, set-back and the building's elliptical form are revealed. However, despite being closer to the development, some of the visual effects are diminished by the presence of larger scale developments, Melville Monument and the arrangement of trees within St Andrew Square. Unlike in the views along George Street, the elliptical path within St Andrew Square does not direct views towards the proposal in the same way. In this regard, whilst it is agreed that the proposed development at these viewpoints will have a positive impact on the character and appearance of the Conservation Area, there will be an adverse impact on the architectural set-piece of Dundas House and its flanking pavilion buildings from the inner path south (CH Viewpoint 6) as set out in Section 3.3a).

The detailed elements of the new building are most visible in the closer views from Register Place (TVIA Viewpoint 8), Elder Street (TVIA Viewpoint 9) and the Archivists Garden (TVIA Viewpoint 7). As concluded in the EIA Report, due to the proximity of the proposed development to these existing buildings and spaces, there would be a significant adverse effect in these views. However, it is considered that in two of these views, the design of the existing office block does not make a positive contribution to these spaces. In the views from Elder Street and the Archivists Garden, it is clear that the design has sought not to compete with the historic and distinctive built features of the New Town but rather to complement and enhance them through a positive engagement with the architecture and urban morphology of its historic setting.

### *Setting and edges*

North Bridge and the Mound are the original links between the Old and New Towns. The core of the new building will appear only partially above New Register House within the view from the eastern footpath of North Bridge (TVIA Viewpoint 19). The effect of the proposed development would, however, not alter this planned vista along North Bridge. There would be no visibility of the proposed development from Viewpoint 20 at Market Street/Mound Place. In views from the Castle ramparts (TVIA Viewpoint 10), the elliptical architectural form and gentle curve of its domed roofline integrates with the city. In this regard, despite its scale and central location, the visibility of the proposal is relatively contained by the scale of the surrounding urban blocks within the New Town.

### *Height, skyline and views*

The Conservation Area Character Appraisal identifies the importance of a cohesive, historic skyline and its contribution to the character of the conservation area. It also highlights the need to avoid incremental skyline erosion through increased building heights.

Development which rises above the prevailing building height is only permitted where a landmark is to be created that enhances the skyline and surrounding townscape, the scale of the building is appropriate to its context, and there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth. Likewise, development is supported where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form, scale and proportions, including the spaces between buildings and position of buildings and other features on the site and materials and detailing. This is assessed within the context of the conservation area.

The general height of buildings prevailing in the surrounding area is of a characteristic general height of between 94 and 95m AOD, as defined in the Edinburgh Skyline Report. The eaves of the crown is at 96.685m, which projects above the bottom of the agreed skyspace by 1.685m. The building has been designed with a lower symmetrical massing either side of a central oval volume. In this regard, the main body of the building sits at a maximum AOD range of between 89.470m and 94.260m. The design has mitigated its maximum height by locating the plant, kitchen, stores and studio space below ground level.

In this regard, the new building sits comfortably alongside the datum and height of the surrounding buildings, with Harvey Nichols at 93.870m AOD, St James Square tenement building at 92.7m AOD, New Register House at 88.415m AOD and The Edinburgh Grand (42 St Andrew Square) at 101.950m AOD. Rising above all these heights is the Edinburgh St James Central Hotel at 122.790m AOD to ridge, which is still visible in the skyline and within a number of the tested key views. The upper crown element of the new building, which is 99.685m AOD at the top, relates to and reflects the cluster of domed volumes of significant cultural and civic buildings within and to the south east of the site associated with the developments around Register Place. In this regard, within this wider townscape, the new building sits comfortably, representing an effective use of the site.

In medium and longer range views, it will mainly be the domed roof of the new building that would be observed, but this would not generally break the skyline in views from the north or south of the city. The elliptical architectural form and the gentle curve of its domed roofline integrates with the city in views from Calton Hill (TVIA Viewpoint 11) and Salisbury Crags (TVIA Viewpoint 12). In doing so, it creates a subtle addition to the city's silhouette that does not compete with important skyline features, having a neutral effect that would be insignificant, as stated in the EIA Report. When visible, only its colonnaded crown can be seen as an identifiable open and welcoming gesture to the city. This is a positive design solution for a public building.

With the exception of the view from the Botanic Gardens (TVIA Viewpoint 14), it is from the north of the city at Inverleith Park and Ferry Road, that the new building will break the skyline, rising to a similar height to the main part of the Edinburgh St James development. In these views, the proposal will be visible as a new city monument, adding to the distinctive punctuation of the skyline. The elliptical form of the proposal reduces to some extent the magnitude of change. The EIA concludes that all these views will have a neutral effect that would not be significant. This is agreed.

From Blackford Hill in the south (TVIA Viewpoint 15), the proposal is blocked by intervening built form, and from Corstorphine Hill (TVIA Viewpoint 16) in the west, the proposal sits below the skyline and would have no effect. A number of closer range viewpoints also show no or limited visibility of the proposed development: Market Street/Cockburn Street junction (TVIA Viewpoint 18) and East Market Street (TVIA Viewpoint 21).

There is limited information available to assess the impact of the proposal on locations where night time views of the city centre would be experienced. The solid-to-void relationship of the proposed backdrop created by the development will be important, however, there are no practical means to control levels of internal lighting. In this respect, the window apertures on the main body of the building may stand out if brightly light. Likewise, the lighting to the upper colonnade level could also stand out in city wide views and views along George Street as a horizontal banding. Given the lack of feature lighting in St Andrew Square, including the Melville Monument and subtle lighting of Dundas House, any external lighting to the concert hall will need to be carefully considered.

It is concluded that the overall height and form of the new building will create a subtle, but positive addition to the skyline, appropriate for a civic building.

### *Material palette*

The pallet of materials proposed for the extension are set out and assessed in section 3.3a) of the assessment.

The design of the public realm will preserve and enhance the setting of the conservation area. The carriage drive and external spaces around the venue are proposed to be resurfaced with sandstone setts, replacing the asphalt to circulation and car parking spaces, with a high quality and robust surface appropriate to its setting. Permeability will be created through the site, contributing to the planned hierarchy of streets, spaces and gardens associated with the New Town.

### *Design quality*

The Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context. In this regard, the Council supports contemporary designs that are sympathetic and complimentary to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area.

The proposed façade details, proportions and materials of the new building respond to the classical order, proportions and materials of the New Town. The solid base and lighter crown with colonnade ameliorates its impact on many of the views, whilst its symmetrical arrangement and shallow dome respond to the formality of the New Town composition. From views along George Street, the proposal creates a new visual composition with the backdrop of the St James Central Hotel that is not part of one architectural set piece but rather a design response to reconcile the relationship between two contemporary forms. In this regard, its gentle dome and crown are a logical and positive response.

### *Conclusion*

Whilst the proposal does not impact adversely and significantly on city-wide views and townscape character, the mass and scale of the new building will affect the spatial characteristics of the planned First New Town. The proposal seeks to form a new planned alignment. The result is a layering of separate elements, and the extent to which these elements are visible varies as part of the sequence of views along George Street.

However, it is the simplicity of the architectural form and materials corresponding to the classical proportions and rhythm of the immediate context that would appear as a new simple backdrop to Dundas House. This contributes to the visual alignment on axis with George Street by providing a more cohesive backdrop to Dundas House that achieves a more effective terminating effect to a significant planned vista.



Therefore, on balance, and taking its proposed use into consideration, it is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with a contemporary high quality building designed to respond to its historic and modern urban environment. The proposal's gentle domed roof, symmetry to the axis of George Street, glazed colonnade and elliptical form of the hall assist in mediating between the scale of Dundas House and the Edinburgh St James development. In this regard, the special character and appearance of the New Town Conservation Area will be preserved and enhanced.

c) Impacts on equalities and rights are acceptable

An Integrated Impact Assessment has been carried out for the parallel application for planning permission and raises no overriding concerns. This is viewable on the Planning and Building Standards Online Services.

d) Public representations have been addressed

Material comments (support)

- Positively contribute to the cultural offer of not just Edinburgh, but of Scotland helping to attract visitors which will benefit the wider economy. Addressed in 3.3a);
- Design and form of the proposed building is of sufficient quality that paired with the cultural benefits arising from the scheme, justify the impact on the listed building including its setting. Addressed in 3.3a); and
- Public benefits of the proposals outside of performance time given the provision of function spaces, café, foyer and crown walkway as publically accessible spaces within the scheme. Addressed in 3.3a).

Material comments (objections)

- The proposed building is on an excessive scale, massing and in close proximity to Dundas House of which it will tower above. - this is addressed in section 3.3a);
- The proposed will diminish Dundas House's special interest and status as the focal point at the east end of Edinburgh's New Town Plan. - this is addressed in section 3.3a) and 3.3b);
- The site is too small to accommodate the proposed building with the proposals representing an overdevelopment of it. - this is addressed in section 3.3a);
- Impact on the character and special interest of the A listed Dundas House - this is addressed in section 3.3a);
- Previous extensions to the original building including the subordinate design of the domed banking hall extension when viewed from St Andrew Square and should be used to inform the manner of further extension or alteration of Dundas House. - this is addressed in section 3.3a);
- Concern about the way in which the proposed building butts up against Dundas House. A more pronounced link between the old and new would enable the extension to read as a separate building. - this is addressed in section 3.3a);

- The demolition of the boundary wall to the north of the forecourt is not acceptable as it fails to recognise the important role the pavilions and boundary walls flanking the forecourt of Dundas House play in creating an appropriate symmetrical setting for classical building - this is addressed in section 3.3a);
- Concern over the proposed demolition of the boundary wall adjacent to 23-26 St James Square - this is addressed in section 3.3a); and
- Object to the removal of part of the original boundary wall at Elder Street - this is addressed in section 3.3a).

#### Non-material comments (objections)

- Concern over the demolition of the 1960's block and the depth of the basement excavations and proximity to the neighbouring tenement building, and the potential damage this could cause to neighbouring buildings during construction particularly through the use of piling - This is a legal matter.

#### Conclusion

The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the New Town but rather to complement and enhance them through a positive engagement with the architecture and urban morphology of its historic setting. The overall height and form create a subtle and positive addition to the skyline, appropriate for a civic building.

However, the development is considered to have an adverse impact on the setting of Dundas House when seen from some of the public viewpoints within St Andrew Square. On the immediate approach to Dundas House, this effect will be noticeably diminished as a result of its set back position within the site. Although the height, scale and massing of the extension expands beyond Dundas House, it has been sensitively designed to reflect its immediate context and mitigate some of these impacts.

Although it is considered that the proposed development does not comply fully with the provisions of the HES Managing Change on the Historic Environment guidance in terms of the 'Extensions' and 'Setting' series, the scale of the adverse impact on the special interest of Dundas House including its setting is not considered significant. Furthermore, the proposed music and performing arts venue would make an exceptionally valuable contribution to the city's cultural infrastructure and provide opportunities for its use by the wider community. The proposed development, which forms an important cultural strand within the City Deal, will contribute to Edinburgh's strategic aspirations in terms of culture, tourism and the economy. It is therefore judged the exceptional benefits that would be brought about as a result of the proposals would justify a departure from the presumption set out in paragraph 3.38 of the HESPs in accordance with point d) of paragraph 3.47 of HESPS (2016).

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

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

#### **Conditions:-**

1. Prior to commencement of above ground works, a detailed specification, including trade names where appropriate, of all the proposed external materials (including the public realm), except the proposed concrete, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Samples of the materials may be required.
2. Prior to commencement of works above ground, full details of the juncture between the banking hall and the extension proposed shall be submitted to and approved in writing by the Planning Authority, and shall be implemented on site, in accordance with the approved details
3. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic building recording, conservation, excavation, analysis, reporting and publication & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to commencement of works above ground, full details including materials specification for the proposed doors between the banking hall and concert hall foyer shall be submitted to and approved in writing by the Planning Authority, and shall be implemented on site, in accordance with the approved

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage
4. In order to enable the planning authority to consider this/these matter/s in detail.

#### **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.
3. 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.

4. 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.
5. External light fittings on the existing building will require Listed Building Consent
6. Any proposed signage requires advertisement consent and depending on the location, may require Listed Building Consent.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The parallel application for full planning permission was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report (ref: 18/04657/FUL).

## **Sustainability impact**

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

The parallel application for full planning permission (ref: 18/04657/FUL) meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

The proposal was presented to the Edinburgh Urban Design Panel at pre-application stage on 27 September 2017. The comments have been considered in the assessment of this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 14 September 2018, with 21 days allowed for comments. The application also appeared in the Weekly List on 11 September 2018.

The proposals that formed scheme one received four letters of objection, and one letter of support.

All the interested parties who previously commented on scheme one were re-notified on 27 February 2019, with 14 days allowed for comments. No further representations were received.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3 d).

## **Background reading/external references**

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- 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 application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

### Date registered

19 September 2018

### Drawing numbers/Scheme

01 - 02, 03A - 04A, 5, 06A - 16A, 17 - 19, 20A - 27A, 28, 29A - 39A, 40, 41A - 47A, 48, 49A -50A, 51 - 57, 58A - 59A, 60 - 62, 63A, 64 - 65, 66A, 67, 69A - 72A, 73, 74A -78A, 79 - 80, 81A - 85A, 86 - 87, 88A - 92A.,

Scheme 2

## David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Daniel Lodge, Planning Officer

E-mail:daniel.lodge@edinburgh.gov.uk Tel:0131 529 3901

## Links - Policies

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### Relevant Policies:

**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.

### World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisations (UNESCOs) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

LDP 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.

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

# Appendix 1

## **Application for Listed Building Consent 18/07730/LBC At 35 - 36 St Andrew Square, Edinburgh, EH2 2AD Proposed demolitions, alterations, remodelling and erection of extension to the listed building.**

### **Consultations**

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#### **Edinburgh Urban Design Panel - 27/09/2017**

##### *1 Recommendations*

*1.1 The Panel was supportive of the principle of a music venue in this location and acknowledged that it represented an exciting opportunity to enhance activity and permeability in the surrounding public realm.*

*1.2 The Panel advised that the proposal's relationship to its special historic setting and its impact on important axial and oblique views, particularly the view of Dundas House from George Street, is critical and requires to be carefully considered. The Panel also agreed that a coherent, well designed and high quality public realm would be essential to the success of this development and its integration with the surrounding area.*

*1.3 In developing the proposals, the Panel suggests the following matters should be addressed:*

- o Ensure that the development relates appropriately in position, scale, massing and design to the site's special historic character and key views;*
- o Develop a coherent, high quality public realm which enhances legibility through the site;*
- o Maximise barrier-free pedestrian permeability into and through the site and minimise conflict with service vehicles;*
- o Develop an architectural response which feels part of Edinburgh and can stand the test of time; and*
- o Incorporate security measures through early engagement with security advisors.*

##### *2 Introduction*

*2.1 The site is located to the east of St Andrew Square, south of Multrees Walk and west of St James Centre. The site comprises of the A Listed Dundas House (36 St Andrew Square), its rear extension (circa 1960s) and car park. Dundas House is a three storey building of relatively modest scale and it contributes to the very high quality historic townscape of Edinburgh's New Town. It is positioned on axis with George Street where axial views are critical to its setting.*



*2.2 The site is located in the City Centre Retail Core and City Centre, as defined in the Edinburgh Local Development Plan (LDP). It also sits within the New Town Conservation Area and Edinburgh World Heritage Site. The site is located close to several listed buildings and structures. The site also sits in a number of key views as set out in the Edinburgh Design Guidance.*

*2.3 The site is also located within the St James Quarter Development Brief, where it identifies new opportunities for pedestrian permeability through the site.*

*2.4 One declaration of interest was made by Adam Wilkinson from Edinburgh World Heritage Trust (EWHT), who confirmed that he had met previously with the agents/developers regarding this proposal. This was not considered to be conflicted interest.*

*2.5 This report should be read in conjunction with the pre-meeting papers.*

*2.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.*

### *3 Position, Scale, Massing and Design*

*3.1 The Panel welcomed the use of the model to demonstrate the proposal's potential scale and massing and agreed that its impact upon the site's special historic setting and key views, particularly the long view from George Street, was a critical consideration.*

*3.2 The Panel was concerned about the proposal's scale and massing particularly given the limited size of the site. The Panel recognised that the design concept is still at an early stage and may have an adverse impact on the character of the area and the amenity of adjacent buildings. The Panel agreed that further work is needed to ensure the proposal sits comfortably on the site.*

*3.3 The Panel discussed whether the proposal should be viewed as currently proposed in an asymmetric form from behind Dundas House, or whether the proposal should be visible at all above Dundas House when viewed from George Street. Dundas House is part of the 'set piece' of buildings along George Street and the proposal should not detract from this. The Panel suggested that one option could be that the proposal may be sunk down to minimise its visual impact. The Panel concluded that further assessment work was needed to explore how the development will impact on key views, particularly eye level views, and the setting of listed buildings, particularly Dundas House.*

*3.4 The Panel suggested that distant and unexpected views of the proposal should be explored including those from oblique angles.*

*3.5 The Panel was concerned that the positioning of the concert hall, studio and public foyer in separate blocks (albeit connected by access links), could result the site appearing fragmented. There is precedent for this in the character of the immediate area but the coherence of the buildings, public realm and links in-between will be critical. Further work is needed to ensure this is delivered. The Panel was also keen to see the site linking logically into adjacent sites.*

3.6 The Panel was sceptical about the indicative classical coliseum-style architecture with arcade detailing for the concert hall as this style does not initially resonate with the character of the New Town. However, the Panel was not averse to a contemporary response with a take on classical architecture so long as it is respectful to the site and its context. The Panel confirmed that the detailing and materials will be critical to achieving this aim.

3.7 The Panel felt that the link building could be better concealed as this looked to clash with the rest of the proposal and Dundas House.

3.8 The Panel agreed that lighting of the buildings and their setting would be an important consideration.

3.9 The Panel advised that sandstone should be used if masonry is proposed and glazing would help to lighten the built form.

3.10 The Panel wishes to see a robust design which can stand the test of time.

#### 4 Public Realm

4.1 The Panel strongly emphasised that the discovery of the development as a 'jewel' from the surrounding lanes should be enhanced by a coherent and high quality public realm which links seamlessly (physically and visually) to its context.

4.2 The Panel was supportive of the increased activity that would be created from the proposal and encouraged the use of ground floors to maximise this. The Panel advised that the public realm should create an engaging setting for the surrounding buildings.

4.3 The Panel considered that the built form could come out of a beautiful 'carpet' of materials set out in the public realm. The Panel stated that the use of simple, elegant and high quality materials will be key to creating a coherent, welcoming and active public realm. Careful use of hard and soft materials will also be critical.

4.4 The serviceability of the site needs to be carefully considered and the Panel was supportive of using an underused unit space within Multrees Walk as a service area for the development to separate service vehicles from the pedestrian environment.

4.5 The Panel noted that public and private spaces should be appropriately delineated.

4.6 The Panel emphasised the importance of maintaining the 'set piece' of Dundas House, railings and gates, and noted its significant contribution to the proposal's setting therefore cautioned against any substantive changes

#### 5 Permeability

5.1 The Panel was supportive of the aim to increase pedestrian permeability into and through the site. The Panel stated that links should be barrier-free and accessible for all users. The Panel stated that the emphasis should be placed on routes through rather than buildings across.

5.2 The Panel suggested that the space under the linked overhead walkway between the concert hall and ancillary buildings could be enlarged, creating strong views into the site and encouraging pedestrian use.

## 6 Use

6.1 The Panel was supportive of the use of the site for a music venue and suggested that further links could be made with University of Edinburgh's School of Music.

6.2 The Panel was concerned that the proposal may displace existing residents if it impacts negatively on the amenity of neighbouring housing. This needs to be carefully considered.

## 7 Security

7.1 The Panel advised that early discussions with security advisors should be held to build in any counter-terrorism elements to the proposal.

7.2 The Panel stated that a good security strategy including requirements for lighting/CCTV/passive surveillance should be built into the proposals at an early stage.

### **Archaeology - response dated 22/10/2018**

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL + LBC applications for the erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works.*

*The site occurs within the former gardens and curtilage of the A-listed RBS HQ (Dundas House, 36 St Andrew Square). Originally designed by Sir William Chambers this building was constructed in 1771 for Sir Laurence Dundas, becoming the HQ for the RBS in 1825. The site has seen several extensions since the mid- 19th century, most notably the construction of the banking hall & library wing (by Peddie and Kinnear) in 1858 and the 1960's rear extension and carparking. Located at the heart of James Craig's Georgian New Town the site is also surrounded by a number of A & B listed buildings including New Register House, 2425 James Craig Walk, 37-39 St Andrew Square & 27-31 James Craig Walk*

*As such this site and it's listed buildings are recognised as one of the key elements within the New Town section of Edinburgh's UNESCO World Heritage Site. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Plan (2016) policy ENV1, ENV3, ENV4, ENV8 & ENV9.  
Historic Buildings*

*The removal of the 20th century additions to Dundas House will it sin agreed have a beneficial impact upon the setting both of this A-listed Georgian Mansion and also its immediate setting. That said the scale of the proposed new Arts Venue must be considered as having an immediate significant adverse impact as it will be seen overlooking Dundas House from several key view points along George Street. Not only will it have significant impacts upon the immediate setting of this building, but it must also be considered to have similar impacts upon the adjacent listed buildings on James Craig Walk and also New Register House. That said although adverse, in archaeological terms such impacts are regarded as being moderate low, given the Urban context.*

*In terms of physical impacts, the proposals will require the demolition of several 20th century buildings, a section of the listed (A) boundary wall and works to both 36 & 35 George Square. Having assessed these impacts it is considered that these works are acceptable having an overall low significant impact in archaeological terms. That said it is recommended that a programme of archaeological historic building recording (annotated plans, photo and written description) is undertaken of the modern buildings and rear wall prior to their demolition in order to provide a permanent record of these buildings due to their overall contribution to the history of the sites development. In addition, it is recommended that a programme of historic building recording is undertaken during works to No 36 George Square during any downtakings/alterations which could reveal evidence for the development of the Banking Hall and Georgian Mansion.*

#### *Buried Archaeology*

*The proposals will require significant ground-breaking works, principally in regards proposed demolition of the 20th century buildings on the site and the construction of the new Arts Venue. Such works have the potential to disturb archaeological remains relating to the construction and development of Dundas House. The potential for earlier remains surviving on site is however considered to be low. Nevertheless, it is recommended in addition/alongside the recommended historic building recording, that programme of archaeological work is undertaken during ground breaking works, in order to record, excavate and analyse any significant remains affected.*

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

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

## **Culture Service - response dated 25/02/2019**

### *1. Context*

*The proposed new mid-scale music venue for the capital represents an ambitious and exciting development in the City's cultural infrastructure, and, for music, the biggest capital intervention in over a century since the construction of the Usher Hall.*

*For over 2 decades the need for a high quality mid-scale music venue has been voiced by many people and organisations, resulting in recommendations for such in a range of reports:*

*The 2006 CEC Review of Music Provision, the 2009 Cultural Venues Study and the 2015 Thundering Hooves Study. It is an infrastructural gap where Edinburgh falls behind in comparison to other cities - nationally and internationally. The significant capital investments achieved to date evidences support from all levels of government from local to UK and forms an important cultural strand in the ESESCR Deal.*

*Its ambitions across the spectrum - design, artistic programme, community and educational engagement, acoustic and user facilities - will make it a destination venue for the country.*

### *2. Cultural Impact*

*The ambitions of the proposed design offer a wide range of opportunities not only to strengthen existing music provision in the city for artists and audiences, but also new opportunities to develop international mid-scale music touring from artists and visitors. It will provide a world class home for the Scottish Chamber Orchestra (SCO) for performance, rehearsal, recording and outreach/community activity. This is a significant point given that Scotland's other four national performing companies have had their capital ambitions realised. A new home for the SCO would complete this process and provide a national base for Edinburgh's only national performing company.*

*Through a close working partnership with the Edinburgh International Festival (EIF), it will provide a world class venue for supporting and developing the Festival's artistic and audience development ambitions. An agreement between the Scottish Government, the City of Edinburgh Council and the 11 major Edinburgh Festivals to invest a £1 million each year for the next five years has also been reached. This will enable the festivals to develop their programming and content, skills sharing and development and deep and wide engagement and the new venue would be a complement to those investments.*

*Equally, the year round cultural infrastructure is a critical element in enabling the festivals to thrive. The capital investment in the IMPACT Scotland proposal therefore reflects the interdependence between renewing cultural content as well as infrastructure, only this twin approach will avoid eroding Edinburgh's status as the pre-eminent cultural 'Festival City'.*

*The IMPACT Centre has also established early relationships with other music and performing arts companies who would use the venue for performance and rehearsal (the National Youth Choir of Scotland (NYCOS), Red Note Ensemble, Celtic Connections, BBC Scottish Symphony Orchestra) as well as identifying community engagement projects with the SCO (e.g. enhancing the Music For Life programme) which will add strength to the cultural offer from the start and extend access to the world class facility.*

*Having a physical venue and facilities associated with community and education will also be transformative, with proposals for a recording studio and digital technologies built in to the finished design, and full-time education officer identified within the staff structure. The business case highlights that the Centre will develop opportunities with range of city region deal and other partners to achieve a diverse audience and participant base for using the venue - at free or minimal cost. A good comparator would be the enhanced facilities at the Glasgow Royal Concert Hall which has allowed the other national orchestra, the Royal Scottish National Orchestra, to significantly enhance and expand its outreach and engagement programme to deliver musical opportunities for all ages and backgrounds. The project is also aligned with the Inclusive Growth within the framework of the City Deal PMO, identifying with 2 themes - a significant programme of construction and social benefit through innovation.*

*In recent years other cities have extended and improved their infrastructure for live music with major developments to support a range of music genres - Glasgow (City Halls, CCA, Royal Concert Hall expansion), the Sage Centre in Gateshead, London (major investment to South Bank Centre, King's Place, among a plethora of other expanding venues), Bristol (St George's, Colston Hall), the Millennium Centre in Cardiff to name a few. It is interesting to note that concert hall construction across the globe has grown dramatically with most cities investing in world class architecturally landmark venues, whilst Edinburgh has seen no new development for 100 years beyond the refurbishment of the Usher Hall.*

*A successful live music environment works on a number of levels - locally it is important to have a competitive and complimentary range of venue spaces from small to large scale which enable a range of activity to take place across different scale and styles. In comparison to many cities, Edinburgh lacks a number of key facilities at present - an arena for the larger scale, a mid-scale rock and pop venue since the demise of The Picturehouse (a role that it is hoped Leith Theatre will be able to fulfil) and a high quality mid-scale contemporary venue which plays an active role in curating content. The latter role would be fulfilled by The Impact Centre which presents an outline business case for programming and renting the venue for a diverse range of music styles - jazz, world, folk, acoustic rock and pop and traditional.*

*Nationally and internationally, the music industry revolves around recording and distribution, either through recorded content (streaming, records/CDs, etc) and touring. Edinburgh currently misses out on a number of mid-scale music tours due to the lack of an active, curating mid-scale venue as well as the high quality performing environment required by artists and promoters. As outlined in the previous paragraph, the IMPACT Centre's business plan aims to offer a dynamic performance space in the heart of the city.*

*It is acknowledged that there will be an issue around displacement of activity with the IMPACT Centre. With a capacity of 1,000 plus a smaller 200 seat performance space, it will occupy a position as the city's pre-eminent mid-scale space, and as will divert some performance activity away from venues such as the Usher Hall and Queen's Hall. Both of these venues host performance, rehearsal and recording activity by the Scottish Chamber Orchestra which would all move to the IMPACT Centre. It is anticipated the Queen's Hall would experience the most impact due to the similar capacity levels, and the Queen's Hall currently generates revenues from being the principal box office for the Scottish Chamber Orchestra which would move to the IMPACT Centre along with other Queen's Hall performance events. Some smaller Usher Hall artists and events could also migrate to the IMPACT Centre, dependent on audience expectancies and market conditions.*

*To mitigate this and ensure a strategic and co-ordinated approach to the future programming of key music venues in the city, the City of Edinburgh Council will chair a working group including representatives from IMPACT Scotland, the Queen's Hall, Leith Theatre and the Usher Hall. The working group will ensure a balanced and co-ordinated diary of events is planned and marketed for the city.*

*To balance this it is recognised that the IMPACT Centre has the potential to offer a net gain to the city for artistic performance and audience attendance. The Queen's Hall has identified future artistic opportunities across a diverse range of music genres as well as capital ambitions of its own, and would benefit from the diary space left by rehearsal bookings by the Scottish Chamber Orchestra. Similarly the Usher Hall can make use of the days left by recordings and rehearsals with demand for diary dates from promoters at a high. The existing venues also welcome the competition and dynamism that the IMPACT Centre offers in building and enhancing Edinburgh's reputation as a great city for live music. With other potential projects on the horizon such as Leith Theatre and the redevelopment of the Ross Bandstand, Edinburgh can look forward to a brighter environment for live music.*

### **3. Summary**

*The IMPACT Centre proposal is fully endorsed by the Culture Service within the City of Edinburgh Council. It forms an important cultural strand within the ESESCR deal, unlocking £25 million of strategic match funding from all levels of government and has significant financial backing and under-pinning from a private philanthropic donor. It will form an important strategic development in the city's cultural infrastructure - the first major new venue in over a century - and create a vital stimulus for live music, musicians and audiences. It will enhance the year round and festival offer in a landmark architectural venue, attracting new and existing audiences as active participants and consumers and set a new and exciting standard for the next 100 years.*

### **Historic Environment Scotland - response dated 15/01/2019**

*Thank you for your consultations which we received on 13 September 2018. We have considered them in our role as a consultee under the terms of the above regulations.*

*In relation to both the planning application and the EIA consultation, our remit is World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. We have a separate remit regarding listed building consent, concerning works to Category A and B listed buildings, demolition, and applications by planning authorities.*

*For this reason, we have separated our advice into three sections, one under each set of regulations. As there are two listed building consent consultations, we have stated our position separately for each.*

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

### *Our Advice*

#### *Listed building consent*

*18/07127/LBC*

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

*18/07730/LBC*

*We are content that the proposed demolitions, alterations and extension to Dundas House would not significantly diminish the special architectural and historic interest of the building. However, we consider there would be a significant impact on the setting of the building, which we have commented on under the associated application for planning permission below.*

*Our detailed comments on this LBC application are given in Annex 1 of this letter.*

#### *Planning application 18/04657/FUL*

*We consider that there would be a significant adverse impact on the setting of the Category A listed Dundas House, affecting some, but not all, key views of the building. We therefore advise that this should be taken into account in the decision making process. However, we are content that this impact would not significantly affect the special interest of the building, and does not raise issues of national interest for our remit. We therefore do not object to the planning application.*

*Our detailed comments on the planning application are given in Annex 2 of this letter.*

#### *Environmental Impact Assessment*

*We are content that sufficient information has been provided to come to a view on the planning application. We are content with the scope of the assessment and its methodology.*



*We have comments on the assessment itself and its conclusions. These are given in Annex 3 of this letter.*

### *Further Information*

*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 in the national interest for our historic environment remit, and therefore we do not object.*

*Our decision not to object should not be taken as our support for the proposals. The applications should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

*This response applies to the applications currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

### *Historic Environment Scotland*

#### *ANNEX 1 Listed building consents*

*Your Council has consulted us in relation to works to two Category A listed buildings, which include the potential impacts on their setting. However, we have concentrated on assessing the impact on setting through the planning application process in Annex 2.*

*Our Managing Change guidance note on Extensions is a relevant consideration in assessing this application. In this instance, however, the guidance which it can offer is necessarily limited, as the most significant impacts of the proposed development relate to the setting of Dundas House. Although the application involves the extension of Dundas House, due to the depth, visibility and accessibility of the site, we consider the proposals would appear, like the rising St James hotel complex behind, to be part of the 'backdrop' of an urban townscape.*

*Our specific policy consideration in assessing applications for LBC is given in the Historic Environment Policy Statement at 3.47. This paragraph relates to alterations which would have an adverse impact on the special interest of the listed building.*

*18/07127/LBC - Application for listed building consent for associated proposed works, including demolitions, new boundary treatment and public realm (35 St Andrew Square)*

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

*18/07730/LBC - Application for listed building consent for proposed demolitions, alterations, and extension (Dundas House, 36 St Andrew Square).*

## *Demolition*

*The proposed demolition works primarily involve the 1960s office block by Glasgow architects Gratton & McLean. We do not consider that this block contributes to the special interest of Dundas House, and therefore do not object to its demolition. We are also satisfied that the other proposed demolitions, or removals, relating to secondary areas to the rear of Dundas House, would similarly result in no significant loss to the special interest of the listed building.*

## *Extension*

*The extension, to form the proposed new music venue, is planned to connect with the rear facade of the banking hall, itself a mid C19th extension to the original Dundas House. In contrast to the relatively concealed 1960s block it would replace, the new structure would rise tall above the listed building, and expand beyond it to the rear on both north and south sides*

*Our Managing Change guidance note on Extensions states that extensions should ordinarily be subordinate in both scale and form. In this sense, the proposals would be contrary to the advice offered by this guidance. However, as above, in this instance we consider that the key impact of the proposed development would be on the setting of Dundas House. We have assessed this impact as part of our advice on the planning application, with reference to our relevant Managing Change guidance on Setting. (See Annex 2).*

## *Alterations*

*These comprise alterations and remedial works, mainly to external elevations of lesser significance to the rear (east) of Dundas House due to the demolitions and new build. Existing stonework would be made good, and there would be a general tidying up of rainwater goods, cabling and other pipework. A large section of the existing rear elevation stonework would be exposed internally as a feature of the foyer for the new music venue.*

*The works involve various works to the building including covering over lightwells and infilling redundant door and window openings, with a few new openings. These works, and the internal alterations to Dundas House, we consider to be relatively minor, affecting areas of lesser significance. Two exceptions are the proposed doorway link between the banking hall and music venue and the Banking Hall cash cage.*

*A key element of the overall scheme is to provide an internal double-door access link between Dundas House and the new music venue. While we are satisfied that this new doorway would be sympathetic to the fine interior quality of the banking hall, we suggest that the glazed panels for the banking hall doors be obscured to conceal the contemporary metal doors on the music venue side, or at any rate that this important element (ie, where new meets old) be conditioned.*

*The submitted ground floor plan shows some alterations to an existing cash point structure within the banking hall. No interior elevation/section drawings or images appear to be submitted to show how these alterations may affect the special character of the exceptionally important banking hall. Clarity on this point should be obtained. Externally, the proposed tall boiler flue at rear roof level, at the north east corner, would detract from the appearance of the roof, and a more concealed or mitigated solution would be preferable.*

*We are pleased to note that there are no proposals to alter the 19th century ornamental cast-iron-railed screen enclosing the front forecourt on St Andrew Square, an important feature of the category A listing. We would urge that the current proposals to include a large service vehicle access be appropriately managed, under the application for planning permission, to ensure there would be no disturbance to the gatepiers, gates, railings, and lamp standards.*

### *Conclusion*

*We are broadly content that the proposed direct physical interventions under 18/07730/LBC would not unduly diminish the building's special architectural and historic interest. However, as explained in Annex 2, we consider that the proposed extension would have an adverse impact on the setting of Dundas House, affecting some key views of the building.*

*We have therefore assessed the impacts in light of the policy considerations at paragraph 3.47a-d of HESPS, which concerns adverse impacts to the special interest of a listed building. In this instance, considerations b and d of this policy are relevant. Overall, on balance, we are content that the scale of the impact (3.47b.) on the listed building would not significantly harm its special interest. Therefore, we do not object to the listed building consent application.*

*We also note that the wider community benefits of the proposals (3.47d) may also be a consideration in decision making.*

*Historic Environment Scotland - response dated 25/01/2019*

*Thank you for your consultation which we received on 24 January 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations.*

*We understand that this consultation relates solely to the EIA regulations. We note that this consultation is to advise that the 2011 EIA regulations were quoted on your previous consultation letter, dated 13 September 2018.*

### *Our Advice*

*We are content that our advice on this application and its accompanying environmental assessment, given in our letter dated 15 January 2019, is unaffected by this alteration. Our advice was given in reference to the 2017 EIA regulations, as quoted in our letter. We therefore have no additional or altered advice to offer at this stage, and our position remains as previously presented.*

*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.*

*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 development affecting the historic environment, together with related policy guidance.*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

### **Historic Environment Scotland - response dated 12/03/2019**

*Thank you for your re-consultations which we received on 27 February 2019.*

*Our comments below relate specifically to the design amendments, subject of your re-consultations, and should be taken into account together with our existing main response letter to these applications, dated 15 January 2019. Overall, we are satisfied that the amendments do not raise significant new issues for our interests, and that our position on the proposed development therefore remains the same.*

#### *Listed building consent applications*

*18/07127/LBC*

*As you will be aware from our main response letter of 15 January 2019, we are content that the proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We note the revisions, including deletion of the previously proposed retractable marker posts for the historic rear garden boundary line of 35 St Andrew Square, now proposed to be delineated by contrasting surface treatment as part of the wider public realm and landscape treatment for the development. We have no detailed comments to make on this revision.*

*18/07730/LBC*

*We are satisfied that the design revisions for the proposed music venue, including refinement of façade detailing/materials and crown parapet, do not raise new issues for us regarding the overall impact on the category A listed Dundas House. These revisions are mainly set out in the submitted revised Design and Access statement, chapter 16. Please also see our comments on the planning application below.*

*We are also pleased to note the revised proposals and additional information for Dundas House itself: to delete the previously proposed tall boiler flue; add opaque glazed panels for the banking hall new interior doors; and clarification of works to the existing cash point enclosure. These address the detailed comments we made on these specific proposals in our letter of 15 January.*

## *Planning application*

*18/04657/FUL*

*We note that there is no change to the proposed new building in terms of its scale, height, mass, and site positioning. As the revisions relate mainly to the above mentioned refinement of the façade detailing/materials and crown parapet we are content that the changes do not raise significant new issues for our interests, including potential impact on the A listed Dundas House and its setting; the setting of other neighbouring A listed buildings; and the World Heritage Site.*

*We acknowledge the intention to further the mitigation of impacts through refinement of materials and creation of a simpler, more cohesive, backdrop to Dundas House. To assist with further consideration of this, we understand that arrangements are being made for the review of material samples on site, including mock up panels for the proposed honed and grit blasted precast concrete for the façades. We suggest that this includes sample panels positioned to the front of the site to allow comparison with Dundas House in close-up views from St Andrew Square.*

*We have no more detailed comments to make on the planning application, and our advice remains as previously stated*

## *Environmental Impact Assessment*

*We note that no further assessment of impacts on our interests has been provided in the EIA Addendum. We therefore have no further advice to offer on this. We refer you to our previous response for our comments on the assessment and its methodology.*

*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.*

*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 development affecting the historic environment, together with related policy guidance.*

## *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online*

*Technical advice is available through our Technical Conservation website.*

## **Economic Development - response dated 03/10/2018**

### *Commentary on existing use*

*The application relates to a 0.78-hectare site to the east side of St Andrew Square incorporating 36 St Andrew Square (the category 'A' listed Dundas House office building and its annexes: the "south wing" to the south and the "rear block" to the east) along with parking spaces, outbuildings, and the gardens of 35 St Andrew Square.*

*The "rear block" is a 1,764 sqm three-storey office annexe to Dundas House developed in 1965 for Royal Bank of Scotland staff. The economic impact of this building if fully occupied can be estimated. Office lettings in St Andrew Square in recent years have been dominated by the financial services sector with Standard Life Aberdeen, Baillie Gifford, and Computershare all letting large properties. Based on a typical employment density for the financial services sector of one full-time equivalent employee per 10 sqm, a building of this scale could be expected to directly support approximately 176 FTE jobs if fully occupied ( $1,764 \div 10$ ). Based on a mean gross value added per employee (2016 prices) of £110,862, this could be expected to directly add £19.5m of GVA per annum (2016 prices) ( $176 \times £110,862$ ) to the economy of Edinburgh if fully occupied.*

*If multiplier effects - the impact of supply chain expenditure and expenditure by employees - are taken into consideration the projected total impact of the rear block if fully occupied would be 388 FTE jobs and £32.6m of GVA per annum (2016 prices).*

*As the site is less than one hectare, policy EMP 9 of the LDP does not apply. There is therefore no requirement for any development to incorporate business space.*

#### *Commentary on proposed uses*

*The application proposes the demolition of the rear block and other ancillary structures to the east of Dundas House and their replacement with a new concert hall. Dundas House and the south wing are proposed to remain relatively unchanged.*

#### *Class 11 - Assembly and leisure*

*The development as proposed would deliver 11,347 sqm of class 11 space (gross) in the form of a new concert hall. The concert hall would deliver a 1,000-seat auditorium, a 200-seat studio, and "multi-purpose spaces" along with a café/bar.*

*The applicant has provided a report on the projected socio-economic impacts of the development. This report estimates that the development would, once operational, directly support 32 headcount jobs and £1.2m of GVA per annum. Additional impacts - multiplier effects and the impact of spending by performers and customers visiting Edinburgh to attend the concert hall - are projected to support a further 172 headcount jobs and £5.9m of GVA per annum, giving a total projected impact of 204 headcount jobs and £7.1m of GVA per annum (all figures gross).*

*It is noted that of the 204 jobs expected to be supported by the development 65 are in restaurants and cafés and 35 are in visitor accommodation. These are jobs supported by expenditure in Edinburgh outwith the concert hall by customers and performers attending the concert hall. These jobs may therefore be seasonal with lower levels of employment at times when patronage of the concert hall is lower and vice versa.*

## Overall impact

*The development as proposed would result in the loss of the "rear block" of 36 St Andrew Square, a 1,764 sqm office building. It is estimated that the total economic impact of this building if fully occupied by a financial services occupier would be 388 FTE jobs and £32.6m of GVA per annum (2016 prices). The economic impact assessment provided by the applicant suggests that the development would, once operational, support 204 headcount jobs and £7.1m of GVA per annum.*

*There are three principal existing dedicated concert halls in Edinburgh city centre - the Usher Hall (capacity 2,200), Queen's Hall (900), and Reid Concert Hall (218) - along with multiple smaller music venues. There are also multiple other venues in the city centre that host music performances, including the Playhouse (3,059); King's Theatre (1,350); Festival Theatre (1,915); Assembly Rooms Music Hall (788); Royal Lyceum Theatre (658); and St Andrew's and St George's West (200). While it is recognised that there will be differences in the specifications of each venue determining what performances each can host, it is assumed that there will be some degree of crossover in terms of the market for each. From a cursory analysis of event calendars, it does not appear that all of the aforementioned venues are being fully utilised. It is noted that the Scottish Chamber Orchestra currently performs in the Queen's Hall and it is proposed to relocate these performances to the new concert hall, suggesting any economic activity associated with the Scottish Chamber Orchestra will be displaced from the Queen's Hall. In the absence of any detailed analysis evidencing a current shortage of musical venues in Edinburgh city centre it is considered prudent to assume that there will be significant displacement of economic activity from elsewhere. This conclusion is borne out by the applicant's contextual report which describes the Queen's Hall as "a converted former church building with many limitations for both performers and audiences" and highlights the perceived low quality of existing venues, suggesting that the new concert hall is intended to be a higher quality replacement for the existing venues. The Council's Culture service has assessed the proposals and acknowledged that "that there will be an issue around displacement of activity with the IMPACT Centre [which] will divert some performance activity away from venues such as the Usher Hall and Queen's Hall". However, the Culture service has announced plans to create a working group to "ensure a balanced and co-ordinated diary of events is planned and marketed for the city" and concludes that the IMPACT Centre "has the potential to offer a net gain to the city for artistic performance and audience attendance."*

## Other considerations

*The site forms part of the wider Register Lanes area: the collection of backroads in the area bounded by Princes Street; St Andrew Square; Multrees Walk; and James Craig Walk. Despite their prime location, these areas receive relatively low footfall. The aspiration is that developments such as Edinburgh St James and The Registers will enliven this area. The proposed development would be accessible from Register Place and it could be expected that creating a major visitor attraction at the end of this street would attract considerable additional footfall.*

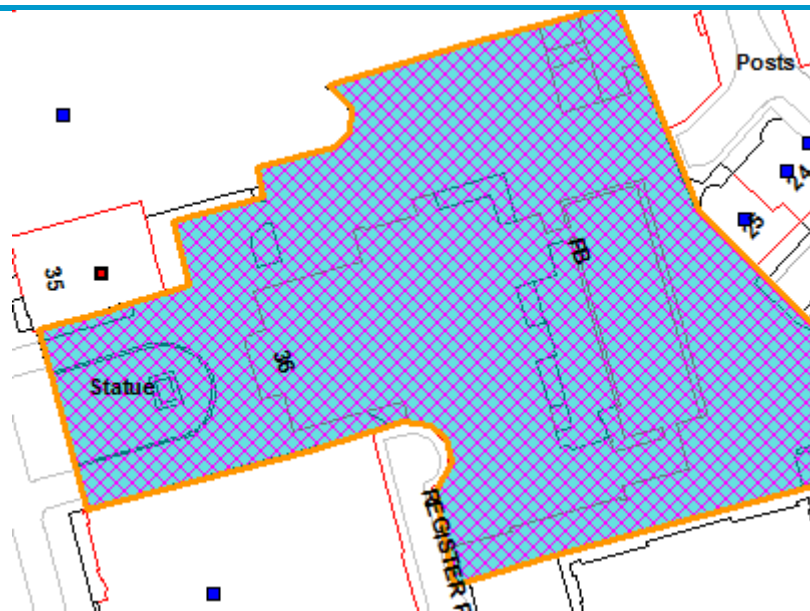
## SUMMARY RESPONSE TO CONSULTATION

The development as proposed will result in the loss of a 1,764 sqm office building within the central business district; it is estimated that, if fully occupied by a financial services occupier, this building could directly and indirectly support a total of 388 FTE jobs and £32.6m of GVA per annum (2016 prices). Figures provided by the applicant suggest that the proposed development could directly and indirectly support 204 headcount jobs and £7.1m of GVA per annum.

This response is made on behalf of Economic Development.

## Location Plan

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**END**



# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Listed Building Consent 18/07127/LBC  
At 35 St Andrew Square, Edinburgh, EH2 2AD  
Demolition of boundary wall, modern basement kitchen,  
rear extension, and outbuilding within existing rear garden;  
regrading of land, erection of new boundary features and  
public realm.**

<b>Item number</b>	6.1(d)
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The development is considered to have an adverse impact on the special interest and setting of 35 St Andrew Square as the layout of the building's historic feu and the design of its curtilage wall to the rear will be lost. The loss would, therefore, dilute the sense of place and historical understanding of the listed building undermining an important element of its special architectural character and historic interest.

The removal of the wall is required to facilitate adequate suitable access to the new concert hall to the rear of 36 St Andrew Square and there are beneficial effects of the public realm proposals that subtly delineate and define the rear curtilage of the historic feu with 'picked' finish to the Yorkstone paving used within the wider scheme for the concert hall. However, on balance, the scale of this impact on the listed building is judged to adversely but not, significantly adversely affect its special interest including its setting.

Furthermore, the cultural and wider community benefits brought about as a result of the proposed concert hall would make an exceptionally positive contribution towards the city's cultural, social and educational provision. It is therefore judged that these exceptional benefits would justify a departure from the presumption set out in paragraph 3.38 of the Historic Environment Scotland Policy Statement. The demolition of the wall is only acceptable in parallel with the delivery of the concert hall and therefore a suitable condition to ensure this is attached.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, CRPNEW, LEN03, LEN04, NSG, NSGD02, NSLBCA,
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# Report

## **Application for Listed Building Consent 18/07127/LBC At 35 St Andrew Square, Edinburgh, EH2 2AD Demolition of boundary wall, modern basement kitchen, rear extension, and outbuilding within existing rear garden; regrading of land, erection of new boundary features and public realm.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site lies within Edinburgh city centre, to the east of St Andrew Square and incorporates the Category 'A' listed building at 35 St Andrew Square including its curtilage. Harvey Nichols department store and Multrees Walk are located to the north. The forecourt of Dundas House at 36 St Andrew Square is located directly to the south.

The site is located in the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site. 35 St Andrew Square is a nationally important category 'A' listed building (LB Ref: 29704, listed on 13 April 1965) and acknowledged in the World Heritage Nomination document. It is thought to have been built by James Craig to a design by Robert Adam and sits on one of the key plots and locations within James Craig's First New Town.

There are several other listed buildings and monuments in proximity to the site. These include the category 'A' listed Dundas House, along with the Category 'A' listed Monument to John, 4th Earl of Hopetoun, erected in the forecourt of Dundas House and its twinned flanking townhouse at 37 St Andrew Square that together frame Dundas House and its forecourt.

35 St Andrew Square is highly significant as one of the first and grandest townhouses in the First New Town. It was the first of the two twinned pavilion townhouses that flank Dundas House to be built with its construction predating Dundas House by two years. The building comprises a symmetrical 3-storey and basement classical former townhouse with two highly decorated principal facades to both St Andrew Square and the forecourt to Dundas House. 35 St Andrew Square is established as an outstanding neo-classical building, which together with its symmetrical framing pavilion at No. 37 and Dundas House as its centrepiece, remains one of the few surviving original architectural compositions on the square.

Originally built as a residence in 1769 for Andrew Crosbie of Holm, advocate and partner in the Douglas and Heron Bank of Ayr, the building was used as a hotel in 1806 before it was purchased by the Royal Bank of Scotland for their head office in 1819 when it was remodelled and extended on a number of occasions including the reproduction of three east elevation bays and the lowering of its ground floor to create its banking hall. When RBS moved next door into Dundas House, the property reverted back into hotel use where it was further enlarged.

More contemporary works to the property included the redevelopment of the rear garden area to form a raised garden terrace to accommodate a catering kitchen within the basement. A cast iron spiral staircase for fire escape and a traditionally finished single storey outhouse to house a goods lift and refuse bins were also erected within the rear garden.

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

## **2.2 Site History**

There is significant history relating to 35 St Andrew Square, for minor works that included; satellite dishes; lighting and minor internal works. The applications below are for more substantive works:

October 2005 - Listed building consent granted for works including construction of covered link building within the existing external basement area, erection of a traditionally finished outbuilding to house goods lift and refuse bins, reinstatement of original astragal configuration to window openings to south elevation, erection of external escape stairs to rear, and landscaping of existing car park area on bunker roof (all as amended) (application reference numbers: 05/02086/FUL and 05/02086/LBC).

There is a detailed application for planning permission and a parallel application for listed building consent for the adjoining site at 35 - 36 St Andrew Square:

September 2018 - Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works (amended) (application reference number: 18/04657/FUL).

September 2018 - Proposed demolitions, alterations, remodelling and erection of extension to the listed building (amended) (application reference number: 18/07730/LBC).

## **Main report**

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

The application proposes the alteration of the garden boundary wall to the rear of 35 St Andrew Square; removal of modern garden structures including the demolition of the contemporary single storey outbuilding; and the lowering of the modern raised garden terrace and kitchen below.

It is proposed to remove the entirety of the sandstone ashlar boundary wall to the side (south) and also, the remaining rear (east) boundary wall and gate to where it abuts the contemporary, albeit traditionally finished, outhouse located within the north east corner of the rear garden.

The boundary walls delineate the original rear curtilage of the historic feu and are of a traditional construction and finish to the townhouse. However, they are contemporary additions, having thought to have been erected in the 1960s. The walls are constructed in ashlar sandstone and reach a modest height in comparison to the boundary wall delineating the former rear garden area of the flanking pavilion townhouse at 37 St Andrew Square.

The proposals involve the removal of the basement kitchen; upper garden terrace; and the demolition of the outbuilding enabling the garden to revert back to its original level - in line with the level of the forecourt to Dundas House. This will allow for the incorporation of this section of the rear garden into the public realm and landscaping proposals associated with the wider redevelopment scheme. Within the new section of public realm, a change in material finish to the Yorkstone paving proposed within the wider scheme is proposed. A picked finish (rougher textured appearance) helps to subtly delineate the historic feu of 35 St Andrew Square whilst also enabling a seamless surface for drainage, vehicle overrun and pedestrian movement. Two new sections of walling with iron railings are to be erected to delineate the existing raised cast iron grille covered lightwell. The new walls will incorporate two to three polished ashlar sandstone courses with coping stones and railings.

#### Scheme one

An amendment to the demarcation of the curtilage of 35 St Andrew Square by a change in texture on the surface of the Yorkstone was brought forward during the assessment of the proposals.

#### Supporting information

The following documents were submitted in support of the applications for planning permission and listed building consent:

- Design and Access Statement;
- Planning Statement; and
- Heritage Statement.

These documents can all be viewed on the Planning and Building Standards Online Service.

### 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 impact on the special architectural or historic interest of the listed building including its setting is acceptable;
- b) The proposals will preserve the character and appearance of the New Town Conservation Area;
- c) Impacts on equalities and rights are acceptable; and
- d) Public comments have been addressed.

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Paragraph 4 of HESPS identifies:

*'The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, Historic Environment Circular 1, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.'*

The assessment on character and setting of the listed building and character and appearance of the conservation area have been informed by the Built and Cultural Heritage Statement submitted in support of the listed building consent application, and also other supporting information, including the EIA Report, submitted as part of the associated detailed application for planning permission for the adjoining site at 36 St Andrew Square.

a) Impact on the special architectural and historic interest of the listed building including its setting

**Method of assessment**

For the purposes of assessing the impact of the proposals on the special interest and setting of the listed building, a two stage approach is required:

Stage 1:

Consideration should firstly be given to the relevant HES Managing Change Guidance to enable the identification of the impact on the listed buildings special architectural character and historic interest of the listed building including its setting.

The relevant HES Managing Change Guidance applicable to this assessment is:

1. Boundaries
2. Setting

Stage 2:

Should the impact on the building's special interest, including its setting, be considered as adverse or significantly adverse, careful consideration must then be given to paragraph 3.47 of the HESPS to assess the relative importance of the listed building; the scale of the impact on that special interest; other options which would ensure a continuing beneficial use for the listed building with less of an impact on its special interest; and whether there are significant benefits for economic growth or wider community which justify a departure from the presumption set out in paragraph 3.38 of the HESPS.

**HES Managing Change in the Historic Environment: Boundaries -guidance**

HES Managing Change in the Historic Environment: Boundaries guidance (Oct 2010) notes that:

*'The layout and design of a boundary, its materials and method of construction, and the way in which it relates to other structures can be important elements of the character of a building or street, or contribute substantially to the sense of place and historical understanding of an urban landscape.'*

The document notes that *'boundaries and their associated structures and fixtures often have formal design relationships with a building or garden / landscape'* and that *'the continuity or uniformity of a boundary can characterise a whole street or area of the same period, style, historical development or original ownership.'* As such the guidance refers to the design of boundaries to the rear that tend *'to be of high rubble walls with 'slaister' (widely spread) motoring and stone copes'*.

The proposed demolition works involve the removal of the ashlar sandstone walls across the side (south) and rear (east) boundaries and the complete demolition of the single storey outbuilding. Whilst traditional in design and appearance, with stone walls and simple pitched roof in slate, the outbuilding was recently erected and does not contribute to the special interest and character of listed building. Its removal would therefore, not affect the special architectural or historic interest of the listed building.

Although it is acknowledged that the stone boundary walls are not original having thought to have been constructed in the 1960s, they demarcate the original curtilage of the historic feu and therefore comprise an important element of the special architectural character and historic interest attributed to the listed building. As no replacement boundary structure is proposed along these boundaries, the layout of the buildings historic feu and the design of its curtilage wall to the rear will be lost. The loss would therefore dilute the sense of place and historical understanding of the listed building undermining an important element of its special architectural character and historic interest.

The removal of the raised garden terrace reverts the rear curtilage back to its original level to match the forecourt of Dundas House and proposes a change in material finish to the Yorkstone paving used within the wider scheme. A picked finish helps to subtly delineate and define the historic feu of 35 St Andrew Square whilst also enabling a seamless surface for drainage, vehicle overrun and pedestrian movement. The proposed addition of the dwarf walls and railings surrounding the existing lightwell allows light to reach the lower level of number 35 and retains a sense of the curtilage whilst also enabling visual continuity of the space between the existing buildings. The attachment of a planning condition is considered appropriate to ensure that its design and the materials it utilises are suitably reflective of its historic context.

#### *Conclusion - HES Managing Change guidance on 'Boundaries'*

Whilst the removal of the outbuilding and garden roof terrace, including the levelling and treatment of the new surfaces, are laudable, the loss of the traditionally finished stone boundary walls and the significant adverse impact on the special architectural character and historic interest of the category 'A' listed building this would cause cannot be disputed.

#### *Historic Environment Scotland consultation response*

Historic Environment Scotland (HES) do not object to the proposals. HES are content that the proposals would not have a significant adverse impact on the special architectural and historic interest of the building.



## **HES Managing Change in the Historic Environment - 'Setting' guidance'**

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

'*Setting*' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- *Identify the historic assets that might be affected;*
- *Define the setting of each historic asset; and*
- *Assess the impact of any new development on this.*

Para 3.51 of HESPS notes that '*when considering a developer's proposals to integrate listed buildings into an overall development, Historic Environment Scotland expect planning authorities to take into account not only the desirability of preserving the building's historic fabric but the need to maintain it in an appropriate setting*'.

The setting of a historic asset comprises our present understanding and appreciation of its current surroundings, and what (if anything) survives of its historic surroundings combined with subsequent historic changes.

### **HES Managing Change 'Setting' guidance Key Issue 1- 'Identify the historic assets that might be affected'**

For the purposes of this listed building assessment, 35 St Andrew Square is the historic asset most directly affected. However, consideration is given to how the combination of 35, 36 and 37 St Andrew Square as a composition would be affected by the proposals.

### **HES Managing Change 'Setting' guidance Key Issue 2- 'Define the setting'**

#### *Wider setting*

The existing setting of 35 St Andrew Square has changed from when it was originally constructed. As one of the first buildings in the First New Town it predates Dundas House (1771) and its twinned flanking townhouse at 37 St Andrew Square (1781). The combination of these three buildings create a set piece that, along with the forecourt of Dundas House, clearly defines their relationship to St Andrew Square on the principal George Street axis. The buildings now form part of a dense urban context as the square and surrounding built environment have been developed through time.

35 St Andrew Square is of primary significance in the composition of the site. Paired with its symmetrical pavilion building at 37 St Andrew Square, they flank Dundas House as the centrepiece. All three buildings help to provide a unified and distinct architectural composition that is clearly legible on both site and plan.

### *Immediate setting*

Both 35 and 37 St Andrew Square retain the original curtilage of their historic feus. Their rear curtilages are easily appreciated from public views owing to the set-back of Dundas House and presence of its open forecourt. However, the depth and height of their rear curtilages and subsequent boundary treatments varies, with No. 37 extending to far greater depth and height. The extent and character of their rear garden plots also exhibit stark differences with the addition of three further bays to reduce the depth of the garden at No. 35 and the addition of a flat roofed single storey rear extension at No. 37.

Notwithstanding this, the rear curtilage of their historic feus are retained and easily observable. The way in which their rear curtilages relate to each other and the forecourt of Dundas House as an unified and distinct architectural composition comprise important elements of the character of the listed buildings, street and contribute substantially to the sense of place and our understanding of this historic urban landscape.

### **HES Managing Change 'Setting' guidance Key Issue 3 -'Evaluate the potential impact of the proposed changes'**

Of great importance to the setting of the 35 St Andrew Square is its relationship with its twinned pavilion townhouse and their compositional contribution in framing Dundas House including its forecourt. In certain views an element of the relationship between these buildings will be affected in an adverse manner by the removal of the boundary wall.

The most significant impact would be on some of the close views from within forecourt of Dundas House and on the east side of St Andrew Square, from the public footway, where the boundary wall of 35 St Andrew Square can be clearly seen to demarcate the historic feu of the listed building. This helps created a strong relationship between the three buildings and affords 35 St Andrew Square a degree of prominence. As this relationship is eroded, so too is an element of what affords 35 St Andrew Square its prominence. However, when viewed from a greater distance away, the visibility of boundary wall is reduced given its level and position within the site. The presence of heavily detailed cast iron railings and gates fronting the forecourt to Dundas House and is considered negligible.

### *Conclusion*

The effect of the proposed removal of the boundary wall on the setting of 35 St Andrew Square; its relationship with its twinned pavilion townhouse; and their compositional contribution in framing Dundas House including its forecourt, is assessed as an adverse level of impact.

### *Historic Environment Scotland consultation response*

Historic Environment Scotland (HES) do not object to the proposals. HES is content that the proposals would not have a significant adverse impact on the special architectural and historic interest of the building.

## **Overall Stage 1 Assessment - HES Managing Change Guidance on 'Boundaries' and 'Setting'**

Whilst the removal of the outbuilding and garden roof terrace including the levelling and treatment of the new surfaces are laudable, the loss of the traditionally finished stone boundary wall and the significant adverse impact on the special architectural character and historic interest of the category 'A' listed building this would cause cannot be disputed. The effect of the proposed removal of the boundary wall on the setting of 35 St Andrew Square; its relationship with its twinned pavilion townhouse; and their compositional contribution in framing Dundas House, including its forecourt, is assessed as an adverse level of impact.

### **Stage 2 Assessment**

Having addressed the points in the Managing Change Guidance the proposals have an adverse impact on the listed building and, as such, consideration must be given to paragraph 3.47 of the Historic Environment Scotland Policy Statement 2016 (HESPS) that states planning authorities, in reaching a decision should carefully consider:

- a) *The relative importance of the special interest of the building; and*
- b) *The scale of the impact of the proposals on that special interest; and*
- c) *Whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*
- d) *Whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 3.38.*

### **HESPS Point a - 'Special interest'**

35 St Andrew Square is a nationally important building. It is one of the finest Georgian houses, built by James Craig to a design by Robert Adam, and one of the earliest buildings in the New Town. Built in accordance James Craig's New Town plan, it sits slightly off-centre with the axis of George Street in a significant location within the New Town and World Heritage Site. It is a symmetrically designed classical Georgian townhouse that, despite continuous changes to the surrounding built environment, retains a significant presence on St Andrew Square by virtue of its design. Together with its twinned pavilion townhouse at 37 St Andrew Square, they flank Dundas House and forecourt which, as a composition, create an important set piece and comprises a very significant surviving part of the original fabric of Edinburgh's New Town. 35 St Andrew Square contributes considerably to the townscape of the New Town Conservation Area and World Heritage Site.

There can be no disputing the special interest of the listed building and composition of 35 - 37 St Andrew Square.

### **HESPS Point b - 'Scale of impact'**

The loss of its physical boundary results in a significant intervention to an extremely important category 'A' listed building. As the layout of the buildings historic feu and the design of its curtilage wall to the rear will be lost. The loss would therefore, dilute the sense of place and historical understanding of the listed building. The loss of the boundary wall would undermine an important element of the listed buildings special architectural character and historic interest. The proposed removal of the boundary wall will also have an adverse impact on the setting of 35 St Andrew Square is its relationship with its twinned pavilion townhouse and their compositional contribution in framing Dundas House including its forecourt.

The removal of the wall is required to facilitate adequate suitable access to the new concert hall to the rear of 36 St Andrew Square and there are beneficial effects of the public realm proposals that subtly delineate and define the rear curtilage of the historic feu with 'picked' finish to the Yorkstone paving used within the wider scheme for the concert hall. Overall and on balance, the scale of this impact on the listed building is judged to adversely but not, significantly adversely affect the special interest, including its setting and the compositional setting, of 35 - 37 St Andrew Square.

### **HESPS Point c - 'Other options for Use of the Building'**

The site is currently used as offices by IMPACT Scotland and will also be used by the Scottish Chamber Orchestra as their Headquarters. Whilst the retention of the boundary walls would not prohibit their use of the building for offices, the proposals must be considered within the context of the wider scheme for the concert hall and its associated public realm improvements as discussed in point d below.

### **HESPS Point d - 'Significant Benefits'**

Paragraph 3.38 of HESPS states that there is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

The applicant has submitted a Socio-Economic and Cultural Impact Assessment to support the corresponding application for planning permission for 35-36 Dundas House, a topic which was also scoped into the EIA Report and fully assessed within the report of handling associated with the application for planning permission.

The proposed development is fully endorsed by the Council's Culture Service. It also forms an important cultural strand within the City Deal, unlocking £25million of strategic match funding from all levels of government and has significant financial backing and under-pinning from a private philanthropic donor. As the first new performance venue to be built in Edinburgh in a century, this new development will represent a significant addition to the city's cultural infrastructure, and will signal Edinburgh's success as a Festival City and its ambitions in the creative and cultural industries.

The cultural and wider community benefits to the city, region and nation, brought about as a result of the proposed development and the opportunities for advancement it provides, are acknowledged and supported in the EIA Report.

The report of handling for the detailed application for full planning permission for 36 St Andrew Square sets out the benefits the proposal brings to the City and contends that the use would make an exceptionally positive contribution towards the City's cultural, social and educational provision/ This exceptional level of benefit helps set out a compelling case for justifying a departure from the presumption set out in paragraph 3.38 of HESPS.

Notwithstanding these significant cultural and community benefits, a crucial element of the wider proposals include a comprehensive public realm and landscaping strategy that should be considered in relation to these proposals.

### **Stage two assessment conclusion**

In light of the policy considerations detailed within paragraph 3.47 (points a - d) of HESPS, which concerns the assessment of the scale of adverse impacts on the special interest of a listed building including its setting, it is found that consideration of the points b) and d) of this policy are of specific relevance to the assessment of the proposals. Overall and on balance, the scale of the impact (point b) on the listed building is judged to adversely but, not significantly adversely affect its special interest including its setting. The cultural and wider community benefits brought about as a result of the wider proposals would make an exceptionally positive contribution towards city's cultural, social and educational provision and present an influential consideration that cannot be overlooked. It is therefore judged that these exceptional benefits would justify a departure from the presumption set out in paragraph 3.38 of the HESPs in accordance with point d) of the HESPS.

#### **b) Impact on the special character and appearance of the New Town Conservation Area**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance;
- views and vistas, including axial views along George Street;
- terminated vistas have been planned within the grid layouts, using churches, monuments, buildings and civic statutory, resulting in an abundance of landmark buildings. These terminated vistas and the long distance views across and out of the Conservation Area are important features;
- grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline;

- the setting and edges of the New Town and Old Town;
- the extensive collection of statues, monuments, historic graveyards and national memorials in the Conservation Area make a significant contribution to the historic and architectural character of the area. They also provide a focus and punctuation points for many views;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material; and
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area.

### *Wider views*

The established spatial hierarchy of the First New Town plan is a key characteristic of the conservation area. The historic plan forms, allied to the dramatic topography, results in important, terminated and long vistas with landmark features. It is the views along George Street towards St Andrew Square that contribute to the clarity of the urban structure of the planned First New Town and alignment of key buildings and spaces. Whilst the rear curtilage wall lies adjacent to this centrally aligned axis, to the north of Dundas House's forecourt, it is not possible to view or interpret the rear curtilage from wider views from St Andrew Square Gardens or along George street owing to its set-back position within the site and the solidity of the highly detailed cast iron railings and gates to the St Andrew Square frontage of Dundas House.

### *Localised Views*

Within the forecourt of Dundas House, the delineation of the rear curtilage by the stone wall is clearly visible and easily interpreted as the historic feu of 35 St Andrew Square. The impact from this location on the special character and appearance of the conservation area is more significant as the demolition of the boundary wall will remove strong physical evidence of the rear curtilage of the historic feu arrangement. The proposals would therefore significantly disrupt the continuity and uniformity that characterise original ownership and the ridged and ordered urban structure that contribute to the special character and appearance of the New Town Conservation Area.

### *Impact on group composition - 35 - 37 St Andrew Square*

The stone wall delineates the forecourt and front curtilage of Dundas House together with the rear curtilage of 35 St Andrew Square and therefore contributes to the special compositional character of 35 St Andrew Square, its twinned flanking pavilion townhouse and Dundas House with its forecourt as its centrepiece. As this arrangement is one of the few surviving original architectural compositions on the square, the proposals will undoubtedly dilute the strong arrangement of spaces around these buildings and disrupt the symmetrical urban composition that characterises original ownership and this unique part of the First New Town. However, this is mitigated by the solidity of the tall cast iron railings and gates along the St Andrew Square frontage of Dundas House to obscure clear views of the rear curtilage from public footway along the east side of St Andrew Square.

Overall, and on balance, taking the wider proposals for the concert hall into consideration, it is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest.

The proposals preserve the special character and appearance of the conservation area.

c) Impacts on equalities and rights are acceptable

An Integrated Impact Assessment has been carried out for the parallel application for planning permission for and raises no overriding concerns. This is viewable on the Planning and Building Standards Online Services.

d) Public representations have been addressed

**Material comments (support)**

- Positively contribute to the cultural offer of not just Edinburgh, but of Scotland helping to attract visitors which will benefit the wider economy. Addressed in 3.3a).
- Public benefits of the proposals outside of performance time given the provision of function spaces, café, foyer and crown walkway as publically accessible spaces within the scheme. Addressed in 3.3a).

**Non Material comments (objections)**

- Comments related to the applications for planning permission and listed building consent associated with 35-36 St Andrew Square (Dundas House) and not to the proposals detailed in this application.

*Conclusion*

Overall and on balance, the scale of the impact on the listed building is judged to adversely but, not significantly adversely affect the special interest of the listed building including its setting. It is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest.

The cultural and wider community benefits brought about as a result of the wider proposals would make an exceptionally positive contribution towards city's cultural, social and educational provision present an influential consideration that cannot be overlooked. It is therefore judged that these exceptional benefits would justify a departure from the presumption set out in paragraph 3.38 of the HESPS.

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

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

#### **Conditions:-**

1. Comprehensive details of the design and materials specifications of the new boundary wall and railings shall be submitted to and approved by the Planning Authority prior to commencement of over-ground works on site.

Note: The boundary wall shall be constructed from ashlar sandstone with rounded copes and appropriately 'Georgian' detailed cast iron railings, painted black and slotted individually into the stone wall.

2. Where the concert hall, as consented under parallel planning application reference 18/04657/FUL is not occupied within 3 years of the commencement of development of the concert hall (including demolitions), or an alternative timescale agreed in writing by the Planning Authority, the boundary wall shall be reinstated in stone to the satisfaction of the Planning Authority.

#### **Reasons:-**

1. In order to safeguard the character of the statutorily listed building.
2. To ensure that the wider benefits, which justify the demolition of the boundary wall, are delivered

#### **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.
3. 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.
4. 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.
5. Any proposed signage requires advertisement consent and depending on the location, may require Listed Building Consent.



## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The parallel detailed application for full planning permission (ref: 18/04657/FUL) was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the report of handling for the planning application.

## **Sustainability impact**

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

The parallel detailed application for planning permission (ref: 1804657/FUL) meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

The proposal was presented to the Edinburgh Urban Design Panel at pre-application stage on 27 September 2017. The comments have been considered in the assessment of this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 14 September 2018, with 21 days allowed for comments. The application also appeared in the Weekly List on 11 September 2018.

The proposals that formed scheme one received 2 letters of objection, and one letter of support.

All the interested parties who previously commented on scheme one were re-notified on 27 February 2019, with 14 days allowed for comments. No representations were received for scheme two.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3 d).

## Background reading/external references

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- 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 application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

### **Date registered**

10 September 2018

### **Drawing numbers/Scheme**

01 - 10, 12 - 23,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Daniel Lodge, Planning Officer

E-mail: [daniel.lodge@edinburgh.gov.uk](mailto:daniel.lodge@edinburgh.gov.uk) Tel: 0131 529 3901

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

**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.

LDP 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.

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

## **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## **Application for Listed Building Consent 18/07127/LBC At 35 St Andrew Square, Edinburgh, EH2 2AD Demolition of boundary wall, modern basement kitchen, rear extension, and outbuilding within existing rear garden; regrading of land, erection of new boundary features and public realm.**

### **Consultations**

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#### **Edinburgh Urban Design Panel - 27/09/2017**

##### *1 Recommendations*

*1.1 The Panel was supportive of the principle of a music venue in this location and acknowledged that it represented an exciting opportunity to enhance activity and permeability in the surrounding public realm.*

*1.2 The Panel advised that the proposal's relationship to its special historic setting and its impact on important axial and oblique views, particularly the view of Dundas House from George Street, is critical and requires to be carefully considered. The Panel also agreed that a coherent, well designed and high quality public realm would be essential to the success of this development and its integration with the surrounding area.*

*1.3 In developing the proposals, the Panel suggests the following matters should be addressed:*

- o Ensure that the development relates appropriately in position, scale, massing and design to the site's special historic character and key views;*
- o Develop a coherent, high quality public realm which enhances legibility through the site;*
- o Maximise barrier-free pedestrian permeability into and through the site and minimise conflict with service vehicles;*
- o Develop an architectural response which feels part of Edinburgh and can stand the test of time; and*
- o Incorporate security measures through early engagement with security advisors.*

##### *2 Introduction*

2.1 The site is located to the east of St Andrew Square, south of Multrees Walk and west of St James Centre. The site comprises of the A Listed Dundas House (36 St Andrew Square), its rear extension (circa 1960s) and car park. Dundas House is a three storey building of relatively modest scale and it contributes to the very high quality historic townscape of Edinburgh's New Town. It is positioned on axis with George Street where axial views are critical to its setting.

2.2 The site is located in the City Centre Retail Core and City Centre, as defined in the Edinburgh Local Development Plan (LDP). It also sits within the New Town Conservation Area and Edinburgh World Heritage Site. The site is located close to several listed buildings and structures. The site also sits in a number of key views as set out in the Edinburgh Design Guidance.

2.3 The site is also located within the St James Quarter Development Brief, where it identifies new opportunities for pedestrian permeability through the site.

2.4 One declaration of interest was made by Adam Wilkinson from Edinburgh World Heritage Trust (EWHT), who confirmed that he had met previously with the agents/developers regarding this proposal. This was not considered to be conflicted interest.

2.5 This report should be read in conjunction with the pre-meeting papers.

2.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

### 3 Position, Scale, Massing and Design

3.1 The Panel welcomed the use of the model to demonstrate the proposal's potential scale and massing and agreed that its impact upon the site's special historic setting and key views, particularly the long view from George Street, was a critical consideration.

3.2 The Panel was concerned about the proposal's scale and massing particularly given the limited size of the site. The Panel recognised that the design concept is still at an early stage and may have an adverse impact on the character of the area and the amenity of adjacent buildings. The Panel agreed that further work is needed to ensure the proposal sits comfortably on the site.

3.3 The Panel discussed whether the proposal should be viewed as currently proposed in an asymmetric form from behind Dundas House, or whether the proposal should be visible at all above Dundas House when viewed from George Street. Dundas House is part of the 'set piece' of buildings along George Street and the proposal should not detract from this. The Panel suggested that one option could be that the proposal may be sunk down to minimise its visual impact. The Panel concluded that further assessment work was needed to explore how the development will impact on key views, particularly eye level views, and the setting of listed buildings, particularly Dundas House.

3.4 The Panel suggested that distant and unexpected views of the proposal should be explored including those from oblique angles.

3.5 The Panel was concerned that the positioning of the concert hall, studio and public foyer in separate blocks (albeit connected by access links), could result the site appearing fragmented. There is precedent for this in the character of the immediate area but the coherence of the buildings, public realm and links in-between will be critical. Further work is needed to ensure this is delivered. The Panel was also keen to see the site linking logically into adjacent sites.

3.6 The Panel was sceptical about the indicative classical coliseum-style architecture with arcade detailing for the concert hall as this style does not initially resonate with the character of the New Town. However, the Panel was not averse to a contemporary response with a take on classical architecture so long as it is respectful to the site and its context. The Panel confirmed that the detailing and materials will be critical to achieving this aim.

3.7 The Panel felt that the link building could be better concealed as this looked to clash with the rest of the proposal and Dundas House.

3.8 The Panel agreed that lighting of the buildings and their setting would be an important consideration.

3.9 The Panel advised that sandstone should be used if masonry is proposed and glazing would help to lighten the built form.

3.10 The Panel wishes to see a robust design which can stand the test of time.

#### 4 Public Realm

4.1 The Panel strongly emphasised that the discovery of the development as a 'jewel' from the surrounding lanes should be enhanced by a coherent and high quality public realm which links seamlessly (physically and visually) to its context.

4.2 The Panel was supportive of the increased activity that would be created from the proposal and encouraged the use of ground floors to maximise this. The Panel advised that the public realm should create an engaging setting for the surrounding buildings.

4.3 The Panel considered that the built form could come out of a beautiful 'carpet' of materials set out in the public realm. The Panel stated that the use of simple, elegant and high quality materials will be key to creating a coherent, welcoming and active public realm. Careful use of hard and soft materials will also be critical.

4.4 The serviceability of the site needs to be carefully considered and the Panel was supportive of using an underused unit space within Multrees Walk as a service area for the development to separate service vehicles from the pedestrian environment.

4.5 The Panel noted that public and private spaces should be appropriately delineated.

4.6 The Panel emphasised the importance of maintaining the 'set piece' of Dundas House, railings and gates, and noted its significant contribution to the proposal's setting therefore cautioned against any substantive changes.

## 5 Permeability

5.1 The Panel was supportive of the aim to increase pedestrian permeability into and through the site. The Panel stated that links should be barrier-free and accessible for all users. The Panel stated that the emphasis should be placed on routes through rather than buildings across.

5.2 The Panel suggested that the space under the linked overhead walkway between the concert hall and ancillary buildings could be enlarged, creating strong views into the site and encouraging pedestrian use.

## 6 Use

6.1 The Panel was supportive of the use of the site for a music venue and suggested that further links could be made with University of Edinburgh's School of Music.

6.2 The Panel was concerned that the proposal may displace existing residents if it impacts negatively on the amenity of neighbouring housing. This needs to be carefully considered.

## 7 Security

7.1 The Panel advised that early discussions with security advisors should be held to build in any counter-terrorism elements to the proposal.

7.2 The Panel stated that a good security strategy including requirements for lighting/CCTV/passive surveillance should be built into the proposals at an early stage.

### **Historic Environment Scotland - response dated 15/01/2019**

*Thank you for your consultations which we received on 13 September 2018. We have considered them in our role as a consultee under the terms of the above regulations.*

*In relation to both the planning application and the EIA consultation, our remit is World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. We have a separate remit regarding listed building consent, concerning works to Category A and B listed buildings, demolition, and applications by planning authorities.*

*For this reason, we have separated our advice into three sections, one under each set of regulations. As there are two listed building consent consultations, we have stated our position separately for each.*

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

#### *Our Advice*

##### *Listed building consent*



18/07127/LBC

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

18/07730/LBC

*We are content that the proposed demolitions, alterations and extension to Dundas House would not significantly diminish the special architectural and historic interest of the building. However, we consider there would be a significant impact on the setting of the building, which we have commented on under the associated application for planning permission below.*

*Our detailed comments on this LBC application are given in Annex 1 of this letter.*

*Planning application 18/04657/FUL*

*We consider that there would be a significant adverse impact on the setting of the Category A listed Dundas House, affecting some, but not all, key views of the building. We therefore advise that this should be taken into account in the decision making process. However, we are content that this impact would not significantly affect the special interest of the building, and does not raise issues of national interest for our remit. We therefore do not object to the planning application.*

*Our detailed comments on the planning application are given in Annex 2 of this letter.*

*Environmental Impact Assessment*

*We are content that sufficient information has been provided to come to a view on the planning application. We are content with the scope of the assessment and its methodology.*

*We have comments on the assessment itself and its conclusions. These are given in Annex 3 of this letter.*

*Further Information*

*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 in the national interest for our historic environment remit, and therefore we do not object.*

*Our decision not to object should not be taken as our support for the proposals. The applications should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

*This response applies to the applications currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

*Historic Environment Scotland*

#### *ANNEX 1 Listed building consents*

*Your Council has consulted us in relation to works to two Category A listed buildings, which include the potential impacts on their setting. However, we have concentrated on assessing the impact on setting through the planning application process in Annex 2.*

*Our Managing Change guidance note on Extensions is a relevant consideration in assessing this application. In this instance, however, the guidance which it can offer is necessarily limited, as the most significant impacts of the proposed development relate to the setting of Dundas House. Although the application involves the extension of Dundas House, due to the depth, visibility and accessibility of the site, we consider the proposals would appear, like the rising St James hotel complex behind, to be part of the 'backdrop' of an urban townscape.*

*Our specific policy consideration in assessing applications for LBC is given in the Historic Environment Policy Statement at 3.47. This paragraph relates to alterations which would have an adverse impact on the special interest of the listed building.*

*18/07127/LBC - Application for listed building consent for associated proposed works, including demolitions, new boundary treatment and public realm (35 St Andrew Square)*

*We are content that these proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We therefore have no detailed comments on this application.*

*18/07730/LBC - Application for listed building consent for proposed demolitions, alterations, and extension (Dundas House, 36 St Andrew Square).*

#### *Demolition*

*The proposed demolition works primarily involve the 1960s office block by Glasgow architects Gratton & McLean. We do not consider that this block contributes to the special interest of Dundas House, and therefore do not object to its demolition. We are also satisfied that the other proposed demolitions, or removals, relating to secondary areas to the rear of Dundas House, would similarly result in no significant loss to the special interest of the listed building.*

#### *Extension*

*The extension, to form the proposed new music venue, is planned to connect with the rear facade of the banking hall, itself a mid C19th extension to the original Dundas House. In contrast to the relatively concealed 1960s block it would replace, the new structure would rise tall above the listed building, and expand beyond it to the rear on both north and south sides.*

*Our Managing Change guidance note on Extensions states that extensions should ordinarily be subordinate in both scale and form. In this sense, the proposals would be contrary to the advice offered by this guidance. However, as above, in this instance we consider that the key impact of the proposed development would be on the setting of Dundas House. We have assessed this impact as part of our advice on the planning application, with reference to our relevant Managing Change guidance on Setting. (See Annex 2)*

### *Alterations*

*These comprise alterations and remedial works, mainly to external elevations of lesser significance to the rear (east) of Dundas House due to the demolitions and new build. Existing stonework would be made good, and there would be a general tidying up of rainwater goods, cabling and other pipework. A large section of the existing rear elevation stonework would be exposed internally as a feature of the foyer for the new music venue.*

*The works involve various works to the building including covering over lightwells and infilling redundant door and window openings, with a few new openings. These works, and the internal alterations to Dundas House, we consider to be relatively minor, affecting areas of lesser significance. Two exceptions are the proposed doorway link between the banking hall and music venue and the Banking Hall cash cage.*

*A key element of the overall scheme is to provide an internal double-door access link between Dundas House and the new music venue. While we are satisfied that this new doorway would be sympathetic to the fine interior quality of the banking hall, we suggest that the glazed panels for the banking hall doors be obscured to conceal the contemporary metal doors on the music venue side, or at any rate that this important element (ie, where new meets old) be conditioned.*

*The submitted ground floor plan shows some alterations to an existing cash point structure within the banking hall. No interior elevation/section drawings or images appear to be submitted to show how these alterations may affect the special character of the exceptionally important banking hall. Clarity on this point should be obtained. Externally, the proposed tall boiler flue at rear roof level, at the north east corner, would detract from the appearance of the roof, and a more concealed or mitigated solution would be preferable.*

*We are pleased to note that there are no proposals to alter the 19th century ornamental cast-iron-railed screen enclosing the front forecourt on St Andrew Square, an important feature of the category A listing. We would urge that the current proposals to include a large service vehicle access be appropriately managed, under the application for planning permission, to ensure there would be no disturbance to the gatepiers, gates, railings, and lamp standards.*

### *Conclusion*

*We are broadly content that the proposed direct physical interventions under 18/07730/LBC would not unduly diminish the building's special architectural and historic interest. However, as explained in Annex 2, we consider that the proposed extension would have an adverse impact on the setting of Dundas House, affecting some key views of the building.*

*We have therefore assessed the impacts in light of the policy considerations at paragraph 3.47a-d of HESPS, which concerns adverse impacts to the special interest of a listed building. In this instance, considerations b and d of this policy are relevant. Overall, on balance, we are content that the scale of the impact (3.47b.) on the listed building would not significantly harm its special interest. Therefore, we do not object to the listed building consent application.*

*We also note that the wider community benefits of the proposals (3.47d) may also be a consideration in decision making.*

### **Historic Environment Scotland - response dated 25/01/2019**

*Thank you for your consultation which we received on 24 January 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations.*

*We understand that this consultation relates solely to the EIA regulations. We note that this consultation is to advise that the 2011 EIA regulations were quoted on your previous consultation letter, dated 13 September 2018.*

#### **Our Advice**

*We are content that our advice on this application and its accompanying environmental assessment, given in our letter dated 15 January 2019, is unaffected by this alteration. Our advice was given in reference to the 2017 EIA regulations, as quoted in our letter. We therefore have no additional or altered advice to offer at this stage, and our position remains as previously presented.*

*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.*

*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 development affecting the historic environment, together with related policy guidance. This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online. Technical advice is available through our Technical Conservation website.*

### **Historic Environment Scotland - response dated 12/03/2019**

*Thank you for your re-consultations which we received on 27 February 2019.*

*Our comments below relate specifically to the design amendments, subject of your re-consultations, and should be taken into account together with our existing main response letter to these applications, dated 15 January 2019. Overall, we are satisfied that the amendments do not raise significant new issues for our interests, and that our position on the proposed development therefore remains the same.*

#### *Listed building consent applications*

*18/07127/LBC*

*As you will be aware from our main response letter of 15 January 2019, we are content that the proposals for the rear garden of 35 St Andrew Square would not have a significant adverse impact on the special architectural and historic interest of the building. We note the revisions, including deletion of the previously proposed retractable marker posts for the historic rear garden boundary line of 35 St Andrew Square, now proposed to be delineated by contrasting surface treatment as part of the wider public realm and landscape treatment for the development. We have no detailed comments to make on this revision.*

*18/07730/LBC*

*We are satisfied that the design revisions for the proposed music venue, including refinement of façade detailing/materials and crown parapet, do not raise new issues for us regarding the overall impact on the category A listed Dundas House. These revisions are mainly set out in the submitted revised Design and Access statement, chapter 16. Please also see our comments on the planning application below.*

*We are also pleased to note the revised proposals and additional information for Dundas House itself: to delete the previously proposed tall boiler flue; add opaque glazed panels for the banking hall new interior doors; and clarification of works to the existing cash point enclosure. These address the detailed comments we made on these specific proposals in our letter of 15 January.*

#### *Planning application*

*18/04657/FUL*

*We note that there is no change to the proposed new building in terms of its scale, height, mass, and site positioning. As the revisions relate mainly to the above mentioned refinement of the façade detailing/materials and crown parapet we are content that the changes do not raise significant new issues for our interests, including potential impact on the A listed Dundas House and its setting; the setting of other neighbouring A listed buildings; and the World Heritage Site.*

*We acknowledge the intention to further the mitigation of impacts through refinement of materials and creation of a simpler, more cohesive, backdrop to Dundas House. To assist with further consideration of this, we understand that arrangements are being made for the review of material samples on site, including mock up panels for the proposed honed and grit blasted precast concrete for the façades. We suggest that this includes sample panels positioned to the front of the site to allow comparison with Dundas House in close-up views from St Andrew Square.*

*We have no more detailed comments to make on the planning application, and our advice remains as previously stated*

### *Environmental Impact Assessment*

*We note that no further assessment of impacts on our interests has been provided in the EIA Addendum. We therefore have no further advice to offer on this. We refer you to our previous response for our comments on the assessment and its methodology.*

*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.*

*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 development affecting the historic environment, together with related policy guidance.*

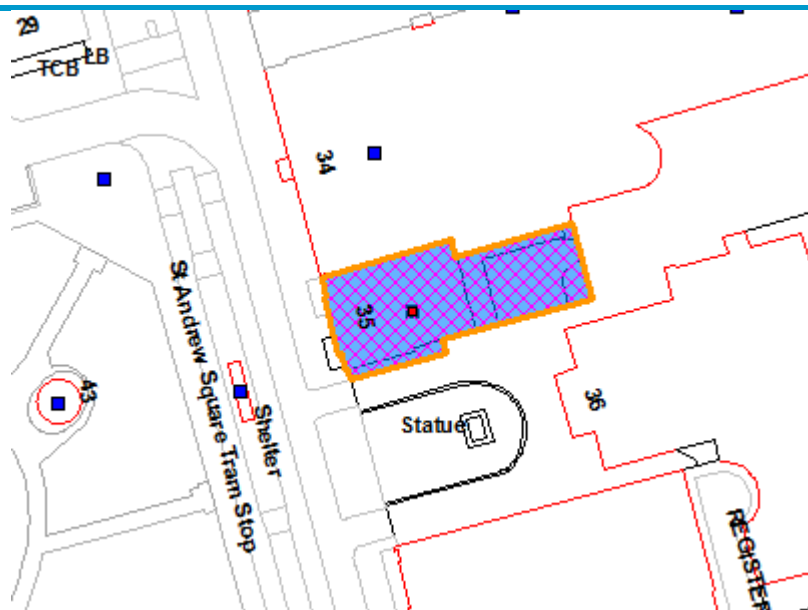
### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online*

*Technical advice is available through our Technical Conservation website.*

## **Location Plan**



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**END**

# Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/08091/FUL  
At Land 34 Metres South East Of, 8 Bainfield Drive,  
Edinburgh  
Moorings for boat hotel accommodation (5 boats) at Union  
Canal, west of Viewforth Bridge.**

<b>Item number</b>	7.1
<b>Report number</b>	
<b>Wards</b>	B09 - Fountainbridge/Craiglockhart

## Summary

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The proposed boat hotel development complies with the Development Plan and is compatible with the Fountainbridge Development Brief. It is a justified exception to the non-statutory Union Canal Strategy. It will not adversely impact on the Ancient Monument (Canal); residential amenity; nature conservation; road safety or the safety and security of school users. There are no other material considerations which outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LEN16, LTRA02, LTRA03, LEMP10, LHOU07, LDES05, LDES10, LEN08, LEN15, NSGD02,
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# Report

## **Application for Planning Permission 18/08091/FUL At Land 34 Metres South East Of, 8 Bainfield Drive, Edinburgh Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is in a wider stretch of the canal just west of Viewforth Bridge on the north side towpath. To the north, across a newly completed hard landscaped open space, is the front entrance to Boroughmuir High School. To the north west are newly built, multi-storey student accommodation blocks. There are moorings on the south side of the canal opposite the site and adjacent to these to the south are new flats in Horne Terrace. Further east, beyond the bridge, is Lochrin Basin with associated commercial canal boat moorings and adjacent residential flats, hotels, restaurant, pub and leisure outlets.

The Union Canal is a Scheduled Ancient Monument ref: SM11097 and a Local Nature Conservation Site.

#### **2.2 Site History**

Permission was obtained from Historic Environment Scotland (HES) to change the canal edge on the north side from green to hard ref: (Scheduled Ancient Monument ref: 2016 01804). The towpath upgrade was funded by developer contributions from neighbouring developments.

Previously, there has been the construction of Boroughmuir School and the completion of the hard surfaced, canal side open space adjacent.

November 2018 - Application for a 6m pontoon extension on south side of canal behind Horne Terrace (to house three residential mooring boats). Pending Decision (application reference: 18/10132/FUL).



## Main report

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### 3.1 Description Of The Proposal

It is proposed to site five purpose built, barge-style boats to accommodate 4 persons each, as floating hotel accommodation. Each boat will be 20 metres in length and 2.1m in width. Accommodation will be bespoke, craftsmen built Scandinavian style full width master cabin in the bow with double bed; a second cabin with two single bunks; a walk through bathroom and a long open galley/dinette area towards the stern with external access doors on the side towards the towpath. The boats will not have engines and will be internally powered by electricity. Both power and water will be available from hook ups to canalside bollards. These services have been pre-installed by Scottish Canals as part of the previous canalside moorings upgrade. The development will make use of these hook ups.

Servicing will be carried out by a specialised company who will have a store on the other side of the canal and arrive on foot. All waste will be collected in a plastic or paper bag and disposed of in a commercial bin, including incinerated toilet waste every fortnight which will be in the form of a cassette containing ash.

Customer parking is not anticipated but can be provided by access to nearby Fountain Park car park. A drop off point will be recommended to customers followed by a short walk to the towpath. Guests will arrive about 1100 onwards with most arriving mid-afternoon. Check out would be between 1000 and 1100 in the morning, once the school day has commenced.

#### Supporting Statement

- Scottish canals Moorings Site Options Appraisal
- Design Statement

The above document is available to view on the Planning and Building Standards Online Services.

### 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 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 principle of locating hotel boats in this location is acceptable;
- b) there are any amenity issues;
- c) there is any community impact;
- d) suitable sustainability measures have been taken to service the boat hotel;
- e) there are any roads issues;
- f) there any archaeology issues;
- g) there are any environmental/ecology issues; and
- h) the representations have been addressed, including those of the Tollcross Community Council.

#### a) Principle of Development

The area is allocated as City Centre Proposal in the Edinburgh Local Development Plan (LDP). Designation CC3 - Development Principles, Fountainbridge, states that proposals should:

- provide mixed use development including local centre, residential office, small business units, retail, leisure, community and tourist/visitor facilities;
- create new public spaces and streetscape consistent with the approved Fountainbridge Public Realm Strategy; and
- proposals should explore potential for expansion of water space and should provide attractive frontages to the canal, safeguarding its nature conservation.

Proposals should also take the opportunity, where appropriate, to enhance the use, physical appearance and condition of the canal, where this would be of benefit to development implemented through Proposal CC3.

The development complies with Policy CC3 of the LDP as the development will provide a commercial leisure use for visitors; will add positively to the streetscape/canalscape through its attractive boat frontage; will safeguard nature conservation as it does not affect any reed bank or nesting birds; and will enhance the appearance of a currently visually empty part of the canal.

The development is subject to Edinburgh Local Development Plan (LDP) Policy Emp 10 - Hotel Developments and the background documents are the Council's Union Canal Strategy 2011 and the Fountainbridge Development Brief. The latter two are not incorporated in the statutory LDP but are material considerations. This policy also states that hotel use may be permitted in the urban area with good public transport access to the city centre. The development complies with this policy because it is close to the city centre; would assist diversity and vitality, is close to public transport and will help tourism employment. It will provide a high quality accommodation.

The Council's Union Canal Strategy 2011 identifies six canal 'hubs' throughout its length eastwards from Ratho. One hub is at Lochrin Basin, Hub 6 (part of which is the site of this application). This states that:

*Lochrin Basin needs to generate adequate waterway traffic to animate the water space. High quality visitor moorings should be complemented by commercial and residential moorings to create a vibrant sustainable waterway neighbourhood throughout the year.*

This document identifies residential moorings on the south side of the canal but not on this north side where it indicates potential to extend marginal vegetation. However, since this strategy was adopted, the canal edge on this side has been made hard with associated moorings and is therefore suitable for the accommodation of boats.

The development does not comply with the Strategy but is an exception given the current physical layout of the canal edge on this side. Commercial use of this stretch of the canal is logical as it would be across the water and away from existing residential flats next to an open space. The commercial use would complement the residential moorings and help to create an active, vibrant frontage throughout the year.

Fountainbridge Development Brief states:

*The area's enviable location adjacent to the canal and in close proximity to the city centre provides an exciting opportunity to create a new urban quarter involving mixed use development. Development proposals for the area as a whole could incorporate a wide range of uses including residential, office, business, retail, leisure, community and tourist/visitor facilities.*

The brief is therefore flexible and encourages tourism.

Under Canal Related Development it states:

*Enhancing the role and accessibility of the Union Canal and realising the potential for increased canal-related activity, both on the water and on adjacent land, are key objectives of the development brief. The concept of extending the water space of the canal into adjacent sites to provide more mooring and turning facilities for boats and create more "canal side" development land is strongly encouraged.*

*The regeneration of Fountainbridge has the potential to make the Union Canal and Lochrin Basin a major visitor/tourist destination. There is an opportunity for the development of a range of leisure, retail and other appropriate uses to improve the "canal experience" for those visiting, living or working in the area. Proposals affecting the canal should complement and, where possible, enhance the built heritage, biodiversity, and amenity value of the canal.*

The development satisfies these criteria.

The Scottish Canals Moorings Site Options Appraisal (Supporting Document) identifies a hierarchy of mooring uses at each hub. Between Yeaman Place Bridge and Viewforth Bridge (part of Lochrin hub) on the north side by Boroughmuir School, it allocates five hotel boat moorings. On the south side, against Horne Terrace/Canal Bank Walk, it allocates five residential and one leisure mooring at pontoons. Three residential boats are already present, with associated secure access steps from the east end of Horne Terrace to pontoons and canalside landscaping.

The proposed development complies with this Appraisal.

Policy Des 10 of the LDP - Waterside Development states that permission will only be granted at the Union Canal where it provides an attractive frontage or improves public access to and along the water's edge; maintains and enhances that water environment, nature conservation or landscape interest, including its margins; and if appropriate, promotes recreational use of the water. This is addressed as part of the **Community Impact** at 3.3c) of the Assessment in this report.

Recreational use is not defined, either active or passive, in any of the above documents so hotel leisure use is as equally acceptable as house boats or occasional stay tourist boats. Hotel boats in this location will enhance the relatively empty canalside space which currently exists. The canal on this north side has a recently formed hard edge and the proposal will not impact on nature conservation or landscape interests because there are no reeds or vegetation on this side which would support ducks or swans nesting or feeding. The towpath/quayside is already designed with service connections for permanent moorings on this north side by Scottish Canals. The adjacency of the towpath on the north side means that the type of mooring provision is best allocated to commercial based opportunities.

The proposals comply with policies Des 10, Env 5 and Env 16 of the LDP.

The site is reasonably central to the city and the town centre amenities of Fountainbridge. Visually, the new hotel boats will add vibrancy to the canal environment and surrounding uses. Residential amenity is addressed below.

In conclusion, the principle of this development accords with Policies CC3, Emp 10, Des 10, Env 15 and 16 of the LDP.

## b) Amenity Issues

### **Boroughmuir School**

The hotel boats will be moored on the north bank some 20 metres from the school front door and across an open, hard landscaped area. The school curtilage is protected by a barrier of planters and a moveable gate; beyond this is public open space. The towpath lies between the boats and the open space and is a thoroughfare used by many walkers, cyclists and runners. So there is already much activity along this route.

This use as a boat hotel will not materially impact on the use of the towpath or the school as the level of activity in the boats will be the same as if they were a visiting tourist boat, the personnel movements over which there would be no planning control. In this case, the use will be managed by the applicants. The clientele are intended to be families or commercial executives looking for an unusual leisure experience. This is born out by the double room and bunk room layout of each boat. The boats will be electrically powered and will not have engines so will be quiet and will not produce any measurable omissions to the atmosphere.

Conflict between the use and the school is unlikely to be significant. The arrival and entry times for bookings would be outwith the main school arrival and departure times. During break times, pupils already have to mix with cyclists, walkers and other towpath users if they venture across the open space towards the canal edge. The open space is public realm and not privately policed. There are no planning conditions which could control any interaction of pupils and hotel users and are not enforceable. The safety and security of school pupils is not therefore a planning issue, but one for the police or other security bodies.

### **Visual amenity**

The hotel boats will be brand new and built to a high specification and finish. They are designed to look like traditional narrow boats. Visually, they will form an attractive addition to the canal and be in keeping with their surroundings. They will not detract from visual amenity.

### **Noise and disturbance**

Environmental Protection (EP) does not support the application on the grounds of potential vocal disturbance from boat hotel users and the boats being only 10 metres from residential accommodation in Horne Terrace across the canal. With little space on board, EP state that clientele are likely to use the towpath for smoking and socialising particularly at night. It says this would be exacerbated where group bookings occur.

The accommodation is geared towards families and is small in scale. Anti-social behaviour is a matter for the police. It cannot be controlled by any effective and enforceable planning conditions, whether tourist moorings or hotel moorings. This is a central location where such a use is acceptable and where a degree of disturbance is to be expected.

The proposals comply with policy Des 5 LDP.

### c) Community Impact

Only five boats are proposed in this application and not twelve as indicated by Tollcross Community Council.

The Scottish Canals Moorings Site Options Appraisal is not a statutory document but is a material consideration and does illustrate Scottish Canal's commitment to achieving a reasonable balance of commercial and residential uses on the canal. In theory, there is a possibility of having hotel boats on the east side of Viewforth Bridge, away from existing residential boats and moorings at Horne Terrace on the south side and away from Boroughmuir School, but the appraisal shows five visitor berths allocated.

The applicant states the boat hotel cannot be moved east beyond the Viewforth Bridge where the visitor moorings are currently established as this would impinge on the movement of the residential boats that are moored on the offside (south side) at this location. Given the end-on angle of these moorings, any vessels moored at the visitor moorings are at a higher risk of collision. As such, these easterly moorings are not considered suitable for these hotel boats.

The planned mix of different types of boats along the canal will assist in achieving a beneficial mix of uses which will support the community in and around the canal. This is born out by there having been several residential moorings approved in this extended basin hub as well as flats adjacent. There are more residential moorings planned on the south side of the canal here. The balance of residential and commercial uses is set out in the documents previously mentioned in this report and the proposals will add a vibrant resource which will support the commercial community (shops and venues close to the canal) in the long run.

There have been several hotels constructed in the Lochrin area in recent times, but there has also been a number of flats (Horne Terrace) and house boats approved, all providing colour and activity to the canal. Whilst they might not be strictly part of the residential community, the hotel boats are physically appropriate to the canal environment. The applicant states that partying groups are not to be tolerated at this facility and no group bookings are proposed at the boat hotel compared to some hotels and short stay premises on land. No conflict is foreseen with the proposed use.

The presence of the boat hotel will not prevent a future sports activities pontoon near the school. A site close to Gibson Terrace has been identified and one pontoon already exists near the (Leamington) Lift Bridge.

An objection has been raised stating that the proposed boat hotel business will conflict with existing, hard fought commercial boat operations. There is no planning control over this and a free commercial market exists.

In conclusion, the mix of hotel, leisure/commercial, residential and visitor moorings is appropriately allocated in the area and complies with the LDP and the Scottish Canals Moorings Site Options Appraisal. It is a justified exception to the Council's Union Canals Strategy December 2011. It will not have an adverse community impact.

d) Servicing/Sustainability

The boats will not need any vehicles to service them. Cleaning and linen services will be provided by a person walking to the site with a trolley for cleaning and collecting bags of refuse and composted/incinerated toilet waste. A servicing store will be provided for this purpose on the south bank of the canal on Scottish Canals land as stated by the applicant. The boats will be powered by clean electricity and not by diesel or liquid fuel.

The proposals are environmentally safe and sustainable.

e) Access issues

The proposals will not compromise use of the towpath as this is already a busy pedestrian/cycle route. No motor vehicles are intended. Taxis will serve the site but will stop in the nearest streets to the north and not trespass on the towpath or open space. If really necessary, guests will be asked by the applicant to park any vehicles in the large car park at Fountain Park or elsewhere and walk to the site. The roads authority has no objections subject to informatives concerning production of a Travel Plan by the applicant and possible cycle parking on top of the boats as an option. An informative is recommended.

The proposed use complies with policies Tra 2 and Tra 3 of the LDP.

f) Archaeology issues

Policy Env 8 of the LDP refers. The canal is a Scheduled Ancient Monument and apart from mooring and linking up to the service bollards on the towpath, there is be no physical impact on the fabric of the Scheduled Ancient Monument. The proposals comply with this LDP policy and will have no impact on its setting. Historic Environment Scotland has no objections.

g) Environment/Ecology issues - Local Nature Conservation Site

Policies Env15 and Env16 of the LDP refer. As previously mentioned, the boats will be electrically powered for static use. Noise and disturbance will be minimal and there will be no air pollution. Whether the boats involved were to be tourist visitors or boat hotels, they will take up the same space and position along the towpath. The edge of the canal will therefore be partly masked visually. The towpath at this point has been re-engineered with a hard edge incorporating mooring and service bollards and there are no reeds/vegetation supporting wildlife in this location. The proposal will not detract from the greenness of the canal or impact directly on any swans or ducks which will still have free passage along the middle of the canal and will be able to nest on the south side in the reeds at the back of Horne Terrace.

The proposals comply with policies Env15 and Env 16 of the LDP.

## h) Public comments

### **Material Comments - objection:**

- overprovision of hotel accommodation - addressed in section 3.3 (a) of the assessment;
- Commercial venture along north-west bank departs from Edinburgh Union Canal Strategy - addressed in section 3.3 (a) of the assessment;
- Excess and overconcentration of hotel boats conflicts with Scottish Canals options appraisal - addressed in section 3.3 (a) of the assessment;
- excess and overdevelopment - addressed in section 3.3 (a) of the assessment;
- conflicts with Fountainbridge Development Brief to achieve predominantly residential character, where people can live, work and relax - addressed in section 3.3 (a) of the assessment;
- safety and security of children/strangers/public order issues - addressed in section 3.3 (b) of the assessment;
- congestion and noise; air pollution from fuel burning; party boats hygiene - addressed in section 3.3 (b) of the assessment;
- Proximity of boat hotel to residential boats on south side of canal - addressed in section 3.3 (b) of the assessment;
- 5 boat hotels not suitable next to/overlooked by residential buildings - addressed in section 3.3 (b) of the assessment;
- obstruct access to canal for school kayaking club - addressed in section 3.3 (c) of the assessment;
- towpath already busy with walkers, cyclists, joggers and school children - addressed in section 3.3 (c) of the assessment;
- Clear destruction of public space and out of keeping with the area - addressed in section 3.3 (c) of the assessment;
- detrimental to neighbourhood and local businesses - addressed in section 3.3 (c) of the assessment;
- more transient community with boatel than with residential moorings - addressed in section 3.3 (c) of the assessment;
- No adequate storage nearby for services such as linen cleaning, spare parts and workforce to deliver this - addressed in section 3.3 (d) of the assessment;
- traffic/parking - addressed in section 3.3 (e) of the assessment; and
- ecology impact - addressed in section 3.3 (g) of the assessment.

### **Letters of support**

- greater activity on the canal; and
- canal is underused.

### **Non-material objections**

- decline in property value as a direct result - this is not a material planning consideration;
- neighbour notification not correct - this has been checked and carried out in accordance with the requirements of the legislation;
- School planned to be extended - this is unrelated to the proposals;



- Impact on other existing canal boat businesses - commercial competition is not a material planning consideration;
- Residential moorings contribute to community spirit of area - the application is for a boat hotel; and
- Moving boats not static boats - the application is for static hotel use.

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

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

#### **Informatives**

It should be noted that:

1. 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.
2. 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.
3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a Welcome Pack, pedal cycles, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.

Note:

The proposed zero car parking is considered acceptable for the development. The proposed zero cycle parking is considered acceptable for this development given that it is unlikely that a usable, secure location can be found adjacent to the site. However, it is likely that cycles could be accommodated on the deck of the vessels and the applicant should consider provision of some form of securing cycles in this manner. In addition, the applicant should consider provision of pedal cycles for the use of guests.

4. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Advertised initially under an incorrect address on the south side of the canal, (Canal Bank Walk). The address was corrected to the north side of the canal and re-advertised on 30 November 2018.

376 representations have been received, of which 374 are of objection, including those from Tollcross Community Council, the Gilmore Place and Lochrin Residents' Association, local residents, school parents and boat owners and two are of support.

## **Background reading/external references**

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- 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**

Allocated as City Centre Proposal (CC3 - Fountainbridge) and Scheduled Ancient Monument (Canal).

### **Date registered**

28 November 2018

### **Drawing numbers/Scheme**

01 - 03,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

## **Links - Policies**

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### **Relevant Policies:**

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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.

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

**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.

# Appendix 1

## **Application for Planning Permission 18/08091/FUL At Land 34 Metres South East Of, 8 Bainfield Drive, Edinburgh Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge.**

### **Consultations**

---

#### **Archaeology**

*The application affects a section of the Union Canal and its northern towpath/bank within Edinburgh. The Canal was constructed in the 1820's and terminated just to the east n of this application at three basins at Fountainbridge. The Union Canal is a site of scheduled ancient monument and therefore the application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV8.*

#### *Setting Impacts*

*Given the nature and design of this development and the semi-permanent nature proposed moorings for these hotel-barges, it is considered that there are no significant impacts upon the setting of this scheduled monument.*

#### *Physical Impacts*

*The proposed development will necessitate minor works within the scheduled area for the Union Canal. Accordingly, HES must be consulted regarding this aspect and scheduled monument consent will be required by the applicant for any works affecting the monument. However, out with this it is considered that this development will not have any significant archaeological impact.*

#### **Environmental Protection**

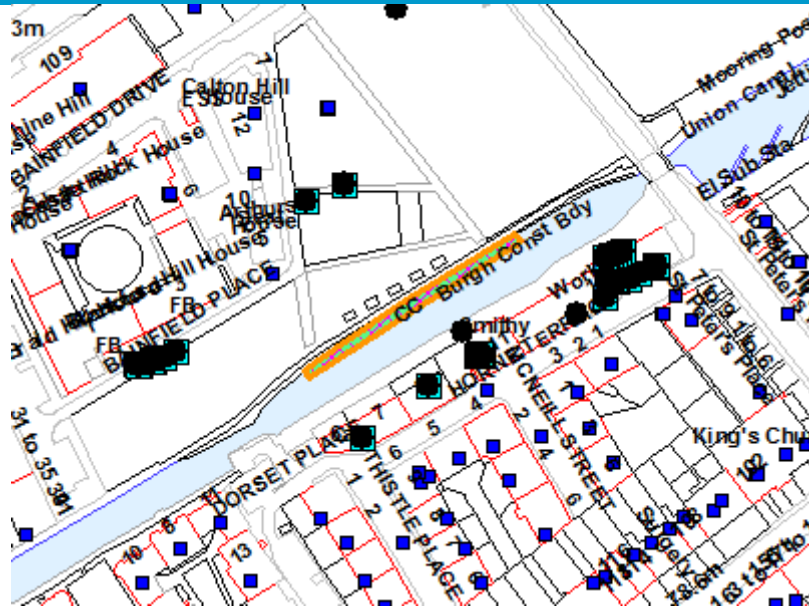
*We have concerns about noise issues with regards to this proposed use - specifically vocal disturbance from the users of the boat hotel. The boats would be positioned approx. 10 metres from residential accommodation on Horne Terrace. We can easily envisage that, due to the limited amenity space within the boats/smokers etc., that the outdoor areas on the boats or the path beside will be used as a gathering /socialising space. Each boat can presumably sleep four people, which can definitely be enough to cause disturbance, particularly at night. However, there also remains the possibility of several boats being booked by the same party and occupants of a number of boats socialising together. I think we would be unlikely to support this application.*

## Historic Environment Scotland (Scheduled Ancient Monuments)

*Do not have any comments to make on the proposals.*

### Location Plan

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**END**