

# Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/02211/FUL  
At 23 - 24 Greenside Place, Edinburgh, EH1 3AA  
Change of use from offices to serviced apartments with  
associated upgrading and refurbishment works with  
replacement dormers and rooflights (as amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the commercial character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect of road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

There are no material planning considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDPP, LDEL02, LEMP09, LHOU07, LEN04, LEN06, LEN09, LTRA02, LTRA03, HES, HESWIN, NSLBCA, HESINT, HESROF, NSG, NSGD02, OTH, CRPNEW,

# Report

## **Application for Planning Permission 20/02211/FUL at 23 - 24 Greenside Place, Edinburgh, EH1 3AA Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (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**

Originally built as a tenement block designed by John Baxter and constructed c. 1798, the application site has undergone significant internal renovation and now houses two pubs at ground floor, with open plan office space on the upper floors. The building was Category B Listed on 19 June 2001 (Reference number LB48035).

The Playhouse Theatre lies to the south and a hotel to the north on the other side of the lane. There are some flatted dwellings at the bottom of this lane to the east with Calton Hill beyond. A main arterial route (Leith Walk up to Leith Street) lies to the west of the site and the surrounding area is a mix of largely commercial uses with some flats above.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

An application for listed building consent has been submitted in parallel to this application (Application Reference: 20/02212/LBC).

### **Main report**

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

The proposal is for a change of use from the existing eight office units on the four upper floors of the building to 31 serviced apartment units. The proposal includes the complete reconfiguration of the internal space with new partitions to form the new apartment units. External changes include the removal of four non-original dormer windows located to the rear of the building. These will be replaced with two dormer windows of traditional design with timber framed sash and case windows and Scots slate to match existing. Existing non-original rooflights are to be replaced with conservation style rooflights.

Access would be from the front in Greenside Place where stairs and a lift will lead up to the upper floors. There is an area shown for an office and reception but no dining facilities apart from vending machines; however, each unit will have its own kitchen. Given the level of management of the site, the use is more akin to hotel use than short stay lets.

### Previous Scheme

The proposed lead clad dormer windows with aluminium framed, slim line double glazed windows and glass balustrades have been removed from the scheme. The two proposed dormer windows to the rear will be smaller, with timber framed sash and case windows and a slate roof.

### **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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority 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.

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 use is acceptable in principle;
- b) the proposal will preserve the character and setting of the listed building;
- c) the proposal will preserve the character and appearance of the New Town Conservation Area;
- d) the proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- e) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) the proposal raises any issues in respect of parking and road safety;

- g) Any other planning issues have been addressed; and
- h) any issues raised by objectors have been addressed.

a) Principle

The application site is situated in the city centre area as defined in the adopted Edinburgh Local Development Plan (LDP).

LDP policy Emp 9 (Employment Sites and Premises) states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

(i) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;

(ii) the proposal will contribute to the comprehensive regeneration and improvement of the wider area.

LDP Policy Del 2 (City Centre) states that development which lies within the city centre will be permitted where it retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. It also states that the requirements in principle will be for a use or mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.

The surrounding area is commercial in nature. The existing offices are located above two public houses. The Playhouse Theatre and the Omni Centre neighbour the application site to the south and the site is close to the ongoing St James' Centre redevelopment site. Elsewhere in the surrounding area, buildings are characterised by commercial uses at ground floor level with some residential on upper floors.

The proposal will not prejudice or inhibit the activities of any nearby employment use. As the application is for serviced accommodation, no amenity protection is provided for the temporary occupants of these properties. Any protection against disturbance from the surrounding commercial business such as the Playhouse will be the responsibility of the developer or operator of the proposed serviced apartments.

Whilst the proposal will not contribute to the regeneration of the area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area which is continuing to develop as a cultural and leisure hub in the city centre. The use of the site for tourist accommodation is consistent with the area. The proposal will contribute to the vitality of the street. The site is highly accessible and will also not result in the loss of any residential properties within the city. There will be no direct interaction between users of the short stay units and long term residents of residential properties in the area.

This is a busy city centre location within walking distance of public transport, so the development should not diminish the quality of the residential environment in terms of noise generation, disturbance or parking demand.

Set within the context of the busy, commercial character of the surrounding area and the city centre location, the proposal complies with LDP policy Del 2 and Emp 9 and is acceptable in principle subject to compliance with the other policies of the adopted LDP.

#### b) Character and Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a 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."*

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in 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.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them.....We need to make sure they have a long term future if we want to benefit from them in the long term.*

The application site was originally a tenement building, constructed in the late 18th century. It is one of the last remaining examples of the Georgian tenements which occupied the east side of Leith Walk. However, the building has undergone significant change. The ground floor is occupied by two public houses and the remaining upper floors underwent significant alteration in 2002 to accommodate open plan office spaces. Consequently, nothing of the original decorative scheme or plan form remain. The proposed internal alterations to form 31 apartment units will have no impact on anything of architectural or historic significance.

Externally, alterations are limited to the roof. The proposal includes the removal of four, small, non-original dormer windows to the rear which are to be replaced by two larger dormer windows. This element of the scheme has been amended. Originally the replacement dormer windows were larger and of a modern design. In the revised scheme, the replacement dormer windows will be smaller and of a traditional design, mirroring the existing dormers on the principal elevation and others in the surrounding area through the use of matching slate and timber framed sash and case window units. Non-original rooflights are to be removed and replaced with conservation rooflights which will be flush with the roof line. The applicant has not specified the material of the rooflights. A condition has been added to this consent requiring information about the specific rooflight units to be submitted to and approved in writing by the Planning Authority before work is commenced on site.

The proposal will preserve the character of the listed building.

### c) Conservation Area

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

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

*"Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views."*

The rear of the application site is visible from Calton Hill, a protected view. However, the traditional design of the new dormer windows is in keeping with the existing building and other dormer windows in the wider area. The external alterations proposed will not alter essential characteristics of the conservation area or interfere with important vistas and views.

The proposal will not have a detrimental impact on the New Town Conservation Area.

### d) Impact on the World Heritage Site

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

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which *"continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre."*

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

In terms of the use, the EWHS Management Plan encourages sustainable tourism and recognises that a balance is needed between resident and visitor needs. The re-use of this redundant building ensures the New Town Conservation Area is maintained as a thriving part of the city without harm to the OUV.

As discussed above, external alterations are limited to the roof. These alterations make use matching slate and traditional timber framed sash and case windows. The alterations are in keeping with the existing building and the wider area. The proposed external alterations will have no detrimental impact on the character or appearance of the New Town, nor its relationship with the Medieval Old Town.

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

e) Neighbouring Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

In this instance the application site is located in a busy part of the city centre which is characterised by a range of commercial uses including retail, bars, restaurants and wider entertainment uses. The serviced apartments will be accessed via a private entrance, meaning there will be no direct interaction between visitors and long-term residents and limited potential for the disturbance of such residents. Environmental Protection noted in their consultation response that no noise sensitive receptors are located nearby.

The proposal will not have a negative impact on neighbouring amenity.

f) Parking and Road Safety

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.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and provision complies with standards set out in Council Guidance.

The Council's Edinburgh Design Guidance does not include any parking standards for either car parking or cycle parking for this sui generis use.

It is noted, however, that the applicant proposes no off-street parking provision for the site and whilst no cycle parking is proposed, the property is located within a city centre location with nearby access to public transport provision.

The proposal complies with LDP Policy Tra 2 and Tra 3.

g) Other Planning Matters

*Archaeology*

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly. 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.

Although the building was converted into open plan offices around 2002, no archaeological work was undertaken to record the surviving historic fabric at the time.



The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

Therefore, it is necessary to undertake a programme of historic building recording during internal alterations and downtakings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development. This has been made a condition of the consent.

#### h) Public Comments

##### **Material Comments - Objections**

- Commercial venues generate too much noise and would impact amenity of users of proposed apartments; this is addressed in section 3.3a.
- Potential negative impact on commercial practices due to noise complaints; this is addressed in 3.3a.
- Negative impact on roofscape and a protected view; this is addressed in 3.3b and 3.3c.
- Negative impact on listed building; this is addressed in 3.3b.
- Negative impact on the conservation area; this is addressed in section 3.3c.
- Rooflights unacceptable; this is addressed in 3.3b.
- Historic tramway rosette at first floor level should be retained; external changes are limited to the roof as discussed in 3.3b and 3.3c.

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

- The proposed studio flats do not meet minimum floorspace requirements; this is not a residential development. There are no minimum floorspace requirements for serviced apartments.
- Too many short-term lets in the city centre; this is a commercial consideration not covered in current planning policy.

#### Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the commercial nature of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

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

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

#### **Conditions: -**

1. Details of proposed rooflights must be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) 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 the character of the listed building and the conservation area.
2. In order to safeguard the interests of archaeological heritage.

#### **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**

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

## **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 attracted six comments with four objecting to the proposals and two in support. The content of these representations is summarised and addressed in the Assessment section 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**

Edinburgh Local Development Plan.

**Date registered**

2 June 2020

**Drawing numbers/Scheme**

01-02, 03A, 04A, 05A, 06, 07A, 08A, 09A, 10A, 11A,

Scheme 2

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

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 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 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 Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

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

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

### **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**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 20/02211/FUL At 23 - 24 Greenside Place, Edinburgh, EH1 3AA Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (as amended).**

### **Consultations**

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#### **Transport**

No objection to the application.

#### **Environmental Protection**

Environmental Protection has no objections to this application.

The proposed application includes premises on the first, second, third and fourth floors of an 18th century category B listed tenemental building. There are commercial premises on the ground floor and the building is surrounded by commercial properties.

As the application is for serviced accommodation, no amenity protection is provided for the temporary occupants of these properties. Any protection against disturbance from the surrounding commercial business will be the responsibility of the developer or operator of the proposed serviced apartments.

As there are no current sensitive receptors in the vicinity of the application site, Environmental Protection has no objections to this application.

#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from offices to serviced apartments with associated upgrading and refurbishment works with minor exterior alterations (construct two larger dormers).

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although the building was converted into open plan offices c.2002 at the time no archaeological work was undertaken to record the surviving historic fabric. The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

Therefore, it is recommended that a programme of historic building recording is undertaken during internal alterations / down takings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development.

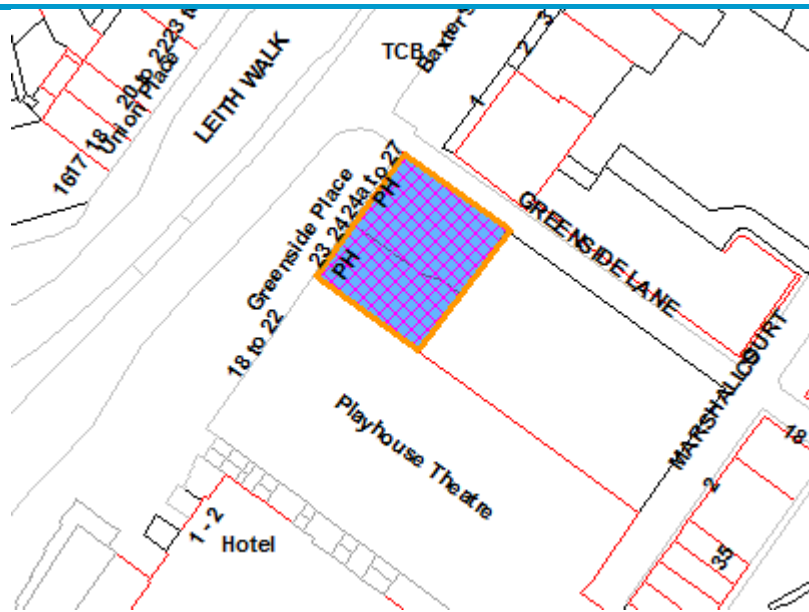
It is recommended that that the following condition is attached to any granted permission to ensure that this programme of archaeological works is undertaken;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) 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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