

# Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 20/05645/FUL  
At Centrum House, 108 - 114 Dundas Street, Edinburgh  
Proposed demolition of existing office buildings and  
erection of a mixed-use development comprising 48 flats  
with 3 commercial units (Class 1, 2 and 3 uses), amenity  
space, landscaping, basement level car and cycle parking  
and other associated infrastructure (as amended).**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

## Summary

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### Compliance with Listed Buildings and Conservation Areas Requirements

The historic assets within the area have been assessed against the relevant legislation, guidance and Local Development Plan (LDP) Policies.

Historic Environment Scotland does not object to the application and the character and setting of the listed buildings is preserved. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - Setting).

The special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

### Compliance with Development Plan

The mix of uses are acceptable at this location and are supported by LDP policies Hou 1, Emp 9, Ret 5 and Ret 11.

The proposals will preserve the Outstanding Universal Value of the World Heritage site, is of appropriate, sustainable design and will contribute to a sense of place.

The impacts on the amenity of existing and future residents are acceptable, the development will have no adverse impact on road safety or infrastructure and the loss of trees is acceptable.

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. There are no other material considerations which outweigh this conclusion.

## Links

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

LDPP, LEN03, LEN05, LEN06, LHOU01, LEMP09, LRET05, LRET11, LEN01, LDES01, LDES03, LDES04, LDES06, LDES07, LDES08, LHOU04, LHOU02, LEN09, LDES05, LHOU06, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, NSESBB, NSHAFF, CRPNEW, HES, HEPS, HESSET,

# Report

## **Application for Planning Permission 20/05645/FUL At Centrum House, 108 - 114 Dundas Street, Edinburgh Proposed demolition of existing office buildings and erection of a mixed-use development comprising 48 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (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 application relates to a site measuring approximately 0.167 hectares in area located at the north-west corner of Dundas Street and Fettes Row, bounded by Henderson Place to the rear (west).

The existing buildings on site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s. Both blocks are seven storeys high in total with a combined internal floor area of approximately 4,600sqm and two below ground levels including a car park with 35 spaces at basement level.

Several category B listed buildings are in proximity to the site, the nearest being the adjacent buildings to the south at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street (reference: LB28755, listed on 10 November 1966). The other listed buildings are on the opposite corner to the site at 1-12 Fettes Row (inclusive numbers) and 99-103 Dundas Street (reference: LB28754, listed on 15 July 1965), 87-97A Dundas Street (reference: LB28712, listed on 13 September 1964) and 79-85 Dundas Street and 34B Cumberland Street (reference: LB28711, listed on 13 September 1964). All these buildings are category B listed. The Old and New Towns of Edinburgh World Heritage Site boundary runs adjacent to the southern edge of the site.

The former Royal Bank of Scotland offices occupy the corner site opposite on the east side of Dundas Street and north side of Fettes Row. A recent residential development at 120 Dundas Street, built around 15 years ago, adjoins the site to the north and there are residential flats to the north-west of the site on Henderson Row.

The site is mainly level, with a gradual rise from north to south up Dundas Street. There are nine street trees located within the hard landscaping of the basement lightwell to the front of the buildings which is enclosed by a plinth with railings. The land to the rear of the site comprises a tarmac car park and the north boundary is marked by a residential block and its communal garden wall.

The main pedestrian access to the site is via a level bridge over the basement well on Dundas Street and vehicles have access from Henderson Row.

The surrounding area is predominantly residential with mixed commercial uses, including retail and cafes at ground level on Dundas Street. There are also office blocks in the vicinity, notably a modern office development at the west end of Fettes Row. This application site is located within the New Town Conservation Area.

## **2.2 Site History**

2 October 2020 - Proposal of Application Notice approved for demolition of existing building and erection of mixed-use development including residential, office, retail and café/restaurant uses (application number 20/03923/PAN).

### Related Planning History

Former RBS site (on the opposite corner of Dundas Street/Fettes Row)

26 February 2021 - planning permission minded to grant for demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements at 34 Fettes Row (application number 20/03034/FUL).

26 February 2021 - conservation area consent granted for complete demolition in a conservation area at 34 Fettes Row (application number 20/03661/CON).

120 Dundas Street (adjacent the application site to the north)

19 January 2009 - planning permission granted to demolish office building and erect mixed used residential (24 units) and commercial development (classes 1, 2 and 4) at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/FUL).

18 July 2006 - conservation area consent granted for demolition of office building at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/CON).

## **Main report**

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

The application is for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 48 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking.

The residential accommodation is as follows:

- market price - four-bedroom x 1, 3-bedroom x 17 and two-bedroom x 18 = 36
- affordable - two-bedroom x 4 and one-bedroom x 8 = 12

The commercial units are as follows: Unit A 121sqm Unit 165sqm Unit C 538sqm at ground and basement level.

An associated application for conservation area consent has been submitted for the demolition of the existing buildings on the site (application number 20/05646/CON).

### Building

The proposed building is L-shape in plan with a projecting corner element to Fettes Row and comprises eight levels in total with a basement, lower ground floor and top storey set back from the front building lines. These lines follow the building lines of the adjacent flats and Victorian tenements on Dundas Street and modern residential blocks on Fettes Row. The latter has a basement lightwell.

The architectural style of the proposed building is contemporary with three distinct sections and two stair/lift cores, incorporating modern interpretations of traditional tenemental detailing and ground floor shopfronts. The principal elevations to Dundas Street and Fettes Row will be finished in natural blonde coloured ashlar sandstone, with a rusticated lower ground façade on Fettes Row and the rear elevation will be in blonde coloured brick with natural sandstone string courses. The top floor will have extensive areas of glazing within dark-grey finished, rusticated aluminium clad framing with chamfered perimeter edges. The windows and door frames will be formed in dark-grey finished aluminium and this material will also be used for the window fascia panels between the first and second floors and recessed infill bay on Fettes Row. All safety balustrades will be in dark-grey coloured metal.

The stone and aluminium window reveals on Dundas Street will have chamfer detailing and the shopfronts and commercial unit frontage to the rear will be framed in dark-grey coloured aluminium with stone piers for the shopfronts within the section furthest north on Dundas Street. A biodiverse brown roof will occupy most of the flat roof surface and there will be two plant/lift cap enclosures at either end of the Dundas Street section formed in dark-grey coloured aluminium acoustic louvres. An extensive array of photovoltaic panels will occupy a large area of the Fettes Row section of the roof.

### Landscaping/Amenity

All the existing street trees will be removed. A raised communal garden will be formed over part of the basement car park to the rear with a blonde coloured brick elevation incorporating a dark-grey coloured aluminium garage door and central flight of steps. A brick boundary wall will be erected on the north boundary where the existing building stood extending approximately 2.2 metres high from the garden terrace level. The commercial unit occupying the lower ground floor will have access to two private rear courtyards on this level and there are two private rear gardens serving the rear-facing and dual-aspect flat at lower ground level on Fettes Row. The latter flat and two remaining flats at this level facing Fettes Row will have private terraces within the front basement lightwell and the flats at top floor level will have private external terraces facing Dundas Street and Fettes Row.

The rear landscaping will comprise areas of porous clay paving in blonde and red tones laid in stretcher bond and herringbone patterns respectively. Evergreen hedges and shrubs will form boundaries between the private and public areas and climbing plants

will be trained up the boundary walls. Six trees will be planted within the area. A Siberian Larch pergola will run along the west edge of the terrace with communal seating areas and a barbeque area at the north end. The seats and tables will also be in larch.

The private courtyards to the front will be formed in natural sandstone (Yorkstone) pavers, including the cladding of the car park ventilation louvres and the private courtyard of commercial Unit C facing Fettes Row.

### Access

The residential flats will be accessed via a level bridge link on Fettes Row and a level access within the north block on Dundas Street. The flats will also have accesses from the rear terrace. The three commercial units will have level access from Dundas Street and the lower floor of commercial Unit C will be accessed from Fettes Row. Vehicular access to the car/cycle park will be via Henderson Row and there are two stair/lift accesses from the basement to the upper levels.

### Services

Centralised heating and hot water plant, cold water storage and electrical plant will be housed within the basement car park and rainwater attenuation tanks will also be located in this area. A waste store will be provided at side of the vehicular ramp access to the basement.

### Car/Cycle Parking

Within the basement car park, a total of 32 car parking spaces, including three accessible and six with electric vehicle charging spaces and 118 cycle parking spaces are proposed.

### Scheme 1

The original scheme proposed:

- 44 flats with two, three and four bedrooms;
- the top story set further forward by approximately one metre;
- no 0.5 metre setback or eaves break and a stone parapet rather than metal balustrade on the north section facing Dundas Street;
- no advanced corner or shadow gap on the Fettes Row elevation;
- less rusticated stone tooling on the lower level facades facing Fettes Row; and
- no window chamfers on the Dundas Street elevation and less distinction between the elevational treatment of the two sections fronting Dundas Street.

### Supporting Documents

- Pre-application Consultation Report
- Planning Statement;
- Design and Access Statement;
- Heritage Statement;
- Noise Impact Assessment;

- Daylight and Sunlight Report;
- Affordable Housing Statement;
- Transport Statement;
- Drainage Strategy and Flood Risk Assessment;
- Sustainability Statement and S1 Form; and
- Landscape Management and Maintenance Plan and
- Tree Survey and Report.

These documents are available to view 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 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 proposals preserve the setting of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals create a sense of place, are acceptable in design and are sustainable;
- f) the proposals have an adverse impact on significant archaeological remains;
- g) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- h) the level of affordable housing provision is acceptable;

- i) the proposals have a detrimental impact on road safety or infrastructure;
- j) the proposals have an adverse impact on trees or biodiversity;
- k) any impacts on equalities or human rights are acceptable; and
- l) public comments have been addressed.

### **a) Setting of Listed Buildings**

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."*

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"*.

LDP Policy Env 3 states 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.

The listed buildings affected to any significant extent by this development in terms of setting comprise those at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street, 1-12 Fettes Row and 99-103 Dundas Street, 87-97A Dundas Street and 79-85 Dundas Street and 34B Cumberland Street. All these buildings are category B listed.

The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

The character of the south side of Fettes Row is that of a planned classical style residential development built in blonde Craigleith sandstone, dating from the 1820s, with the key characteristics of a monumental palace block with unifying symmetrical and rhythmic elevational treatment, no projecting elements in the wall planes and shallow roof pitches and slightly advanced terminal pavilions that are a storey higher.

The monumental palace designs of the east-west streets of the Second New Town were not possible to achieve on its steep south-north slopes, so the buildings on these streets are mostly tenement blocks. Whilst there is regularity and symmetry within the blocks, they step down as on Dundas Street as emphasised by the eaves and cornice.

The corner blocks of the east-west streets facing Dundas Street are usually on a level and of the same height (for example, in Great King Street). In order to deal with the

Dundas Street slope, some east-west streets did not include terminal pavilion blocks, such as Cumberland and Northumberland Streets and the downwards 'step' continues on the north side of the street.

In contrast, the current and previous buildings on this site have not formed part of any planned development, although a residential development was planned for the area between Fettes Row and Henderson Row, probably by William Burn in the 1820s. Only a small part of this scheme was built and the remainder of the area became occupied by an assortment of light industrial buildings constructed in the later 19th century and replaced by the current offices in the 1980s.

The existing buildings forming Centrum House form part of a small group of early 1980's structures of corporate character that are at odds with their predominantly residential context. BUPA house and Centrum House were design by Ian Burke Associates. The group includes the former Royal Bank of Scotland Computer Centre by Michael Laird and Partners, dating from 1978 on the opposite side of Dundas Street and Fettes Row, the subject of a recently granted application for conservation area consent to demolish the building (reference 20/03661/CON). "The Buildings of Scotland: Edinburgh" by Gifford, McWilliam and Walker, 1985 describes Centrum House and its adjoining office BUPA House as parodies of the RBS Computer Centre.

Some features of the buildings are unsympathetic to their location, particularly in terms of building lines design and landscaping. On Dundas Street, the two buildings are set back approximately 9.5 metres from the building line of the recent flatted block at No. 120. Whilst this line equates to that of the RBS Computer Centre opposite, it does not relate to the historic building line of the late Victorian tenements at 122-160 Dundas Street, nor to the Second New Town tenements at 78-106 Dundas Street. The mansard roofs are out of character with the shallow-pitch roofs of the listed Georgian buildings and later tenements.

The existing structures on the site are not without merit in terms of the set back building line on Fettes Row, natural sandstone frontages and inclusion of modern interpretations of traditional features, including basement lightwells, entrance platts and boundary railings. However, they are not particularly sensitive to the setting of the nearby listed tenements and should not provide design precedents for any replacement buildings.

The proposed building will create an appropriate setting for the listed buildings in keeping with the 1820's planned layout for the area, through the establishment of building lines on Dundas Street and Fettes Row which relate to the historic context, matching that of the circa 1900 tenement on Dundas Street and the recently established building line at 26-29 Fettes Row, which takes its reference from the listed Georgian buildings on the south side of Fettes Row. The proposed development of the former RBS office site directly opposite (reference 20/03034/FUL) includes building lines advanced from the existing set back structures to establish a layout more characteristic of the historic context. The cumulative effect of these over-extensive setbacks is to create a gap in the built enclosure of the street entrances to Fettes Row and stepping down effect along Dundas Street, contrary to the form originally planned for these streets.

The eaves line of the new structure will relate better to the historic eaves line of Dundas Street and Fettes Row than that of Centrum House which is too low in this context. The eaves line is the defining feature of the roofscape of the 1820's tenements rather than the roof line and whilst there is no 'correct' solution to establishing a new eaves line, it relates more successfully to that of 104-106 Dundas Street opposite the development to the south. In the case of the palace façade on the south-west side of Fettes Row there is no mirror image block on the north side of the street, so there is no necessity for the new building to match the eaves line of 104-106 Dundas Street.

In terms of height, massing, form and detailing the proposed scheme loosely reflects the original 1820's buildings opposite incorporating visually distinct sections, sandstone frontages, a feature corner pavilion with double-height first/second floors, a recessed penthouse storey, rhythmic fenestration, a basement lightwell on Fettes Row and rusticated stone tooling at lower ground level to reflect the elevational hierarchy of the nearby listed buildings. These design elements, along with the proposed building lines will result in a new structure that will cause no harm to the setting of the listed building and enhance it instead.

The current landscaping includes large specimen trees in front of the buildings. Street front trees are not characteristic of the New Town Conservation Area where trees are restricted to the planned communal gardens and back greens. In this respect, the removal of these trees will have no adverse impact on the setting of the listed buildings.

Historic Environment Scotland (HES) does not consider the development will impact on any of the category A listed buildings in the vicinity and has no concerns with the siting of the new building but suggests that the development on Dundas Street should step down the hill quite distinctively. The revised scheme incorporates a visual step downhill through the omission of the sandstone parapet and inclusion of stone shopfront piers on the block furthest north on Dundas Street.

Also, the roof has been set further back in the amended scheme to respect HES's comment that the top storey should remain subsidiary and less visible. Further articulation/differentiation has been added within the facades and all windows will be recessed by an additional 100mm to increase the depth and variation across the façade in line with HES's recommendations regarding the visual break-up of the scale and massing of what is a considerable sized block.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposals are acceptable and in compliance with LDP Policy Env 3.

## **b) Character and Appearance of 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 New Town Conservation Area Character Appraisal identifies the key characteristics of the Second New Town as:

- grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;
- the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and
- the important feature of terminated vistas within the grid layouts and the long- distance views across and out of the conservation area.

LDP Policy Env 6 (Conservation Areas - Development) 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 key aspects that are assessed below are the impacts of the proposed development on the formal planned alignment, setting and edges, height and skyline, design quality, materials palette, and land use of the New Town.

The assessment of the existing buildings in terms of their contribution to the character and appearance of the conservation area is assessed thoroughly in the associated application for conservation area consent.

### Formal Planned Alignment, Setting and Edges

As stated in section 3.3 a), there are various existing building façade lines around the site, although the predominant building line of Dundas Street is the Georgian building line running from Heriot Row to Fettes Row where it terminates, marking the northern extent of the Second New Town.

The building line of the block in which this site is located, between the north side of Fettes Row and Henderson Row, is dominated by that of the late Victorian tenements which are positioned closer to the street edge. The existing buildings on the site do not follow either of these historic building lines, sitting approximately 9.5 metres back from the Victorian building line and approximately 7 metres back from the Georgian building line. The Victorian industrial building that once stood on the site followed the same line as the tenements to the north. Whilst the 1820's listed buildings of Fettes Row and Dundas Street provide the most significant historic contexts, the site is part of a later block that was never constructed to its original plan, so following the building line of the Victorian tenements on Dundas Street is appropriate for the proposed building and in keeping with the building line of the recent development at 120 Dundas Street.

The proposed building line on Fettes Row follows that of the modern neo-classical developments on the north side of Fettes Row, dating from the late 1990s. Centrum

House and the adjoining contemporary flats at 30-31 Fettes Row are the only parts of the street that do not have a consistent building line or neo-classical design. The new development will complete this side of the street, leaving the adjacent flatted block as the only anomaly. Although the basement areas of 26-29 Fettes Row are wider than those of the 1820s buildings on the opposite side of the street, they are not excessively so and are now consistent for much of the north side of the street which includes a neo-classical style office development by Reiach and Hall, dating from 2000-2010, at 5-6 St Vincent Place which continues from Fettes Row at its west end.

The depth of the proposed development matches that of the neighbouring building at 120 Dundas Street and is keeping with the various widths of the buildings on the north side of Fettes Row.

In terms of setting and edges, the impact of the development on these aspects has been set out in section 3.3 a).

The proposed building will establish a building alignment on this important street corner that is appropriate within the context of the Second New Town, which is lacking in the existing buildings on the site.

### Height, Skyline and Views

The proposed building height is approximately 0.58 metres higher than the existing buildings on the site, but lower than the Georgian building on the opposite corner of Fettes Row in order to continue the characteristic stepping of buildings down Dundas Street. The eaves height of the new building is only slightly higher with that of the modern neo-classical blocks on the north side of Fettes Row and lower than that of the later office development at 5-6 St Vincent Place. The proposed structure's ridge height is marginally lower than the ridge height of 26-29 Fettes Row. The revised scheme has increased the setback of the penthouse storey to further alleviate the overall massing and reflect the subservience of the Georgian roofs.

The development will be most visually prominent within the views up and down Dundas Street. These views contribute to the clarity of the urban structure of the Second New Town and alignment of key buildings.

Verified views of the proposed development have been produced from a series of key vantage points. The two locations which best illustrate the effect of the development on views up and down Dundas Street are View 1 from the east side of Dundas Street opposite the Victorian tenements looking south and View 2 from Hanover Street looking north.

At present, views of the corner pavilion of the Georgian building on the west corner of Dundas Street and Fettes Row is uninterrupted, apart from the street trees which are deciduous. From this viewpoint, the proposed structure will obscure the Fettes Row façade of this pavilion, with the exception of the outer edge and top of the gable end. However, the existing view of this corner pavilion is completely at odds with views of the equivalent corner pavilions within Dundas Street. The plan and built form of this section of the Second New Town provides the equivalent level of sight of its pavilion ends from views up and down Dundas Street to that proposed by this development. The current visual exposure of the Dundas Street/Fettes Row pavilion corner is not in

keeping with this historic pattern or the planned extension of the Second New Town northwards to Henderson Row in similar fashion. Whilst the current 'gateway' status provided by the existing buildings on site is an attractive feature in terms of views southwards, it is not an essential characteristic of the New Town Conservation Area, so its retention is not required in order to preserve the character of the historic environment.

The proposed building is visible in View 2, but not in any intrusive way in terms of the historic street scene. The corner block will be more prominent than the equivalent Georgian corner pavilions, but only due to the fact that it will sit on the building line of the Victorian tenements on Dundas Street which is further forward than that of the buildings to the south on Dundas Street.

The new structure will be virtually imperceptible from the other two viewpoints (the west side of Calton Hill and east side of Inverleith House) which illustrates the fact that the height and roof treatment has been carefully considered to ensure that the building will sit inconspicuously within elevated views.

### 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.

The proposed design is a contemporary interpretation of the Georgian and Victorian tenements in the immediate vicinity in terms of spatial pattern, height, massing, proportions and detailing.

The block facing Fettes Row and turning the corner into Dundas Street reflects the 1820's buildings opposite in terms of height and prominence of the end pavilion (the latter on Fettes Row only), double-height detailing of the first/second floor piano nobile and windows ordered within a horizontal hierarchy.

The adjoining section on Fettes Row is visually subservient to the corner block, although greater in height than the Georgian terrace directly opposite. The design has been refined further through the replacement of the stone parapet with a metal balustrade. This deviation in height between the north and south sides of Fettes Row is acceptable given that a north side matching the original south side was never constructed and the modern established building height on the north side varies. The revised scheme introduces a vertical break on the lower Fettes Row block to enhance the prominent and separation of the corner piece and add visual interest to this section. Additional rustication tooling of the stone façade at lower ground level will better reflect the hierarchy of stonework detailing typical of the Second New Town terraces.

The design of the block facing Dundas Street takes its lead from the Victorian tenements to the north which are of repetitive design without any overall architectural conception and the key elements of ground floor shopfronts hard on the building line and prominent vertically aligned window bays are included. The proposed structure incorporates four storeys and a fifth recessed storey above the shopfront where the Victorian tenements only have three, but the overall height is appropriate in terms of

stepping up the street and the number and arrangement of storeys matches that of the adjacent modern tenement at 120 Dundas Street. The composition of the façade has been refined in the revised scheme to include a visual step to reflect the gently sloping topography of this section of Dundas Street and characteristic historic feu pattern of the area, although this pattern was never established on this site. The sandstone shopfront piers introduced in the amended scheme help to break up the massing of the Dundas Street block and provide visual support for the upper floors. This allows for the "floating" masonry element of the corner section to work visually within the overall design.

In general terms, the top storey is conceived as a visually lightweight structure in comparison to the masonry elevations, with the massing in the revised scheme split into distinct elements to respond to the rhythm of chimney stacks on Dundas Street. The setback has been increased to ensure that the penthouse level reflects the subservience of the shallow roofs of the Georgian and Victorian tenements. The chamfered metal edge detail at the perimeter of each capping box gives depth and definition to the façades.

The proposed sawtooth chamfers and cassette panelling within the Dundas Street windows reveals are contemporary design elements but are interesting features which are an acceptable means of refining the mass of the stone elevation.

The rear elevations are different in design and material to the principal facades and this is appropriate to reflect the distinct character of the area to the rear of the site, which was formerly industrial and is now mainly occupied by flatted blocks, many with rendered elevations. The proposed random arrangement of windows is acceptable as a modern interpretation of the less regular fenestration patterns of the rear elevations of Victorian tenements.

### Materials Palette

The prevailing materials within the Second New Town are natural sandstone, slate and timber and the palette is limited.

The specified materials palette is appropriate and suitably restrained in this context, using a blend of traditional and contemporary materials, including natural blonde sandstone, dark-grey aluminium and glass. A similar blend of materials has been used in other modern developments within the New Town Conservation Area, including those on the east side of Dundas Street. The dark-grey tone for the aluminium elements has been selected to ensure that the penthouse floor visually blends in with the historic slate roofs.

Whilst brick is not characteristic of the Georgian terraces and Victorian tenements within this area, the area between Fettes Row and Henderson Row was occupied by industrial buildings in the late 19th century, some of which were likely to have been constructed in brick, although there is no definitive photographic evidence. Red brick has been used in the 1980s redevelopment of the Silvermills area, so the use of buff coloured brick to tone in with the blonde sandstone street elevations of the proposed building is acceptable in this context. The specified brick is more likely to produce a higher quality finish than render and will break up the visual monotony and white tone of the neighbouring buildings to the rear which does not blend in with the grey-buff tones of the Second New Town.

The proposed brown roof will not be visible from street level, nor be highly conspicuous from elevated views. This is a suitable location to incorporate such a roof to assist with rainwater attenuation and encourage biodiversity, without it having a detrimental impact on the historic environment. The same applies to the arrays of photovoltaic panels to be installed on the flat roof in terms of minimal visual impact and environmental benefits.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

### Land Use

The proposed residential flats with commercial uses at ground and lower ground level are in keeping with the predominantly residential character and built form of the Second New Town and will contribute to the vitality of the conservation area.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

### **c) Principle of Development**

The site lies within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing. Compatibility with other policies is assessed elsewhere in this report.

The viable use of this site for large-scale office accommodation is rapidly approaching an end as there is now greater demand for office locations within the city centre where all public transport networks converge and there are key nodal locations which benefit from suitable infrastructure and scale.

The loss of the existing office use complies with Policy Emp 9 as the proposed residential development will contribute to the regeneration and improvement of the site and wider area and will not prejudice or inhibit the activities of any nearby employment use. While the site is smaller than one hectare and does not trigger the need for business floorspace, the proposed floorspace at ground and lower ground level is designed to provide for a range of business users.

Policy Ret 5 supports retail development in a Local Centre which can be satisfactorily integrated into the centre, is compatible, in terms of scale and type, with the character and function of the centre and makes a positive contribution to the shopping environment and appearance of the centre.

The proposed commercial units are integrated into the development at ground and lower ground level on Dundas Street and on the corner of Fettes Row, which is keeping with the established pattern of the centre in terms of retail below residential. The

extensive glazing of the units enclosed by modern interpretations of traditional shopfront piers will create active frontages which contribute to the character and vitality of the area. The proposed Class 2 (office) use would contribute to the appearance of the Local Centre in the same manner.

Policy Ret 11: Food and Drink Establishments presumes against the change of use to Class 3 if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents, or in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

There are café, restaurants and bars within this area, but not in any concentrated sense and Environmental Protection is satisfied that Class 3 use would not cause any significant disruption for residents, if taken up in any, or all, of the proposed commercial units.

The development is therefore acceptable in principle.

#### **d) Outstanding Universal Value of World Heritage Site**

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

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 site is on a prominent corner within the New Town Conservation Area and sits to the immediate north of the World Heritage Site boundary.

Edinburgh World Heritage Trust EWH identifies five overarching themes of the key qualities of the OUV and considers the two most likely to be affected are as follows:

- *'A Model City': the Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.*

The site is within the Second New Town developed in the earlier half of the 19th century, and its character is a continuation and development of the planning ideals established in the First New Town, including the grid-iron urban plan, aesthetic and spatial hierarchy of 'streets and storeys', consistent building lines and spatial character, architectural character informed by classical forms and ideals, residential use, separation of entrances from public realm over basement level and consistent/high quality materials.

• *'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents.*

Edinburgh's architectural form responds to the dynamic views and topography on approach/exit from the World Heritage Site, in a manner that reinforces the New Town planning ideals and character, including the stepping down of eaves levels in response to topographical slope, heights consistent with local character and the traditional forms of roofscapes which are more visible due to the topography.

EWH does not object to the principle of developing this site, on the basis that the existing buildings do not make a positive contribution to the OUV and supports the proposed building lines which reinforce local character. However, EWH considers that important elements of the design do not adequately respond to local character and, as a result, would disrupt the key qualities outlined above, causing harm to the OUV through insensitive development within its setting.

HES, in contrast, does not consider that the redevelopment would impact significantly on the OUV of the adjacent World Heritage Site, even although the proposed building is clearly more pronounced and visible than the existing 1980's development.

The revised scheme has addressed the specific areas of concerns raised by EHW to an adequate extent, despite EWH's continued concerns. A full assessment of these areas has been made in sections 3.3 a) and b), but in summary:

- while the top storey of the development remains in place, it has been set back further from the front building lines and refined with increased articulation which reinforces the local character of shallow, subservient, punctuated roofs;
- the chamfered window reveals on the Dundas Street elevation and increased rustication of the lower ground façade of the block further west on Fettes Row respond to local architectural quality by adding contextual and architectural depth to the elevations; and
- a further step down, albeit subtle, has been added to the height of the Fettes Row elevation after the corner block to respond to the hierarchies of secondary versus primary streets.

Entrances have not been added to the block wholly within Fettes Row, but the visual break in this façade and increased visual hierarchy of stonework added in the revised scheme will ensure that this elevation better reflects the historic terrace opposite.

The development will therefore have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

### **e) Sense of Place, Design and Sustainability**

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. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

### Sense of Place

The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development and uses within this Dundas Street block between Henderson Row and Fettes Row which comprises residential uses on the upper floors with active uses at street level.

### Design

The design concept seeks to address the different architectural conditions between Dundas Street and Fettes Row whilst at the same time creating an elegant building that compliments its surroundings at the edge of the Second New Town. Centrum House and the contemporary flats at 30-31 Fettes Row are the only parts of these streets that do not have a consistent building line or neo-classical influenced design. Whilst the proposed development cannot resolve all issues arising from the competing conditions surrounding the site, the building's key function of turning the corner from Dundas Street into Fettes Row in a way that is both elegant and sensitive to its context will be achieved.

The site's existing office use along with the deep setback from the Victorian building line creates a significant break in the otherwise unified building uses and frontages, so the proposed development will complete the block and restore the urban grain, creating active frontages at street level. The proposed building lines also provide the opportunity to improve the visual character of the rear of the site through the creation of green landscaping and this reflects the back gardens of the Second New Town.

Architecturally, the building volume is conceived as three separate forms with breaks on Fettes Row and Dundas Street. The style is contemporary and incorporates elements influenced by characteristic features of the adjacent Georgian terraces and Victorian tenements on Dundas Street and similar features to those of the modern development at 5-6 St Vincent Place which is contemporary and minimalist in style.

The importance of the development's setting within the townscape of the Second New Town has been recognised in the design and key views from the north and south, particularly with regard to the planned views up and down Dundas Street, have been considered in the proposed siting, massing, height, roof form, elevational treatment and materials. The result is a coherent and integrated design in terms of both close up and longer views.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle.

The site is in a central city location within a short distance of local bus stops and within easy walking distance of other modes of public transport, including tram and bus and

rail links. Also, secure off-street cycle parking will be provided to encourage active travel.

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. The containment of the proposed green landscaping to the rear of the building follows the established pattern of the area in which the streetscape is austere and private or communal gardens are either concealed to the rear of the terraces or contained within formal shared residents' gardens.

The proposed landscaping layout is designed to be in keeping with the historic context whilst, at the same time, be suited to the specific site conditions given that sunlight will be restricted within the north-facing rear gardens. The proposed sandstone paving within the private terraces on Fettes Row reflects the characteristic sandstone flagstones within the basement lightwells of the Second New Town and the hard and soft landscaping materials specified are suited in type and durability to damp and shaded conditions. Surface pavements will be porous to assist with rainwater attenuation and public safety. The proposed pergola, hedging, trees and sunken levels will provide shelter for users of the gardens.

## Density

LDP Policy Hou 4 states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

The proposed 48 units is comparable in terms of density to the recent flatted development at 120 Dundas Street which contains 24 flats. Although this is higher than that of the Victorian tenements in the block, such a density is acceptable in this urban environment which is close to the city centre. Also, the number of units proposed is linked to the viability of the scheme with an affordable element included, so a higher density than that of the historic tenements is acceptable in this context.

## Housing Mix and Sizes

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes where practical.

The flats for sale on the open market are predominantly two- and three-bedroom units with one four-bedroom unit. Eighteen of the units (38%) contain three or more bedrooms designed for growing families, which meets the requirements of the Edinburgh Design Guidance. The affordable units are two- and one-bedroom only, but this deviation from the required standards is acceptable in order to accommodate the required 25% affordable element within a viable scheme.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the units for open market sale and affordable flats all comply with these recommended minimum sizes, ranging from 53-57sqm for one-bedroom, 72-96sqm for two-bedroom and 115-220sqm for three-bedroom and above.

The number of single aspect dwellings make up 50% of the overall units and this complies with the criterion of the Edinburgh Design Guidance. Only 33% of the affordable units are dual aspect, but this is an acceptable compromise in order to fit the required level of on-site affordable housing, given the constraints of the site and relatively high built costs.

### Sustainability

LDP Policy Des 6 supports new development that meets the current carbon dioxide emissions reduction target, with at least half of this target met through the use of low and zero carbon generating technologies and incorporates other features that will reduce or minimise environmental resource use and impact.

Whilst the buildings are in reasonable structural condition, due to their age the mechanical and electrical systems are at the end of their service life and require replacement. If the buildings were to remain in office use, such a comprehensive refurbishment to meet modern occupational specification requirements would involve a considerable cost that could not be justified without a significant increase in the rental values which would render office use unviable in this location.

The conversion to residential use could be achieved, but not without considerable alteration and cost to meet current environmental standards. Also, the existing footprint would preclude high-quality amenity space with a disproportionate amount of open space to the front of the buildings.

The proposed development is appropriate in terms of use and in a sustainably accessible brownfield location. The replacement of the existing buildings which are poor in terms of current environment standards with a new structure conforming to current standards will contribute to climate change mitigation.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of low and zero carbon air source heat pump technology for heating and hot water for the residential properties and no fossil fuel use is proposed on site. In addition, roof mounted photovoltaic (PV) arrays will facilitate on-site electricity generation and the installation will serve the communal areas of the development with any excess energy generated being exported to the grid.

The proposal is a major development and has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including communal recycling and rainwater harvesting. A further sustainability measure will be the provision of dedicated recycling holding areas within the development in accordance with the requirements of the Edinburgh Design Guidance.

The proposal meets the current standards set out in the sustainability form.

### Flooding and 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 proposal includes permeable paving within the rear landscaping, a brown roof and storage tanks in the basement parking area.

As regards surface water management, there will be no increase in the volume of surface water discharged from the site as the existing footprint will not increase and Scottish Water has accepted this approach. Surface water will be discharged via gravity to a rainwater harvesting tank with an overflow connection to the public combined sewer on Henderson Place and foul water will be discharged to the combined sewer network. Scottish Water has confirmed that there is capacity in both Glencorse and Edinburgh PFI Water Treatment Works to service the development.

The proposals satisfy the Council's Flood Prevention requirements.

In conclusion, the development will create a sense of place, with its design based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area, in compliance with LDP Policy Des 1, Des 6, Des 3, Des 4, Des 6, Des 7 and Des 8.

#### **f) Archaeological Remains**

The site is within an area associated with medieval industry and farming, but it is highly likely that the construction of the 1980's office blocks removed any significant archaeology across the site, so the development will have no adverse impact on any important remains.

#### **g) Residential Amenity**

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

The proposed residential use and commercial uses are compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

#### Communal/Private Outdoor Space

Residents will have access to the communal landscaped garden at the rear which has seating and sheltered areas. In addition, some flats will have private gardens or terraces and others will have full-length windows with small balconies. Those living on the upper floors will enjoy views across the city and beyond.

Approximately 33% of the total site area will be provided as usable green space, exceeding the 20% target set out in LDP Policy Hou 3. The private rear gardens are approximately 2.6 metres deep, which is only marginally short of the 3-metre minimum specified in the Edinburgh Design Guidance. The site is also close to King George V Park opposite Royal Crescent and within easy walking/bus distance of the Royal Botanic Garden and Princes Street Gardens.

The commercial units will also have separate areas of external amenity space at lower ground floor level.

## Daylighting and Sunlight

A Daylight and Sunlight Report has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats. The daylighting levels will meet the requirement as set out in the Edinburgh Design Guidance within this urban context.

As regards the effect on the daylighting of the south-facing (gable) windows in 120 Dundas Street, daylight to gables and side windows is generally not protected under the standards set out in the Edinburgh Design Guidance. This building was constructed in 2009-10 to replace a 1980's office building and the design did not anticipate the possibility of the redevelopment of the Centrum House site in its inclusion of these windows.

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21).

As the site lies to the north of existing buildings on Dundas Street and Fettes Row, overshadowing is inevitable. This is illustrated by a solar study that has been carried out to the specifications set out in the Edinburgh Design Guidance. The study shows that the minimum standard for sunlight hours will not be met, although sunlight will reach certain areas of the rear terrace at the Spring Equinox. However, this level of sunlight for the new amenity areas is acceptable, given the proximity of the site to a public park and other outdoor amenity spaces.

## Privacy/Overlooking/Outlook

Only the windows in the south elevation of the new development (facing Fettes Row) will directly face the windows of neighbouring residences. Fettes Row is a relatively wide street and the separation distance between any directly facing windows will be approximately 23 metres.

There are no overlooking issues regarding the proposed raised terrace at the rear or rooftop terraces. The terminal wall of the proposed rear deck adjacent to the communal area of 120 Dundas Street is 2.2m high so this will provide adequate screening and no other existing residential amenity spaces are in sufficiently close proximity to be overlooked from the rear terrace.

As regards outlook for the residents of 120 Dundas Street with windows facing south, the proposed building will block the views directly south up Dundas Street. However, more limited views up Dundas Street will remain and these are corner windows that also provide eastwards views, so the only part of the immediate outlook will be obscured.

## Noise

The nearest residential properties are at 120 Dundas Street, 31 Fettes Row and 15 Henderson Place. A revised Noise Impact Assessment (NIA) has been submitted which recommends minimum wall and ceiling specifications for the commercial units and maximum plant noise levels to protect the amenity of the neighbouring residential properties and future occupiers of the development. The NIA also includes glazing

specifications to address road traffic noise which could affect residents within the new flats.

Environmental Protection recommends the application of conditions to ensure that these noise reduction measures are implemented and the specified noise levels are met. A specific issue is that the no suitable ventilation details or specific equipment has been proposed for commercial Unit C that would allow it to operate in Class 3 use without causing potential odour issues for residents. This is due to practical reasons of providing this level of detail at this stage. Conditions have therefore been applied in line with Environmental Protection's recommendations to address this specific issue and general noise/odour matters.

As regards noise generated from the proposed rooftop and rear terraces, noise can be generated at present from existing domestic and commercial external amenity spaces at present and planning legislation has no control over the behaviour of future occupiers of the development using these spaces.

### Ground Contamination

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

### Air Quality

The development site is near the city centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO<sub>2</sub> and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north.

Environmental Protection does not object to the application but considers that the development could have included further measuring to assist the Council in meeting its air quality management objectives, such as being car-free. However, the existing office with 35 dedicated car parking spaces is likely to generate more commuter trips by private car than car trips generated by future users of the proposed mainly residential development. The site is close to local services and the city centre commercial core and well served by local public transport, so many local journeys by private car will not be necessary. Also, 118 cycle parking spaces will be provided to encourage active travel. The provision of seven electric vehicle charging points within the basement car park is an additional measure to encourage the use of electric vehicles where car journeys are made. Environmental Protection recommends that every parking space should have a wall mounted socket and rapid charging points should be installed in the commercial parking areas. However, the number of charging points proposed meet the currently Councils parking standards.

In addition, the development proposes sustainable spatial and water heating systems which will assist with air quality management.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

## **h) Affordable Housing**

LDP Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

The applicant has engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution and has submitted an Affordable Housing Statement which proposes the delivery of 12 affordable homes on-site.

There will be a mix of eight one-bedroom flats and four two-bedroom flats within a contained stairwell. The homes will be close to regular public transport links and next to local amenities. The affordable homes will be tenure blind and fully integrated with the rest of the development.

All units in the original scheme had large floor areas which far exceeded the minimum space requirements in the Edinburgh Design Guidance. The construction cost per unit was high which limited the interest from Registered Social Landlords (RSLs) in delivering on-site affordable housing. The smaller units proposed in the revised scheme are more viable and better suited to RSL requirements and could be delivered.

Although the proposal will not deliver a representative mix, the revised proposal has been more attractive to RSLs. The applicant has engaged with an RSL who is interested in delivering the 12 units as mid-market rent. A letter of support has been submitted by the RSL which confirms that the proposed affordable units will make a positive addition to the provision of affordable housing in the area.

The applicant has submitted a cost plan for review which shows that the construction costs for the revised scheme will still be higher than for other residential schemes across the city because of site constraints and that the design and materials reflect the prominent location of the development within the New Town Conservation Area and adjacent to the World Heritage Site.

Initial discussion between the developer, the RSL and Housing Management and Development has indicated that the delivery of on-site affordable housing could still be viable based on the current cost plan. However, the use of commuted sums is likely to be required. This could be justified because of the opportunity to get affordable housing in a location this close to the city centre. The site is within the Inverleith ward but immediately adjacent to the City Centre ward.

Any alteration on the delivery of the on-site affordable units would require further planning approval based on the information available at that time.

The provision of 12 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement.

## **i) Road Safety and Infrastructure**

### Access and Traffic Generation

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal.

The vehicular access to the site remains as currently in place, which is a single vehicular access point from Henderson Place. The main existing pedestrian routes to the site are safe and there is level access into each proposed residential stair and commercial unit. The Roads Authority has requested the upgrading of the footway on the east side of Henderson Place to tie in with the existing concrete paved footway to the north-west of the site.

The Roads Authority concurs with the prediction that the development will generate eight and nine vehicle trips in the weekday morning and evening peaks respectively, representing an overall net reduction in vehicle trips in relation to the existing office use, which also provided more car parking spaces.

The site is in an accessible location within easy walking distance to a range of local services and the city centre amenities (approximately 0.5 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are adjacent to the site on the west side of Dundas Street and approximately 100 metres away on the opposite side of Dundas Street. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel.

### Parking

LDP Policy Tra 2 requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's parking standards contain no minimum levels for car parking and the proposed 32 spaces for this development is a reduction of over 30% in terms of the maximum number permissible in Zone 1. Included within this total number are three accessible spaces, one motorcycle space and seven electric vehicle spaces which complies with the minimum standards.

The Roads Authority has requested that the applicant contributes the sum of £7,000 towards the provision of one car club vehicle in the area in support of the Council's LTS Cars1 policy.

LDP Policy Tra 3 requires that cycle parking and storage within the development complies with Council guidance.

A total of 118 cycle parking spaces will be provided at basement level within defined secure spaces, in excess of the minimum requirement of 106 spaces.

## Waste/Serviceing

Waste will be collected via Henderson Place and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations. The Council's Waste Planning services supports the proposed waste and recycling strategy.

## Education Infrastructure

This site falls within Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

The proposed development is required to make a financial contribution of £39,200 towards the delivery of the identified education infrastructure actions and current delivery programme within this zone based on the established 'per house' and 'per flat' rates for the appropriate section. This sum is calculated on the basis of 40 proposed flats (excluding the 8 one-bedroom flats within the development).

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure. Informatives have been added requiring the conclusion of a legal agreement to secure the financial contributions identified above and recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

## **j) Trees and Biodiversity**

### Trees

LDP Policy Env 12 states that development will not be permitted if it is likely to have a damaging impact on these trees, unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The loss of the existing perimeter trees is unfortunate, but these are anomalies in the characteristic streetscape of the Second New Town where trees are not normally located in front of building elevations. A tree survey has been submitted that assesses the significance and condition of these nine trees. All are semi-mature, between six and eight metres high, Category C type and in poor condition. These trees, comprising seven Limes and two Elms, were planted as part of office development within retained structures below street level and have been subjected to major crown reduction from heavy pruning. The quality and longevity of these trees is limited.

Six small deciduous, ornamental trees will be planted within the rear terrace area. The species proposed are of appropriate scale and type to provide visual interest and shelter within this relatively shaded area without the capability of growing to height and spread where heavy pruning would be required.

## Biodiversity

The proposed soft landscaping contains a variety of low-level planting to suit the local environment and support biodiversity and the brown self-seeding roof will further enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates and birds. A condition has been applied to ensure that swift bricks are included on the rear elevation.

No bat survey was required given that there is virtually no likelihood of roosting bats on this site.

The loss of the existing trees is acceptable and the development will encourage local biodiversity.

## **k) Equalities and Human Rights**

The scheme provides accessible access to all uses within the development and there are internal lifts to access all floors. Three accessible parking spaces are provided within the basement car park.

## **l) Public Comments**

### Scheme 1

New Town and Broughton Community Council - objection comments.

#### 1. Proposed Building Line and 'Heritage' Discussion

The major concern raised by local residents at the outset of the pre-application consultation is with regard to the proposed bringing forward of the building line of the new development.

The current set-back building line has taken cognisance from various guidance in place in the 1980's that the adopted building line was intended to 'frame' the entrance to the Second New Town from the north. Whilst NTBCC fully understand and acknowledge that planning guidance may have evolved since the 1970/80s, there was clearly at some point, some logic based on a heritage assessment which supported that position.

NTBCC take the view that the more recent historic precedence as outlined above is both relevant and material and that it is unclear as to what was the definitive historical building line. It would appear that the applicant is being selective in choosing some historic street features to justify a significant increase in the new build footprint.

These points have been assessed in section 3.3 a) and b).

#### 2. Street Trees

NTBCC supports the views expressed by many local residents for retaining trees on the lower stretches of Dundas Street.

These points have been assessed in section 3.3 a), b) and j).

### 3. Residential Amenity (Daylight/Sunlight)

The proposal to bring forward the building line to the edge of the pavement will have a significant and negative impact on the amenity of residents in 120 Dundas Street. This proposal would significantly reduce the current amenity in terms of daylight and sunlight, essentially forming a recessed alcove for the outlook from main living rooms. NTBCC take the view that the proposed position of the building on the site is not in accordance with LDP Des 4.

The new development also blocks out the immediate outlook of the south-facing windows in 120 Dundas Street and this should be avoided.

These points have been assessed in section 3.3 g).

### 4. Proposed building height/massing

The proposed structure is large, oppressive and over-bearing which seems incongruous with the surrounding buildings both within and outwith the World Heritage Site.

These points have been assessed in section 3.3 a), b) and d).

### 5. Active Frontage

A set-back, tree-shaded terrace at the front of the building providing outside space for the proposed commercial (Class 3) units would be more successful in this regard than the current proposal and contribute to place-making.

This point has been assessed in section 3.3 e).

### New Town and Broughton Community Council - support comments

- the retention of the undercroft/basement parking provision;
- the re-instatement of basement wells along Fettes Row West;
- a residential-led development on this site and inclusion of affordable housing;
- integration of refuse and recycling storage into the design.

### Material Representations - Objection

#### Principle

- buildings should be retained - assessed in sections 3.3 b) and e)
- loss of employment space - assessed in section 3.3 c)
- oversupply of commercial units - assessed in section 3.3 c)
- impact on local amenities/services - assessed in section 3.3 i)

#### Historic Environment - assessed in sections 3.3 a), b) and d)

- no justification for building lines
- does not respect character of surrounding listed buildings
- does not preserve or enhance character of conservation area

- detrimental impact on World Heritage Site
- impact on views to and from historic assets

#### Environment

- more sustainable to retain existing buildings - assessed in section 3.3 b) and e)
- loss of trees - assessed in section 3.3 a), b) and j)

#### Amenity - assessed in section 3.3 g) and 3.3 i)

- negative impact on daylighting and overshadowing
- increased noise and disturbance, including from outdoor spaces
- loss of privacy and outlook
- pressure on existing waste/recycling facilities

#### Design - assessed in sections 3.3 a), b) and e)

- does not contribute to sense of place
- inappropriate building line, height and footprint
- bland, features and inappropriate modern architecture
- out of keeping with surrounding area

#### Transport - assessed in section 3.3 g) and i)

- increased traffic congestion and detrimental to road safety
- added pressure on existing on-street parking difficulties

#### Material Representations - Support

- welcome return to original street line
- clean, simple, appropriate architecture
- boost energy efficiency
- existing trees of limited environmental and aesthetic value

#### Material Representations - General

- swift bricks should be provided - addressed in section 3.3 j)

#### Non-Material Representations

- noise and disruption during construction works
- potential damage to property as a result of construction works
- decrease in property values
- developer profits
- timing of application submission
- lack of response from applicant during PAC process

### Scheme 2

#### New Town and Broughton Community Council

The proposed revisions do not, in our view, address the fundamental concerns raised by NTBCC and others with regards to the original scheme.

## Material Representations - Objection

### Principle

- buildings should be retained - assessed in sections 3.3 b) and e)
- impact on local amenities/services - assessed in section 3.3 i)

### Historic Environment - assessed in sections 3.3 a), b) and d)

- no justification for building lines
- does not respect character of surrounding listed buildings
- does not preserve or enhance character of conservation area
- detrimental impact on World Heritage Site
- impact on views to and from historic assets

### Environment

- more sustainable to retain existing buildings - assessed in section 3.3 b) and e)
- loss of trees - assessed in section 3.3 a), b) and j)

### Amenity - assessed in section 3.3 g) and 3.3 i)

- negative impact on daylighting and overshadowing
- increased noise and disturbance, including from outdoor spaces
- loss of privacy and outlook
- pressure on existing waste/recycling facilities

### Design - assessed in sections 3.3 a), b) and e)

- does not contribute to sense of place
- inappropriate building line, height and footprint
- bland, features and inappropriate modern architecture
- out of keeping with surrounding area

### Transport - assessed in section 3.3 g) and i)

- increased traffic congestion and detrimental to road safety
- added pressure on existing on-street parking difficulties

### Non-Material Representations

- potential damage to property as a result of construction works
- developer profits

## Conclusion

### Compliance with Listed Buildings and Conservation Areas Requirements

The historic assets within the area have been assessed against the relevant legislation, guidance and Local Development Plan (LDP) Policies.

Historic Environment Scotland does not object to the application and the character and setting of the listed buildings is preserved. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - Setting).

The special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

#### Compliance with Development Plan

The mix of uses are acceptable at this location and are supported by LDP policies Hou 1, Emp 9, Ret 5 and Ret 11.

The proposals will preserve the Outstanding Universal Value of the World Heritage site, is of appropriate, sustainable design and will contribute to a sense of place.

The impacts on the amenity of existing and future residents are acceptable, the development will have no adverse impact on road safety or infrastructure and the loss of trees is acceptable.

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. There are no other material considerations which outweigh this conclusion.

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

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

1. A detailed specification, including trade names where appropriate and sources, 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.

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.

### 3. Noise from Commercial Units (internal)

The minimum octave band noise reductions to be provided by the partitions (walls and floors) between the proposed commercial units and the closest proposed noise sensitive receptor at each octave band shall be incorporated within the development in accordance with the levels set out in Table 9, page 16 of the ITP Energised Noise Impact Assessment (dated 2 May 2021) prior to the uptake of the approved commercial uses on site.

Confirmation should be provided from a suitably qualified building engineer that the above sound insulation levels have been met.

### 4. Plant Noise

a) The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m<sup>3</sup>.

b) The maximum cumulative octave band noise levels from roof plant shall comply with the levels at 1 metre as set out in Table 14, page 19 of the ITP Energised Noise Impact Assessment (dated 2 May 2021).

These measures shall be implemented prior to the uptake of the residential use on site and confirmation from a suitably qualified building engineer should be provided to confirm that the above maximum cumulative plant specifications have been met.

### 5. Use Classes

Unit C shall be restricted to Class 1 or 2 only. If units A and/or B are taken up as a Class 3 then the following information should be provided and agreed with Planning in advance of the premises beginning operations:

#### Noise

A noise impact assessment should be provided which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level;

- i) inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the nearest residential property) and;
- ii) within the upstairs/adjacent residential properties with the window closed (for internal noise transference through the floor/wall) and;
- iii) all noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (including position and specification of silencers/attenuators, fan specifications including maximum noise levels).

#### Ventilation

In any case where Units A and/or B operate as a Class 3 premises, then the ventilation details as shown on drawing L(PL)058 and dated 2020 12 04 (including risers to roof through all floors) and drawing L(PL)059 and dated 2020 12 04 (including roof extraction area) shall be installed and operational prior to start of commercial operations on site.

Confirmation from a suitably qualified ventilation specialist which confirms the following shall also be provided:

- i) The system will be able to attain a minimum of 30 air changes per hour.
- ii) All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from Class 3) are all shown on a referenced and dated drawing.

All noise and ventilation measures specified within a noise impact assessment and on drawings shall be installed and operational prior to the start of commercial operations beginning on site and with written confirmation provided by a suitably qualified person that the above requirements have been achieved.

6. The electric vehicle parking spaces (as shown on drawing L(PL)051 and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. These points shall be installed and operational in full prior to the development being occupied.

7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

8. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In the interests of sustainable transport.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In order to safeguard protected species.

## **Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

### Affordable Housing

25% of the residential units to be of an agreed affordable tenure. The affordable housing within this development is intended to be delivered as mid-market rent. If there is a change to the intended tenure prior to the formation of the legal agreement the housing shall be delivered in accordance with the Council's affordable housing policy and guidance.

### Transport

- the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of one car club vehicles in the area in line with the Council's LTS Cars1 policy
- the upgrading of the footway on the east side of Henderson Place fronting the proposed development/existing car park to concrete pavement to tie in with the concrete paved footway to the immediate north, to the satisfaction of and at no cost to the Council.

### Education

1. The sum of £39,200 (£980 per unit - flats with two or more bedrooms only) towards education infrastructure for Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

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. a) 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;

- b) 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 [https://democracy.edinburgh.gov.uk/Data/TransportandEnvironmentcommittee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/TransportandEnvironmentcommittee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);
- c) 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.
- d) The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits; <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
- e) 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.

## **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 with Historic Environment Scotland and Edinburgh World Heritage. There was no input from the Edinburgh Urban Design Panel.

A public consultation event (PAC) in the form of a live online consultation forum took place on the project website on 28 October 2020 between 4.00pm and 8.00pm. The project website went live on 26 October 2020 and the PAC event was advertised in the Edinburgh Evening News on 20 October 2020. Over 650 leaflets were distributed within the local area advertising the event. Details of the event were sent to the following parties:

- City of Edinburgh Council
- New Town Broughton Community Council
- Ward Councillors Barrie, Mitchell, Whyte, Doran, Osler, Mowat and Rankin

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

The application was originally advertised on 18 September 2020 and further amendments were advertised on 31 March 2020. A total of 62 representations were received: 59 objections, one general comment and one 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](#)

## **Statutory Development**

### **Plan Provision**

The site is within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

### **Date registered**

16 December 2020

### **Drawing numbers/Scheme**

01,02B,03A,04A,05B-09B,10A,11,12,13A,14B,15B,16A,17-19,20A,,21A,22B.23,

Scheme 2

## **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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## **Links - Policies**

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### **Relevant Policies:**

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

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 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

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

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

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

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

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

### **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.

**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

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

**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.

### **Relevant Government Guidance on Historic Environment.**

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

# Appendix 1

## **Application for Planning Permission 20/05645/FUL At Centrum House, 108 - 114 Dundas Street, Edinburgh Proposed demolition of existing office buildings and erection of a mixed-use development comprising 48 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended).**

### **Consultations**

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#### **Historic Environment Scotland - Scheme 1**

*Centrum House, 108 to 114 Dundas Street, consists of two separate office buildings (originally planned as BUPA House and Sutherland House) constructed during the 1980s. The unlisted buildings are situated within the New Town Conservation Area, with the boundary of the Old and New Towns of Edinburgh World Heritage Site immediately adjacent to the south, running along the middle of Fettes Row. There are also some A listed buildings in the site's vicinity. We have commented on the conservation area consent for the buildings within a separate consultation.*

#### *Proposals*

*The site occupies a gap in the Georgian development of the New Town, long occupied by the Canonmills Haugh, and thereafter informally developed. Around 1900 an L-plan block of tenements were constructed to the north, and the site itself was occupied by industrial buildings. As previous buildings embraced the back of the Dundas Street pavement line, rather than being set-back behind an area-well like the Georgian tenements to the south, we have no concerns with the siting of the new building.*

*Development on Dundas Street steps down the hill quite distinctively. Looking at the form of the proposals, we wonder whether a taller pavilion corner element with stepped down development on Dundas Street to the north, and Fettes Row to the west, might have been a more successful approach to the corner site. We note this has been partly addressed by a change from masonry parapet to railings on Fettes Row, which might usefully be extended to Dundas Street.*

*We agree with the submitted Heritage Statement that the defining feature of the Georgian Dundas Street tenements are their eaves level, rather than roofs. With this in mind, we note the eaves of the proposed development is 2m less than the Georgian corner pavilion. It is unclear from the submitted information how the height relates to the existing Georgian housing opposite on Fettes Row, but would suggest its sheer stone facades are no taller than the listed buildings. To retain the definition of the eaves we would suggest the design of the set-back 'roof' element remains subsidiary and less visible. This may involve revisions to set it lower and/or back further.*

*The heritage statement welcomes the sandstone masonry (although historic buildings used a mixture of stone finishes and tooling rather than polished ashlar), and traditional rhythm of windows in the proposals, echoing the architectural character of the adjacent World Heritage site. We would suggest windows and doors are inset sufficiently within the masonry, and that further articulation/differentiation of the facades, to break up the scale and massing of what is a considerable redeveloped block, would be welcome.*

*The immediately adjacent listed buildings are primarily B listed, and we do not consider the development will impact on any of the A listed buildings in the vicinity, including St Stephen's Church, Royal Crescent and the tenements to the south on Dundas Street.*

*In conclusion, whilst the proposals are clearly more pronounced and visible than the existing 1980s development, we do not consider that the redevelopment would impact significantly on the OUV of the adjacent World Heritage site.*

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

### **New Town and Broughton Community Council - Scheme 1**

*The New Town & Broughton Community Council (NTBCC) note and appreciate the early contact by the planning consultant with the community council which resulted in a presentation at NTBCC's November meeting which was attended (virtually) by many residents from the local area. We also acknowledge the extension to the pre-application consultation period by the development team.*

*Following the submission of the full planning application in mid-December, there was a further discussion at NTBCC's January meeting where it was noted that despite clear feedback to the developers at the November NTBCC meeting, disappointment was expressed both by community councillors and residents that it appeared that few if any changes had been made to address the serious concerns raised. We note that the Planning Statement accompanying the application states that "The views and issues discussed have been taken into consideration when revising the scheme." - however, given the time that elapsed after PAN consultation closed (having been extended to 20 November) and the submission of the full planning application on 16 December, it seems unlikely that the opportunity existed for serious consideration was available for amending the proposal.*

*The development proposal for the FUL application includes the proposed demolition of existing office buildings (Centrum House & BUPA House) and the erection of a mixed-use development comprising 44 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, retention of basement level car and cycle parking and other associated infrastructure.*

*The development site sits within the New Town Conservation Area (NTCA) and adjacent (but just outside) the northern boundary of the Edinburgh World Heritage site. We also note that it is stated in the Planning Statement that pre-application views had been sought both from Historic Environment Scotland (HES) and Edinburgh World Heritage (EWH); as well as from Edinburgh Council.*

*Section 5 of the Planning Statement notes the pre-application advice as received from CEC;*

*"The proposals will contribute to a sense of place by emphasising the predominantly residential character of the surrounding area, providing active uses at street level, helping to improve the vitality of the streetscape. "*

*"The visual character of the rear of the site will also be improved by the addition of green landscaping. The proposed material palette is in keeping with the adjacent historic and more recent developments."*

*With respect to the specifics of the proposal, we would make the following comments:*

#### *1. Proposed Building Line and 'Heritage' Discussion*

*By far the major concern raised by local residents at the outset of the pre-application consultation is in regard to the proposed bringing forward of the building line of the new development. The applicant has provided significant detail in terms of justification for this change by consideration of the historic 'georgian' building line on Dundas Street south of Fettes Row but also referring the (so-called) 'victorian' building line as exists on the western side of the lower stretch of Dundas Street approaching Henderson Row. Furthermore, it has been suggested that adopting the 'victorian' building line has the support of both EWH and HES. We cannot confirm that this is the case and whilst accepting that both of these heritage organisations have considerable expertise in heritage matters, NTBCC does not accord with this view.*

*From the outset, NTBCC's view, in line with the majority of residents' views (certainly those of which we were aware) was that the current set-back building line (as exhibited by the development of the existing buildings on the application site had taken cognisance from various guidance in place in the 1980's that the adopted building line was intended to 'frame' the entrance to the 2nd New Town from the north. This position is further strengthened by the discussion within the applicant's Heritage Statement (section 10.5, page 31) concerning aspects of the redevelopment in 2009 / 10 of 120 Dundas Street, it states :*

*"No. 120 Dundas Street, a mixed commercial and residential unit, was constructed in 2009-10 to replace a 1980s office building. The new contextual design takes the building line of the adjoining Victorian tenements."*

*However, it also acknowledges "However, the design did not anticipate the possibility of redevelopment of BUPA House, and the continuation of windows onto the south-facing elevations creates a number of practical issues."*

*We have been made aware of an investigation of the available planning documents for the original development of both BUPA House & Centrum House. As far as we are able to ascertain :*

- The redevelopment of 108 - 114 Dundas Street in the late 1970's was consented under planning application 1772/79 (granted on 5 September 1979).
- 116 Dundas Street (current BUPA House building) was granted 23/1/80 - under planning applications 1001/79 and associated LB/1447/79. The documentation for this determination indicates that there were concerns about the proposed building line at that time, which led to the planning application for that building to be contingent on the decision for planning application 1772/79 (i.e. subject to the proposed building adjoining at 108 - 114 Dundas Street and corner of Fettes Row West).

At the time that these applications were being considered, this section of Dundas Street was subject to the guidelines set in the 'Canonmills/Silvermills Master Plan and Study'. Furthermore, there were other references to the 'Canonmills / Silvermills Master Plan and Study' are clearly stated in a number of planning applications around that period.

Specifically condition 3) in the consent decision for planning applications 1001/79 and associated LB/1447/79 states that : "the front building line shall be 20.7m (68ft) from the centre line of Dundas Street". NTBCC therefore conclude, consistent with the recollection of various long-term residents on Fettes Row that this guidance also resulted in the current symmetry with the building line on the other side (eastern) of Dundas Street - namely the current ex-RBS offices and Data Centre.

This position is further strengthened by comments included in the determination of the planning application for the predecessor to the current building at 120 Dundas Street (or as stated at the time, known as 118-120 Dundas Street which was granted consent in November 1986 (as covered by applications 459/86 and 655/86).

The planning report for 459/86 & 655/86 states that:

"The building was designed to provide a satisfactory link between BUPA House (116 Dundas Street) and the tenement to the north."

BUPA who occupied 116 Dundas Street at that time were concerned that these proposals would prejudice their ability to develop the area in front of their offices in the future. However, the comments from the Planning Director stated "The area to the front of BUPA House is not intended for development - would infringe the guidelines in the Canonmills/Silvermills Study."

Whilst NTBCC fully understand and acknowledge that Planning Guidance may have evolved since the 1970-80s, and the guidance as set out the 'Canonmills / Silvermills Master Plan' may well have been superseded (although we can find no reference to that being the case), there was clearly at some point, some logic based on a heritage assessment which supported that position.

It is also interesting to note that the current 120 Dundas Street building (06/00946/FUL) includes a set-back south-eastern corner with windows across most if not all storeys as well as a recessed penthouse level with windows facing to the south.

NTBCC take the view that the more recent historic precedence as outlined above is both relevant and material - perhaps more so - than the context outlines in the Heritage Statement, especially covering the lower ('Victorian') stretches of Dundas Street - as described in the Heritage Statement as a "the medley of shops and industrial premises

*(that) remained at the southern end of the block facing Pitt/Dundas Street and Fettes Row West.*

*We would also note that a further justification being advanced for the advancement of the building line is to be consistent with the current plans for redevelopment of the eastern side of Dundas Street in which the building line is proposed to be brought forwards. This is an undetermined application (at least currently) and hence should have no relevance in the determination of 20/05645/FUL.*

*Concluding, the planning application as submitted appears to accept that the historical form of the street was very mixed and that it is unclear as to what the definitive historical 'line' was. The applicant conveniently states that this proposal is consistent with the tenements to the north (and in Henderson Row (which being a completely different street is perhaps not relevant). To the lay observer, most if not all other buildings in the neighbourhood are set back from the street; the 'victorian' tenements could be seen as the anomaly. It would appear that the applicant is being selective in choosing some historic street features to justify a significant increase in the new build footprint but there are other aspects which appear relevant but which are not referenced.*

## *2. Street Trees*

*The applicant states that 'street trees' are not a feature of the New Town which we acknowledge, may well have been the case in its original inception.*

*The applicant also states that 'There are no trees, hedges, boundary walls, railings, paving or other features on site which contribute positively to the character of the area. The existing trees on the Dundas Street frontage are incongruous and make a neutral contribution.'*

*NTBCC do not support this view. The trees in front of 108-116 Dundas St have been a major feature of this part of the New Town for some 40 years and they are seen as a natural break in the local landscape and serve to frame the entrance from the north into the 2nd New Town and World Heritage site. We also understand in 2006, the Council's officers report on application 05/04303/FUL (113 Dundas Street) stated that 'retention of the planted areas will soften the approaches to the building. The proposals are acceptable and preserve the character and appearance of the conservation area.' It is also worth stating that there is growing acceptance from heritage bodies following pressure from the Council that the George Street & First New Town project considers the introduction of street trees along George Street - one of the prime architectural jewels within Edinburgh. If trees are to be considered acceptable there then retention of trees on Dundas Street would seem more than acceptable and consistent with the Council's proposed approach on George Street.*

*Setting aside the heritage considerations, there is also growing support from many bodies for considering more (not less) street trees in an urban environment for a variety of reasons.*

*NTBCC supports the views expressed by many local residents for retaining trees on the lower stretches of Dundas Street.*

### *3. Residential Amenity (Daylight/Sunlight)*

*The proposal to bring forward the building line to the edge of the pavement will have a significant and negative impact on the amenity of residents in 120 Dundas Street. The current building, approved in the early 2000's includes a set-back on the south-eastern corner complete with windows set back from the main building frontage, some south-facing. It is therefore surprising that the current application would significantly reduce the current amenity in terms of daylight and sunlight - essentially forming a recessed alcove for the outlook from main living rooms.*

*The Planning Statement (referencing the Daylight and Sunlight Analysis submitted in support of this application) justifies the proposal by stating that 'the proposed development will not result in a negative impact on the daylighting and privacy to neighbouring properties. 'Furthermore, it then states that 'specifically, the proposals will have a negligible impact on the daylight availability at 120 Dundas Street, with each room retaining a sky view. The living room at Level 8 of 120 Dundas Street will also retain adequate access to sunlight. '*

*We are unclear as to what exactly is meant by 'retaining a sky view' as we are unaware of that terminology and it is not defined in the stagewise assessment for daylighting / sun-lighting compliance in the recently lodged Rybka report. It is also stated that 'the proposed development will integrate with its surroundings without detrimental impacts on adjacent buildings' - NTBCC take the view that this is not in accordance with LDP Des 4 but is contrary to that policy, due to the proposed 'position of the building(s)"on the site' - LDP Des 4 section c).*

*We are unclear why the building line cannot be stepped back somewhat from the 'victorian' building as defined previously to safeguard the current amenity of residents in 120 Dundas Street such that the positioning is more aligned with the current building footprint.*

*We would also highlight a relevant section within the non-statutory (but still a material consideration) in the Edinburgh Design Guidance (EDG). The Edinburgh Design Guidance should supplement and reinforce LDP policies.*

*The EDG states under 'Privacy & Outlook' (page 82) that :*

*'Though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. Unless there are exceptional circumstances, this means that new development that blocks out the immediate outlook of an existing dwelling must be avoided.'*

*NTBCC's view is that is exactly what is being proposed here and therefore should be avoided.*

### *4. Proposed building height / massing*

*We note Historic Environment Scotland's comments that the defining feature of the Georgian Dundas Street tenements to the south are their eaves level, rather than roofs and that to retain the definition of the eaves in the new proposed building, HES make the suggestion that the set-back 'roof' element should remain subsidiary and less visible and that this may involve revisions to set it lower and/or back further.*

*However, we are somewhat surprised that this is the only comment relating to the proposed height and breadth of the proposed building. Whilst we acknowledge that the architects have taken time to address the detailing on the new proposal, the visualisations accompanying the application in our view, show a large, oppressive and over-bearing building which seems incongruous with the surrounding buildings both within the WHS and outwith.*

*In combination with the increased height, the effect is to make this modern and uninteresting building more prominent than the buildings on Dundas St and Fettes Row.*

#### **5. Active Frontage**

*The application has much discussion on the aspiration for the proposed redevelopment to contribute to a sense of place by providing active uses at street level, helping to improve the vitality of the streetscape. Whilst we would not argue that the current building is particularly successful in this regard, we could envisage that a set-back, tree-shaded terrace at the front of the building - providing outside space for the proposed commercial (Class 3) units would be more successful in this regard than the current proposal and contribute to place-making .*

*Overall, NTBCC take the view that if ensuring that any new development contributes to a sense of place, then there are other options that could and should be explored.*

*NTBCC would acknowledge that there are aspects of the proposal which we would broadly support.*

- The proposal to retain the undercroft / basement parking provision within the development given the topography of the site. It is difficult to see how the space being proposed for this (essentially 2 storeys below Dundas Street level) could be utilised more effectively.*
- The proposal for the re-instatement of basement wells along Fettes Row West, consistent with the buildings to the west, providing these lower ground floor flats at Fettes Row will have access to private courtyards at the front, consistent with the pattern of the neighbouring Georgian buildings. However, we are less sure as to the true benefit of these flats having access to private rear gardens - approximately 2.6 metres deep and either north facing or shielded by the 6 - 7 storey building.*
- Although redevelopment of this site would result in a loss of local employment opportunities afforded by the current offices, we do not object to a residential-led development on this site & the inclusion of affordable housing onsite. In the wider context, the redevelopment of the adjacent site on the eastern side of Dundas Street is currently proposing the retention of some Class 4 usage.*
- Integration of refuse and recycling storage into the design of the development. Although outwith the responsibility of the applicant, we would also note in this regard that the visualisations do not appear to show the cluster of refuse, recycling and DMR bins at the corner of Fettes Row West / Dundas Street. If the planning officer is minded to grant this application then relocation of these would seem to be advisable at some point.*

#### **Summary**

*Whilst NTBCC's preference would be to retain and repurpose the existing buildings, we could accept an application for a housing-led development on this site but would hope*

*that the proposal responded appropriately to the important constraints on this sensitive site.*

*Given the many concerns highlighted, we cannot support the proposals as presented for this site and therefore we would wish to formally register our objection.*

## **New Town and Broughton Community Council - Scheme 2**

*The New Town & Broughton Community Council (NTBCC) submitted an objection to the initial application, raising a variety of concerns reflecting those voiced to the community council from the various discussions at our monthly meetings but also including issues raised directly with NTBCC by local residents' groups.*

*As stated in NTBCC's original representation, broadly our concerns included :*

- Stepping out of the building line and 'heritage' aspects;*
- Retention of the trees fronting Dundas Street;*
- Amenity (Daylight / Sunlight impact) on adjacent residents;*
- Building height / massing ;*
- Success of achieving an "active" frontage*

*The proposed revisions that have now been put forward to the original scheme following "Detailed post-submission feedback having been received regarding the proposed design from CEC, Edinburgh World Heritage, Historic Environment Scotland, and members of the public" are, at best nuanced changes but they do not, in our view, address the fundamental concerns raised by NTBCC & others.*

*This view is reinforced by further discussions with the Cockburn Association who also had expressed concerns with the original proposal.*

*As far as we can ascertain, the proposed changes to the original scheme, as summarised from the revised Planning Statement Addendum Section 4 (as lodged on the 23rd March) are :*

- 1. Visual prominence of the roof - addressed by stepping back of the top storey along Fettes Row by ~1 metre "to create a more subservient roof element. In addition, the top storey massing has been split into different elements, taking account of the rhythm of chimney stacks along Dundas Street.*
- 2. Lack of a stepped profile on Dundas Street - addressed by pushing back of the top storey of the north-most block by 0.5 metres & other minor changes.*
- 3. The 'full floating' ground floor - addressed by bringing the sandstone down to ground with pilaster elements, helping to visually support and balance the southern block.*
- 4. Overall massing of the building - the façade has been split on the Fettes Row elevation with a recessed metal shadow gap to break up the regularity of the residential frontage.*
- 5. Additional detailing now included, such as sawtooth chamfers at the windows and rusticated tooling at the lower-level facades & inclusion of vertical aluminium cassette panelling to the side of windows to differentiate the elevation treatment of the northern block.*

*The majority of these proposed changes would seem to be addressing concerns raised in part by HES & in part, EWHT, but, whilst mostly welcome in themselves, do not address the major points raised both by NTBCC and others to the original proposal.*

## Summary

*Despite welcoming most of the relatively minor changes as summarised above, NTBCC's preference is unchanged - we continue to support retention and repurposing of the existing buildings rather than the proposed demolition and redevelopment on an expanded footprint as proposed. We can accept an application for a housing-led development on this site but continue to hope that any proposal brought forwards better respond to the important constraints on this sensitive site and more importantly, reflects concerns as raised by residents adjacent to the proposed site.*

*Given the concerns highlighted in our original representation and despite the mostly welcome changes brought forwards in the revised proposal, our stance remains opposed to the revised plans that have been brought forwards. NTBCC cannot support the revised proposals for this site and therefore we would retain our objection.*

## Edinburgh World Heritage - Scheme 1

*The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city's overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.*

### OUTSTANDING UNIVERSAL VALUE

*The proposal site is broadly characterised by its 20th century development and character. It is not considered to make a positive contribution to the overall OUV of the World Heritage Site, nor the contribution to OUV made by associated heritage assets such as the New Town Conservation Area, the New Town Gardens registered landscape and individual Listed Buildings. As the site lies to the immediate north of the WHS boundary, there is potential for the development to impact upon OUV through development within its setting, and this section outlines those OUV elements of principal consideration in this case.*

*The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here. Edinburgh World Heritage has broken this down into 5 overarching qualities which can be found on our website. Due to the nature and location of the proposed development, the following elements of World Heritage Site's Outstanding Universal Value are most likely to be affected.*

*'A Model City': The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.*

*- The site sits within the 'Second' or 'North' New Town developed in the earlier half of the 19th century, and its character is a continuation and development of the planning*

*ideals established in the First New Town. The characteristics associated with this make a positive contribution to OUV.*

*- Key characteristics relevant to this application include; the grid-iron urban plan, aesthetic and spatial hierarchy of 'streets and storeys', consistent building lines and spatial character, architectural character informed by classical forms and ideals, residential use, separation of entrances from public realm over basement level and consistent/high quality materials.*

*'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents.*

*- Edinburgh's architectural form responds to the dynamic views and topography on approach/exit from the World Heritage Site, in a manner that reinforces the New Town planning ideals and character*

*- Key characteristics relevant to this application include the stepping down of eaves levels in response to topographical slope, heights consistent with local character and the traditional forms of roofscapes which are more visible due to the topography. The dynamic views along Hanover Street/Queens Street Gardens East/Dundas Street are particularly notable in this case.*

#### **IMPACT ON OUTSTANDING UNIVERSAL VALUE**

*Given that the existing buildings on site do not make a positive contribution to OUV, the principle of developing this site would not have an adverse impact on the World Heritage Site. However, this is subject to a design which conserves and reinforces the OUV and attributes identified in the preceding section.*

*It is clear that some effort has been made to reinforce local character in the proposed designs - for example in the slightly stepped eaves level and building lines which reflect historic townscape and topography patterns to some degree. However, important elements of the design do not adequately respond to local character. As a result, the proposal would disrupt the attributes outlined above and cause harm to the OUV of the World Heritage Site through insensitive development within its setting.*

*This impact could be addressed by the following amendments, in order of importance. We note that these could take a traditional form, or a legible and creative interpretation of historic features:*

*- Removal of the top storey of the development and introduce a roofscape design which reinforces local character*

*- Respond to local architectural quality by adding contextual and architectural depth to elevations as seen in surrounding historic buildings*

*- Add contextual architectural embellishment and, where possible, entrances to the 'upper ground' floor level on the Fettes Row elevation to respond to local character (e.g. see 13-24 Fettes Row)*

*- Further step down the height of the Fettes Row elevation after the corner block to respond to local heights and hierarchies of secondary vs primary streets*

*- Seek opportunities to reduce the commercial area in favour of high-quality residential space*

*Overall, we consider that the proposals in their current form would cause harm to the OUV of the World Heritage Site. There are, however, measures that could be taken to considerably reduce this level of harm as outlined above.*

## **RELEVANT POLICY & LEGISLATION**

*In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):*

- Duty to protect, conserve and present OUV for future generations (UNESCO)*
- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)*
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)*
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)*
- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)*

## **RESULTANT POSITION**

*We consider that the proposals would cause harm to the OUV of the World Heritage Site. In line with the legislation and policy cited above, we therefore cannot support the proposals in their current form.*

*We do, however, consider that with further design development in line with our advice above and that of expert heritage advice within the Council, the impact could be considerably reduced to address these concerns appropriately. The redevelopment of the site, if done appropriately, has the potential to add a layer of interest to Edinburgh's rich architectural legacy.*

## **Edinburgh World Heritage - Scheme 2**

*The below should be read in conjunction with our letter of 5th February 2021, which sets out the context of our position more fully. As always, our principal remit is with respect to impact on the overall Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'), which is reflected in the scope and content of our comments.*

*Our previous response advised that amendments were made to the proposed intervention to address the harmful impact the proposal would have on the OUV of the World Heritage Site through development within its setting. Namely:*

- Removal of the top storey of the development and introduce a roofscape design which reinforces local character*

- Respond to local architectural quality by adding contextual and architectural depth to elevations as seen in surrounding historic buildings
- Add contextual architectural embellishment and, where possible, entrances to the 'upper ground' floor level on the Fettes Row elevation to respond to local character (e.g. see 13-24 Fettes Row)
- Further step down the height of the Fettes Row elevation after the corner block to respond to local heights and hierarchies of secondary vs primary streets
- Seek opportunities to reduce the commercial area in favour of high-quality residential space

*Whilst some amendments have been made, the key elements of the above have not been substantively addressed, and the comments in our previous advice letter stand. We consider that the proposals would cause harm to the OUV of the World Heritage Site and therefore cannot support the proposals in their current form in line with relevant legislation and planning policy. With further design development in line with our advice above and that of expert heritage advice within the Council, the impact could be considerably reduced to address these concerns appropriately. The redevelopment of the site, if done sensitively, has the potential to add a layer of interest to Edinburgh's rich architectural legacy.*

### **Archaeology - Scheme 1**

*Although occurring with Edinburgh's New Town and within an area associated with medieval industry and farming, the construction of the 1980's office blocks making up Centrum House has almost certainly removed any significant archaeology across the site. Therefore, it has been concluded that in this instance there are no known, significant, archaeological implications regarding these linked applications.*

### **Environmental Protection - Scheme 2**

*Environmental Protection does not object to the application.*

#### *Air Quality*

*The application proposes basement level car parking with 32 car parking spaces proposed. The site is extremely well served by local public transport options with the city centre being in walking distance of the proposed site. The site is on the outskirts of the City Centre Air Quality Management Area (AQMA) and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north. It is therefore justifiable to expect the developer to significantly reduce the car parking on site, provide a car free development or increase the level of mitigation proposed to reduce pollution from the car parking that is proposed. The applicant advises that the existing site has 35 car parking spaces and so this application reduces the spaces by 3. The application proposes little in the way of mitigation measures which will reduce the impacts of the proposed 32 car parking spaces except for 7 electric vehicle charging points. Environmental Protection is of the opinion that a car free development could have been proposed in this central Edinburgh, built up position.*

*Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air*

quality is capable of being a material planning consideration for applications that are adjacent to an AQMA as this application site is. Whilst this site meets the basic requirements of the parking standards and parking space policies, Environmental Protection is disappointed that more has not been done to assist the Council in meeting its key environmental aspirations and further reducing air pollution.

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in or adjacent to AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken).

AQMAs have been declared at five areas in Edinburgh - City Centre, St. John's Road (Corstorphine), Great Junction Street (Leith) Glasgow Road (A8) at Ratho Station and Inverleith Row / Ferry Road. Breaches of air quality standards in the city's AQMAs are largely due to road congestion. The Council's Air Quality Action Plan contains a range of measures to reduce emissions both within these areas and beyond.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the Action Plan as well as the second Edinburgh Local Development Plan (LPD). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority and continued investment in public transport, walking and cycling are central tenets of the City of Edinburgh Council's Local Transport Strategy 2014-19. In the opinion of Environmental Protection, this development could go much further in assisting the Council meet its objectives.

Reducing the impact of the car will create more sustainable, attractive places to live and will help to address congestion, air pollution and noise. The type, location, and quantity of car parking in new developments should be informed by the positive characteristics of the place and its accessibility by foot and bicycle to amenities and services, including public transport. Sites which are within highly accessible locations close to amenities such as within the city centre or town centres will require less, or in some cases zero, car parking provision. The application site is very well located with regards the above.

The applicant is aware that there are requirements stipulated in the Edinburgh Design Guidance which must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease. The applicant has therefore included 7 electric vehicle charging points which complies with standards, but for this central site is viewed as minimal.

The application does provide some sustainable spatial and water heating measures which is commendable and not using fossil fuels as an energy source is supported. Such measures are to include air source heat pump (electric) solution for heating (space/domestic hot water) for the residential properties. There is also provision for a roof mounted photovoltaic (PV) installation to facilitate onsite electricity generation.

## Noise

*A noise impact assessment has been provided in support of the application which recommends minimum wall and ceiling specifications for the commercial units, maximum plant noise levels and glazing specifications to address road traffic noise.*

*Minimum wall and floor/ceiling specifications have been recommended to ensure that noise from the commercial units will be inaudible within the adjacent residential properties. Maximum plant noise specifications have also been provided to ensure that noise is within the requirements of this team. In addition, noise from road traffic will be addressed by way of standard building regulation glazing specifications. Conditions are recommended below in this regard.*

## Commercial Units

*The application proposes 3 commercial units (A, B & C) and advise that the units will be either Class 1, 2 or 3. The agent has also specified that units A and B will have a flue for the potential future use as a Class 3 premises. Unit C does not include the potential for a ventilation flue so cannot operate as Class 3. Environmental Protection has requested that the agent for the application provide suitable ventilation details or specify equipment proposed within the premises however much of the detail has been impractical to provide at this stage. Therefore, should units A and B be taken up and operated as Class 3 then it is recommended that the operator provide the information Environmental Protection would require to see at that stage. This includes a noise impact assessment which outlines the noise mitigation required and which confirms that noise from it will be within NR25 within nearby residential properties. In addition, the details of the ventilation will also be required to ensure odours do not impact upon the amenity of surrounding residential properties by way of odour. A condition is recommended below in this regard.*

## Site Contamination

*A condition is recommended below which requires the applicant to ensure that any areas of contamination on the site are remediated and the site is made safe for the proposed end use.*

## Conclusion

*With regards to air quality, Environmental Protection would like to have seen more mitigation measures provided within the application and feel it is justified that the developer be asked to do this as the site is very central, has excellent public transport and walking links and is adjacent to an AQMA. However, on balance, as the developer has included other measures (e.g. no gas, PV, air source heat pumps) which assist in reducing the background NO2 levels, Environmental Protection will not object to the application on air quality grounds.*

*A basic level of noise and cooking odour ventilation measures have been included within the development at this stage to allow the 3 commercial units to operate as Class 1 or 2 in the future. In addition, the application has included an appropriate level of separating wall and floor sound insulation and risers for cooking ventilation flues to*

*allow for the possibility of Units A and B to operate as Class 3 premises if required in the future. However, as limited information has been provided in terms of ventilation and associated noise, conditions have been recommended to ensure that further information is provided should Class 3 cooking ventilation systems be utilised within units A and/or B in the future to ensure that noise and odours do not impact upon the amenity of surrounding residential properties. The required additional information has been outlined within conditions below.*

*Therefore, Environmental Protection does not object to the application subject to the following conditions:*

#### *Conditions*

##### *Noise from Commercial Units (internal)*

*1. The following minimum octave band noise reductions to be provided by the partitions (walls and floors) between the proposed commercial units and the closest proposed noise sensitive receptor at each octave band should be incorporated within the development:*

*Confirmation should be provided from a suitably qualified building engineer that the above sound insulation levels have been met.*

##### *Plant Noise*

*2. The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m<sup>3</sup>.*

*3. The maximum cumulative octave band noise levels from roof plant should comply with the following as measured at 1 metre:*

*Confirmation from a suitably qualified building engineer should be provided to confirm that the above maximum cumulative plant specifications have been met.*

##### *Class Uses*

*4. Units A and B should be restricted to Class Uses 1, 2 or 3 (based on suitable ventilation information provided) only. Unit C should be restricted to Class 1 or 2 only. If units A and/or B are taken up as a Class 3 then the following information should be provided and agreed with Planning in advance of the premises beginning operations:*

##### *Noise*

*A noise impact assessment should be provided which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level;*

*a. inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the nearest residential property) and;*

*b. within the upstairs/adjacent residential properties with the window closed (for internal noise transference through the floor/wall) and;*

*c. all noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (including position and*

specification of silencers/attenuators, fan specifications including maximum noise levels).

### **Ventilation**

*In any case where Units A and/or B operate as a Class 3 premises, then the ventilation details as shown on drawing L(PL)058 and dated 2020 12 04 (including risers to roof through all floors) and drawing L(PL)059 and dated 2020 12 04 (including roof extraction area) should be installed and operational prior to start of operations on site. Confirmation from a suitably qualified ventilation specialist which confirms the following should also be provided:*

- a. The system will be able to attain a minimum of 30 air changes per hour.*
- b. All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from Class 3) are all shown on a referenced and dated drawing.*

*All noise and ventilation measures specified within a noise impact assessment and on drawings should be installed and operational prior to the start of operations beginning on site with written confirmation provided by a suitably qualified person that the above requirements have been achieved.*

### **Site Contamination**

*5. 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.*

*6. The electric vehicle parking spaces (as shown on drawing L(PL)051 and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.*

### **Affordable Housing - Scheme 2**

*Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

*- 25% of the total number of units proposed should be affordable housing.*

- The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:  
<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

## 2. Affordable Housing Provision

*This application is for a development consisting of 50 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (12) homes of approved affordable tenures. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

*The applicant has submitted an Affordable Housing Statement which proposes the delivery of 12 affordable homes on-site. Housing Management and Development is supportive of the proposal as it will help to address local housing needs by delivering on-site affordable homes in a prominent location close to the city centre.*

*There will be a mix of eight one-bedroom flats and four two-bedroom flats within a contained stairwell. The homes will be close to regular public transport links and next to local amenities. The affordable homes will be tenure blind and fully integrated with the rest of the development.*

*The original scheme has been amended from 44 units to 50 units in total. All units in the initial scheme had large floor areas which far exceeded the minimum space requirements in the Edinburgh Design Guidance. The construction cost per unit was high which limited the interest from Registered Social Landlords (RSLs) in delivering on-site affordable housing.*

*Housing Management and Development asked the applicant to review the floor plans to see if more, but smaller units that would be more viable and better suited to RSLs could be delivered. The applicant developed a revised scheme which proposes 12 smaller flats within a contained stairwell for delivery as affordable housing. It should be noted that all the units continue to meet the minimum internal floor areas set out in the Edinburgh Design Guidance. The revised proposal will deliver one more affordable housing unit than would have been required for the initial scheme (12 affordable units rather than 11).*

*Although the proposal will not deliver a representative mix, the revised proposal has been more attractive to RSLs. The applicant has engaged with an RSL who is interested in delivering the 12 units as mid-market rent. A letter of support has been submitted by the RSL which confirms that the proposed affordable units will make a positive addition to the provision of affordable housing in the area. The detailed design of the affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the RSL to achieve this.*

*The applicant has submitted a cost plan for review which shows that the construction costs for the revised scheme will still be higher than for other residential schemes across the city because of site constraints and that the design and materials reflect the prominent location of the development within the New Town Conservation Area and adjacent to the World Heritage Site.*

*Initial discussion between the developer, the RSL and Housing Management and Development has indicated that the delivery of on-site affordable housing could still be viable based on the current cost plan. However, the use of commuted sums is likely to be required. This could be justified because of the opportunity to get affordable housing in a location this close to the city centre. The site is within the Inverleith ward but immediately adjacent to the City Centre ward.*

*It should be noted that the RSL and applicant is yet to agree a price for the affordable units. This is partly because the scheme is unlikely to be delivered for a few years (potentially 2024) and costs and sales prices could change. Further engagement on this issue will therefore be required, taking account of the need for the scheme as a whole to be viable for the developer.*

*If future agreement on the delivery of the on-site affordable units cannot be reached, any subsequent proposal to pay a commuted sum in lieu of on-site delivery would require further planning approval based on the information available at that time.*

### **3. Summary**

*The applicant has proposed to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. Housing Management and Development is supportive of the proposal as it will help to address local housing needs by delivering on-site affordable homes in a prominent location close to the city centre.*

*The applicant has engaged with an RSL and amended the original scheme to propose 12 on-site affordable homes, comprised of 8 one-bedroom flats and 4 two-bedroom flats for mid-market rent. The homes will be tenure blind and fully integrated with the rest of the development.*

*In order to make sure that onsite delivery is viable, the use of commuted sums is anticipated. Further detailed discussion with the RSL and the Council will be required.*

### **Roads Authority - Scheme 1**

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

- 1. 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 one car club vehicles in the area;*
- 2. The applicant will be required to upgrade the footway on the east side of Henderson Place fronting the proposed development/existing car park to concrete pavement to tie in with the concrete paved footway to the immediate north;*
- 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 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*

[https://democracy.edinburgh.gov.uk/Data/TransportandEnvironmentCommittee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/TransportandEnvironmentCommittee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);

5. 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.

6. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits;

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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.

Note:

a) The applicant proposes 108 cycle secure cycle parking spaces (2-tier cycle racks in the basement via ramped access onto Henderson Place and complies with the minimum requirement of 106 spaces;

b) 32 car parking spaces including 3 accessible bays and 7 EV charging spaces are proposed in Zone 1;

c) Refuse Collection to be undertaken from Henderson Place;

d) The proposed development is accessible by public transport - tram, rail, Lothian services 23, 27, 8, 42, 36

e) The proposal reduces existing level of car parking from 35 to 32 spaces;

f) The site is well connected to the wider footway network and accessible to key facilities in the city centre;

g) It is predicted that the development will generate 8 and 9 vehicle trips in the weekday morning and evening peaks respectively.; representing an overall net reduction in vehicle trips relation to the office use which also provided more car parking spaces;

h) Existing footway on north side of Fettes Row at the proposed entrance to residential unit is 1.6m wide.

## **Waste Management - Scheme 2**

The proposals fit within the Council's parameters for collection and the waste strategy is approved.

## **Education - Scheme 2**

Assessment based on 40 Flats (8 one-bed flats excluded).

This site falls within Sub-Area CB-3 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 contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£39,200

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.

## Location Plan

