

Development Management Sub Committee

Wednesday 6 October 2021

**Application for Planning Permission 21/03481/FUL
at 34 Fettes Row, Edinburgh, EH3 6RH.
Residential development with ground floor commercial uses
and associated landscaping and infrastructure.**

Item number

Report number

Wards

B05 - Inverleith

Summary

Compliance with the Listed Buildings & Conservation Areas Requirements

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP Policies.

The changes to the blocks on Plot 1 will not interfere with the setting of Royal Crescent, which was a concern of Historic Environment Scotland (HES) in regards to the previous proposals. In terms of the buildings on Brandon Street/Eyre Terrace, the proposed sheer masonry facades will continue to step down Dundas Street following the established form of the Georgian tenements. Although there will be changes to the set-back of the upper levels, the scale of the buildings will be regularised and the removal of the hotel rooftop bar is supported.

The changes will not have a detrimental impact on the setting of any surrounding listed buildings. Therefore, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the character and setting of the listed buildings.

Overall, the development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Eyre Terrace are acceptable.

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

Compliance with the Development Plan

The proposed use of the plot for residential development is supported by Policy Hou 1 (Housing Development). The ancillary uses within the development aid in providing an element of sustainability and are acceptable within the context of a wider regeneration scheme, which is in an accessible location.

The development of this plot will not have an adverse impact on the Inventory Garden and Designed Landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes). Likewise, the proposals will not have a detrimental impact on the setting or outstanding universal values of the World Heritage Site.

Overall, the design makes a positive contribution to the area and will add to its sense of place. The design, scale and layout are acceptable.

Potential impacts on the amenity of future residential in terms of noise can be addressed through conditions. There are some infringements in relation to daylighting. However, daylighting to adjacent properties is generally acceptable and the impacts on the proposed development are improved over the previous scheme. Open Space has been provided primarily on the rooftop areas.

The proposal is acceptable in transport grounds with suitable access to the site and the proposed car and cycle parking meets the Council's standards as set out in the Edinburgh Design Guidance.

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

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN01, LEN03, LEN06, LEN07, LEN09, LEN16, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET06, LRET11, LTRA02, LTRA03, LTRA04, LTRA09, LRS01, LRS06, HES, HESCAC, HESSET, NSG, SGDC, NSGD02, NSESBB, NSHAFF, CRPNEW,

Report

Application for Planning Permission 21/03481/FUL at 34 Fettes Row, Edinburgh, EH3 6RH. Residential development with ground floor commercial uses and associated landscaping and infrastructure.

Recommendations

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

Background

2.1 Site description

The site extends to 5,187 square metres in area and forms the north-west section of the wider New Town North development site.

The site is bounded by Dundas Street to the west and Eyre Terrace to the east. There is an existing adjacent residential development immediately adjacent to the northern boundary of the site, which fronts onto Eyre Place and is arranged around a courtyard positioned to the rear of the building (referred to as the Applecross development). This building is up to five storeys in height with a basement.

The southern boundary of the site terminates at the northern elevation of the office building, which was granted as part of application 20/03034/FUL and occupies the south west corner of the New Town North site.

The existing buildings on the site comprise two vacant, linked modern office buildings. One is the main modern office, formerly occupied by RBS, and the other (only partially within the site) is the former data centre.

Pedestrian access through the site is currently restricted by the presence of vacant office buildings which front onto Dundas Street at the western boundary of the site, and onto Eyre Terrace at the eastern boundary.

The trees on Dundas Street have now been removed.

Vehicular access to the site is provided via Eyre Terrace, which connects into the wider road network at its junction with Eyre Place.

The site is located within the New Town Gardens Inventory Garden and Designed Landscape (GDL).

There are no listed buildings within the site boundary. However, there are a number of listed buildings within proximity of the site, including Category B listed buildings on Fettes Row and Eyre Place, and Category C listed buildings on Eyre Crescent.

The site is located to the north of the northern boundary of the Old and New Towns of Edinburgh World Heritage Site (WHS).

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

2.2 Site History

Relevant recent history:

1 March 2015 - application for conservation areas consent granted for the demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building (application number 14/01126/CON).

3 August 2018 - application for planning permission in principle for demolition and residential-led mixed-use redevelopment comprising residential; retail (Class 1); financial, professional and other services (Class 2); food & drink (Class 3); business (Class 4); hotel/Class 7; care home (Class 8); car parking, access and other associated works; detailed approval of the siting and maximum height of building blocks; landscaping strategy; location of principal pedestrian/cycle routes and points of pedestrian and vehicular access/egress withdrawn (application number 16/05454/PPP).

3 August 2018 - application for conservation area consent for complete demolition in a conservation area withdrawn (application number 16/05455/CON).

2 April 2020 - Conservation area consent granted for complete demolition of derelict cottage in a conservation area (application number 20/00705/CON)

7 January 2021 - planning permission in principle granted for a mixed use development including retail (class 1), financial, professional and other services (class 2), food and drink (class 3), business (class 4), hotels (class 7), residential (class 8, 9 and sui generis), car parking and other works on land at the northwest of the site. The approval was for the siting and maximum height of principal building block, points of vehicular/ pedestrian access and egress at 7, 11, 13 Eyre Terrace (application number 14/01177/PPP).

17 February 2021 - associated application for conservation area consent granted for the demolition of the existing buildings within the site (application number 20/03661/CON).

17 February 2021 - associated planning application granted for the formation of path linking through to King George V Park and associated landscaping (application number 20/03655/FUL).

1 September 2021 - permission granted for the 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 was presented to the Development Management Sub-Committee and was granted subject to a legal agreement. The Committee did not approve the part of the site which is the subject of the application (application number 20/03034/FUL).

Main report

3.1 Description of the Proposal

Background

Condition 23 of the Decision Notice for 20/03034/FUL states:

"Notwithstanding what is shown on the drawings, the block of housing and hotel which is located between Dundas Street and Eyre Terrace shall not be constructed above the level of the car park the reason is in order to adequately preserve residential amenity for existing residents and ensure adequate amenity is provided for the new housing."

This condition was applied following a decision by the Development Management Sub-Committee in February 2021 regarding the impact of the proposals on the residential amenity of existing residents, primarily those living in the existing residential development adjacent to the site to the north (the Applecross Development), and the amenity of future occupiers of the proposed development.

The imposition of this condition means that under permission 20/03034/FUL the mid-market rent (MMR) accommodation and the hotel, subject of that permission, can be constructed no higher than car park level. In effect, the MMR and hotel buildings do not benefit from planning permission above car park level. The condition does not prevent the construction of the 'podium deck'. All car parking within the site is located below the podium deck and therefore concealed from view at street level.

Therefore, this proposal seeks permission for an amended residential development with ground floor commercial uses and associated landscaping and infrastructure, on the site which was previously occupied by the hotel (Plot 1) and adjoining residential development. For clarity, a hotel is no longer proposed.

The proposed residential development is split into Build to Rent (BTR) and Mid-Market Rent (MMR).

Build to Rent

The Build to Rent accommodation is positioned between Dundas Street to the west and Eyre Terrace to the east. It is five storeys in height at Dundas Street, and seven storeys (with a recessed eighth storey) at Eyre Terrace.

The new public pedestrian route through the site, which links Dundas Street with King George V Park, approved under application 20/03034/FUL, is situated to the south, beyond which is the approved office accommodation.

A shared private courtyard is created to the north between the proposed BTR and MMR buildings.

There are 66 units proposed within the build to rent (BTR) building. These are a mix of studio apartments and one, two and three-bed accommodation.

In total, there are ten studio apartments, 31 units with one bedroom, 15 units with two bedrooms and ten units with three bedrooms.

The majority of the units are arranged around a central corridor resulting in 52 single aspect units.

Residents of the BTR building will have access to communal external amenity space at roof level, which extends to 870 square metres, accessed directly via communal lift and stair cores, in addition to a shared private courtyard providing a further 535 square metres of external amenity space. This courtyard is accessed directly from an entrance point on Dundas Street, as well as directly from three main door entry units situated on the perimeter of the courtyard. These three units have access to their own private garden/terrace.

The main entrance to the building is located at its south west corner providing frontage onto both Dundas Street and the new public pedestrian route. At this entrance point is a managed foyer providing access to the building's primary core and all upper levels of accommodation, as well as the roof terrace.

A pend route from Dundas Street provides access to the shared private courtyard and main door entry apartments on the north facing elevation of the BTR building.

The Mid Market Rent Building

The mid-market rent (MMR) accommodation is situated between Dundas Street and Eyre Terrace and sits between the existing adjacent residential development at the northern boundary of the site and the proposed new BTR accommodation to the south.

The accommodation is arranged over five storeys (with a recessed sixth storey) at Dundas Street, and similarly at five storeys with a recessed sixth storey on Eyre Terrace.

A total of 108 units are provided within the MMR building, comprising a range of one, two and three-bed units. There are 57 units with one bedroom, 29 units with two bedrooms and 22 units with three bedrooms.

These 108 units will be delivered as unsubsidised, discounted rent, with rent levels set at the published Broad Rental Market Area (BRMA) 30th percentile. The MMR dwellings proposed comprise the affordable requirement for the wider New Town North development.

As above, a shared private courtyard, extending to 535 square metres, is created to the south between the MMR and BTR buildings.

In addition, external amenity space is provided at roof level across two terraces, accessed directly via communal lift and stair cores. These terraces extend to 745 square metres and 225 square metres.

Private external amenity space is provided for the ground floor units within the courtyard formed with the existing adjacent Applecross development. A boundary treatment will separate this private external amenity space with that associated with the Applecross development to the north.

Several of the MMR units have access to their own private garden/terrace on the perimeter of the communal courtyard shared with the BTR building. Ground floor units with frontage onto Dundas Street and Eyre Terrace also have access to their own private garden/terrace.

Commercial Units

The proposed development includes commercial uses extending to approximately 580 square metres across four units at the ground floor of the BTR building, at the corner of Dundas Street and the new internal street. The applicant has confirmed that these are to be either Class 1 Shops or Class 3 Food and Drink uses.

Car and Cycle Parking

With regards to car parking, the parking strategy for Plot 1 is linked to that for the wider New Town Quarter site. All car parking within the site is located below the podium deck and therefore concealed from view at street level.

A total of 164 car parking spaces are provided across the entire New Town Quarter site, including 15 accessible spaces. Of the overall 164 parking spaces, 28 will be equipped with a 7Kw type 2 electric vehicle charging socket. The remainder of the spaces will be provided within a 3Kw charging socket which has the ability to be upgraded to 7Kw.

A total of 44 car parking spaces are assigned to the BTR/MMR uses (including the BTR1 building approved as part of the wider New Town Quarter development).

A total of 370 cycle parking spaces (part of 950 cycle parking spaces across the entire New Town Quarter site) are provided within several storage spaces. These spaces are provided throughout the car park level in defined secure areas, allocated to each specific building.

External Materials

The external finishing materials are proposed to be a mix of natural stone, pre-cast stone, metal cladding, brick and render.

SUDS and Drainage

The development will achieve treatment of the surface water runoff via filtration processes. The surface water will be collected and treated at source via a system of green roofs and porous hardstanding across the extent of the development. Each roof within the development, including hardstanding at podium level, has been designed to allow passage of water through its surface into a cellular blue roof system below.

As the majority of exposed surfaces within the development comprise roofs and hardstanding at podium level, runoff at ground level is limited however all flows will be captured and treated at ground level where required, prior to discharge to underground storage tanks.

The following documents were submitted in support of the application:

- Design and Access Statement (DAS);
- Environmental Impact Assessment (EIA) Report Addendum;
- Pre-Application Consultation Report;
- Affordable Housing Statement;
- Heritage and Townscape Statement Addendum;
- Sustainability Statement;
- S1 Sustainability Statement Form;
- Transport Assessment, and;
- Daylight and Sunlight Report.

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

3.2 Determining Issues

Due to the Site being located within the New Town Conservation Area and its proximity to listed buildings, the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?
- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposal will result in no significant harm to the character and setting of any listed buildings;
- b) The proposal will result in no significant harm to the character and appearance of the New Town Conservation Area;
- c) The principle of development is acceptable;
- d) The proposal will have a detrimental impact on the character of the New Town Gardens Designed Landscape Inventory Site;
- e) The proposal will preserve the outstanding universal value of the Old and New Towns of Edinburgh World Heritage Site;
- f) The design, scale and layout is appropriate;
- g) The proposal will have a detrimental impact on amenity;
- h) The proposal raises any issues in respect of transport and road safety;
- i) There are other material considerations;
- j) The Environmental Impact Assessment Report is acceptable;
- k) Equalities issues are acceptable and
- l) Public representations have been addressed.

a) The Impact on 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."*

In this case, there are a number of listed buildings which are affected by the development. The listed buildings are all out with the application site, and therefore the primary consideration in the assessment of these proposals is the impact on the character and setting of these listed buildings.

This assessment has to be made within the parameters of having special regard to the desirability of preserving the character of these buildings or their settings, or any features of special architectural or historic interest which they possess. Similarly, LDP Policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that 'setting' is the way the surroundings of an 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.

In order to address the Act, Historic Environment Policy and LDP Policy Env 3, the assessment is divided into the individual (or relevant groups) of listed buildings:

For the purposes of this assessment, the listed buildings along Fettes Row and Royal Crescent are assessed together, as they are a contiguous row of properties.

Fettes Row and Royal Crescent

Category A Listed Buildings:

- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (reference LB29679, listed 22/09/1965); and
- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (reference LB29680, listed 22/09/1965).

Category B Listed Buildings:

- 1-12 (Inclusive Nos) Fettes Row, and 99-103 (Odd Nos) Dundas Street, including railings and lamps with 13 North East Cumberland Street Lane Including Wall (reference LB28754, listed 15/07/1965).

Brandon Street and Eyre Place

Category B Listed Buildings:

- Brandon Street 1-16 And 1-7a Eyre Place (reference LB28341, listed 25/11/1965).

Category C Listed Buildings:

- 1-29 Eyre Crescent and 21-23 Eyre Place (reference LB28739, listed 19/12/1979);
- Eyre Place 25-31 (reference LB28741, listed 19/12/1979).

These proposals relate to an area of the site within the wider New Town North development site; specifically, to Plot 1 between Dundas Street and Eyre Terrace, where it is proposed to replace the proposed hotel element in favour of residential units.

The changes to the blocks on Plot 1 will not interfere with the setting of Royal Terrace, which was a concern of Historic Environment Scotland (HES) in regards to the previous proposals. In terms of the buildings on Brandon Street/Eyre Terrace, the proposed sheer masonry facades will continue to step down Dundas Street following the established form of the Georgian tenements. Although there will be changes to the set-back of the upper levels, the scale of the buildings will be regularised and the removal of the hotel rooftop bar is supported.

Listed Buildings - Conclusion

HES does not consider the resultant proposed changes would result in any significant concerns, and the changes will not have a detrimental impact on the setting of any surrounding listed buildings.

Therefore, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the character and setting of the listed buildings.

b) The Impact on the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone-built terraces, broad streets and an overall classical elegance;
- views and vistas, including- terminated vistas that have been planned within the grid layouts, using churches, monuments and civic buildings, resulting in an abundance of landmark buildings. These terminated vistas and the long-distance views across and out of the Conservation Area are important features;
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments;
- grand formal streets lined by fine terraced buildings, expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;

- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline;
- the New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions;
- the setting and edges of the New Town and Old Town;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material;
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area;
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

The supporting Heritage and Townscape Statement has assessed the effects on the Conservation Area as a whole, and this assessment has had regard to the essential characteristics of the Second (Northern) New Town. In this regard, the key aspects that are assessed below are the impacts of the development on formal planned alignment of the New Town, height and skyline, setting and edges, material palette, design quality and land use. A detailed visual impact assessment in the EIA Report has informed an understanding of the distant and local views that contribute to the character and appearance of the Conservation Area.

Formal planned alignment of the New Town, Setting and Edges

The established spatial hierarchy of the New Town is a key characteristic of the conservation area. The historic plan forms, coupled with the dramatic topography, results in important, terminated and long vistas with landmark features.

In this case, it is the views along Dundas Street that contribute to the clarity of the urban structure of the planned Second New Town. Alignment of key buildings, and the most visually prominent parts of this proposal in terms of key views, are the elevations down Dundas Street and along Eyre Terrace.

With this in mind, it is the proposed façade design of the buildings, including the selection of materials, that helps to assimilate the new buildings into the surrounding townscape and mitigate the apparent changes when viewed within this context. Furthermore, whilst the development along Eyre Terrace rises above the adjacent existing properties, the topography of the land at this location, plus the rationalisation of the roofscape helps to alleviate the perception of scale and align it closer to the levels of the larger surrounding development.

Height, Skyline and Views

The Conservation Area Character Appraisal identifies the importance of a cohesive, historic skyline and its contribution to the character of the conservation area. It also highlights the need to avoid incremental skyline erosion through increased building heights.

Likewise, LDP Policy Des 4 supports development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form, scale and proportions, including the spaces between buildings and position of buildings and other features on the site and materials and detailing. This is assessed within the context of the conservation area. The proposed development allows for key views to be retained, albeit in an altered sense. Within the context of the wider conservation area, there is a minimal impact on the skyline and views.

Material Palette

The prevailing materials within this part of the conservation area are natural stone and slate roofs.

Materials are particularly important in order to achieve a cohesive development with the conservation area, and to provide a high-quality urban environment. This proposal shows a mix of external materials, but on the main street-facing elevations, the predominant material is stone. Views across rooftops, will be green terraces or sedum roofs, and this helps to integrate the development into the adjacent park.

The proposed materials are appropriate within the context, however a condition is recommended, in order to ensure appropriate quality of materials.

Design Quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context. In this regard, contemporary designs that are sympathetic and complementary to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area are supported. This issue is assessed further below, however at this stage, the design quality of the buildings is reflective of the proportions of the existing traditional tenements, while providing a contemporary design. Within the conservation area, the proposed design quality is appropriate.

Land Use

The mix of uses within the site is reflective of the surrounding area. The existing retail and commercial uses are complemented within the development with the introduction of similar uses. Residential use is also welcomed, and is reflective of the character of the surrounding area.

Conclusion

The proposal does not impact adversely or significantly on city-wide views and townscape character. The mass and scale of the new buildings will complement the spatial characteristics of the planned New Town at this location. The proposal seeks to form a new planned alignment along the key streets, and the result is an acceptable urban form in this location.

Overall, the development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Eyre Terrace are acceptable.

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

c) The Principle of the Development

The principle of the development has been accepted through the application for the redevelopment of the wider New Town North site (20/03034/FUL).

Housing:

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of housing land supply and relevant infrastructure. Criteria (d) relates to other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

In general, the mix of housing proposed - build to rent and affordable - is acceptable at this location.

Employment Space:

LDP Policy Emp 9 (Employment Sites and Premises) seeks to ensure that proposals for redevelopment of sites over one hectare which are or were last in employment use contribute to the city's stock of flexible small business premises.

Although the application site for Plot 1 is under one hectare, it should be considered alongside the wider development site. Considering a co-ordinated approach to the wider site, an office block with a gross area of 9,820 sqm with accommodation over five floors has been granted as part of application 20/03034/FUL. This satisfies the requirements of Policy Emp 9.

Other uses:

Commercial/retail units covering approximately 580 sqm is proposed on the ground floor of the BTR block.

LDP Policy Ret 6 (Out of Centre Development) sets out the approach to retail uses in out of centre locations, including considering deficiencies in the retail offering, consideration of alternative sites within or on the edge of identified centres, impact on existing centres and the sites accessibility.

The location of the site is not within a retail centre, though there is an identified local centre on the opposite side of Dundas Street. The wider area also contains a mix of uses and is in an accessible location. A mix of uses is encouraged on this site and forms part of a comprehensive and co-ordinated redevelopment. A minor departure from the retail policy in terms of the location of retail development in out-of-centre development is acceptable in this instance as it is an ancillary use and will add to the vibrancy of the area.

LDP Policy Ret 11 (Food and Drink Establishments) relates to class 3 uses. Although the policy describes changes of use of existing shop units the considerations in relation to amenity and concentration of uses are relevant. The site is not within an identified area of restriction, whilst amenity issues are considered in section 3.3g), but in general terms a mix of units and uses are acceptable as part of a larger regeneration scheme.

Overall, the site is in an accessible location and the units have been designed as an integral part of the scheme providing activity to the new route created through the site. Having a mix of uses in a development can help both its sustainability and the sustainability of an area as a whole. The proposed ancillary uses are welcomed to provide local services and employment opportunities and create active frontages.

In summary, the principle of redeveloping this site for the range of uses proposed is supported.

d) The Impact on the New Town Gardens Designed Landscape Inventory Site

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) sets out that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value.

The site is located within the New Town Gardens designated Garden and Designed Landscape (GDL).

The inventory notes that the internationally recognised New Town Gardens comprise a series of 18th and 19th century town gardens, squares and walks. Although broadly contemporary with other developments in city planning, Edinburgh New Town has the most extensive system of public and private open space, designed to take full advantage of the topography and Edinburgh townscape.

It continues that it is a series of 18th and 19th century town gardens, squares and walks, which, together with the surrounding buildings are collectively termed the 'New Town', and the result of neo-classical town planning.

The previously granted BTR block to the west of the park focuses on creating strong active frontages to the existing King George V park, creating a new street which significantly improves levels of passive surveillance.

Planning permission in principle has also previously been granted for development next to the western boundary of the park. Trees will be retained along this boundary.

Buildings of the 20/03034/FUL permission will sit between King George V Park and the application site. As such, there will be no impact from the application proposals on the park. The proposal does not have an adverse impact on the Inventory Garden and Designed Landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes).

e) The Impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site

LDP Policy Env 1 (World Heritage Sites) 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 setting of the World Heritage Site.

Setting includes sites located in the immediate vicinity of the World Heritage Site (WHS), such as this application site, which lies to the immediate north of the WHS boundary.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the OUV which are further explained in Appendix D.3 of the 2017-2022 Management Plan.

The WHS Management Plan accepts that inevitably change will occur within the WHS. An EIA Report has been submitted with the application to assess the effects of this change.

The applicable attributes to the OUV that may be affected by the proposed development on the edge of the WHS are:

Architectural Quality:

- The New Town plans establish major axes which are addressed by formal set piece architecture, often designed by the leading architects of the day. The North Bridge vista is closed by Robert Adam's Register House. Looking east along George Street, the view is closed by William Chambers' Dundas House. Melville Street aligns with George Gilbert Scott's St Mary's Episcopal Cathedral.
- The overwhelming majority of New Town buildings date from the period 1770-1870. Their form was rigidly controlled by a series of feudal conditions. Main doors approached across stone entrance platts bridging the basement area and often marked by entrance lamps are characteristic, as is the regularity of scale.
- More recent buildings throughout the Site reflect a variety of different approaches to development in historic areas, while respecting their context and wider setting.

Topography, Planned Alignments and Skyline:

- The Old and New Towns both exploit the topography of their site and the value of views both within and out from it to maximum effect. The historic plan forms allied to the dramatic topography results in important terminated and long vistas and landmark features
- The distinctive and cohesive historic skyline is dominated by The Castle, the spires of the Old Town and Arthur's Seat.
- The New Town is characterised by its disciplined facades with palace fronts in local sandstone. They create a regular pattern of stately streets, squares and crescents, interspersed by formal gardens, and containing a series of major classical buildings by architects of the stature of Robert Adam

In a similar manner The Edinburgh World Heritage Trust (EWHT) indicates that they have broken down the qualities of the OUV into 5 overarching themes and the two most likely to be affected are:

- '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.
- '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.

The proposed building would contribute to the setting of the World Heritage Site by reinforcing the street front and building line of Dundas Street.

Architectural quality

The design quality of the development is considered in section 3.3(f) below.

The design is contemporary and the use of simple geometry, repetition and modulation to bring rhythm and depth to building facades is supported. The buildings' edges respond positively to the existing streets.

The design of the buildings utilises high quality materials, with natural stone being the unifying material around the principal external elevations which is appropriate for the location of the site. Where appropriate, existing walls and railings are retained.

Topography, Planned Alignments and Skyline

The main considerations in relation to topography, planned alignments and skyline are the views along Dundas Street, and towards Eyre Terrace.

The elevation along Dundas Street has an architectural rhythm that is complementary to the existing older properties. Although it is noted that there is no direct access from the street into main doors along the new development, which is a characteristic of the Second New Town.

However, the architectural quality is acceptable in its relationship with the wider area. The proposed blocks along Dundas Street step down the street, with the visualisations and views provided showing the development aligning with the existing development to the south and the north. The key view (C12) has been picked up by viewpoints 1 a,b,c,d at various points looking down Dundas Street.

Similarly, the topography of the site allows for some additional height along Eyre Terrace, although this will be prominent in some views.

As noted in the WHS Management Plan it is accepted that change will occur in the WHS.

In this regard, the Edinburgh World Heritage Trust note that the proposals would not cause notable harm to the OUV of the World Heritage Site as a whole, but encourage every opportunity to be taken to ensure that this significant development reflects the high quality and locally characteristic architecture of Edinburgh's New Towns.

Overall, the proposal complies with Policy Env 1 (World Heritage Sites).

f) Design, Scale and Layout

Layout:

Policy Des 7 (Layout Design) seeks an integrated approach to the layout of buildings and routes around them with good connectivity to local centres and public transport. It states that layouts should encourage walking and cycling and ensure overlooking of routes and promote safe and convenient access for people with limited mobility or special needs. It also seeks the connection of public open spaces with the wider pedestrian and cycle network.

The general layout of Plot 1 is dictated by the surrounding streets of Dundas Street and Eyre Terrace, whilst permission has already been granted for the link through the site from Dundas Street to the park. With this respect the proposed building is co-ordinated with the wider site and complies with Policy Des 2 (Co-ordinated Development).

The proposed buildings front onto existing streets. The arrangement of buildings reinforces the existing pattern of perimeter blocks within the area. The building line along Dundas Street follows that established by the previously granted office block. The new route connecting Dundas Street with King George V Park creates a positive new connection to the park. It will be overlooked by the proposed development.

The development therefore complies with Policy Des 7 (Layout Design).

Height and Form, Scale, Position of Buildings, and Materials and Detailing

Policy Des 4 (Development Design - Impact on Setting) seeks development that will have a positive impact on its setting having regard to height and form, scale and proportions, position of buildings, and materials and detailing.

Heights onto Dundas Street successfully step down from the granted Office Block on Dundas Street to the adjacent residential development. They are a similar height to the nearby tenements. The upper storeys of are set back into the site limiting their visibility. The Eyre Terrace block is similar to the previous proposal and the heights of the adjacent BTR block. The massing of the upper level has been altered with setbacks at the upper levels and the height responds to Eyre Terrace as the road dips into the site. The submitted view point looking south along Eyre Terrace shows the height and impact is similar to that of the existing office building.

The position of the buildings ensures that spaces are overlooked and the arrangement generally follows the perimeter block pattern of surrounding streets. The position of buildings is appropriate.

The elevational design of the buildings helps give them a scale that is similar to the nearby Georgian buildings. The windows have a vertical emphasis that echoes the proportions of the neighbouring historic buildings. The use of ribbed stone work at the lower levels to differentiate the base of the building from the floors above.

The BTR elevation to the south introduces wave or bay style windows, similar to those granted elsewhere in the site. This adds interest to the new route created through the site.

The proposed materials tie in with those proposed elsewhere in the wider site and respond to the various contexts within and around the site.

Along the Dundas Street elevation natural stone is the predominant material, this continues into the site along the southern elevation of the BTR block. This is appropriate for the outward looking elevations on Dundas Street where the buildings opposite have sandstone elevations. For the southern BTR elevation the materials transition to a precast concrete frame with large windows and metal infill panels. These are similar materials shown on the adjacent granted BTR scheme. Along the Eyre Terrace elevation brick is utilised. Subject to a condition which requires details to be submitted and agreed, materials are acceptable.

The materials complement neighbouring buildings within the conservation area and set a modern contrast that highlights the individual architectural character of the development. The material palette proposed ensures that highly visible areas utilise natural materials that help to create a quality public realm that reflects materials within the wider conservation area, while in private areas, modern materials such as render can be used.

Through its layout, arrangement and mix of uses, building heights, scale and materials, the development will contribute positively to the sense of place within this area. It meets the requirements of Policy Des 1 (Design Quality and Context).

Density:

LDP Policy Hou 4 (Housing Density) 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.

Taking Plot 1 by itself, the proposed 174 units on a site area of approximately 0.5ha provides a density of 348 dwellings per hectare (dph). When considered across the wider site the total number of units at 435 against a site area of 2.2 ha, discounting the office use within the site, provides a density of 198 dph.

The Edinburgh Design Guidance sets out that high density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network. The site is in an accessible location with good walking accessibility to a range of services and the city centre (20 minutes).

Housing Mix and Sizes:

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. The Edinburgh Design Guidance indicates that 20% of the total units should contain three or more bedroom units.

Within the MMR element there are 22 three bedroom units which out of the 108 units equals 20%. For the BTR block there are 10 three bedroom units which is 15% of the 66 BTR units. This equates to 18% for Plot 1.

Across the wider site there are a range of studios, one, two and three bedroom units. As a whole, three bedroom units equate to 23% of total residential apartment numbers.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes.

The proposals generally accord with these standards. The majority of the one bedroom units in the BTR block are either 50.2 or 50.4 sqm. The EDG does allow for BTR one bedroom units to have lower floor areas of 48 sqm when taking into account the removal of lobbies and the provision of more open plan layouts.

Generally, the proposals meet the minimum standards. There are some minor infringements in the MMR block, for instance one two bedroom unit measures 64.9 sqm rather than 66 sqm and one three bedroom unit is 80.1 sqm rather than 81 sqm. However, these are not significant infringements when considered across the 174 units in the plot.

The Edinburgh Design Guidance states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. Though there are allowances for BTR units.

The MMR block contains 36 dual aspect flats and 72 single aspect flats.

The BTR block contains 14 dual aspect and 52 single aspect flats. The applicant has put forward that 24 of the single aspect flats contain an oversized dual bay window. These do provide a better amenity than normal single aspect flats by allowing a degree of side views.

Set within the context of the wider New Town Quarter development, 37% of the total of units are traditional dual aspect in the scheme as a whole and in addition there are a further 13% that are designed with oversized bay windows. This is acceptable given the density of the site and the design guidance does allow for some flexibility when considering BTR units.

Overall the design makes a positive contribution to the area and will add to its sense of place. The design, scale and layout are acceptable. The infringements of guidance in relation to the single aspect units is acceptable in this instance when considering the wider proposals.

g) Impact on Amenity

LDP Policy Des 5 (Development Design - Amenity) 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.

Noise and Odour:

An updated Noise Impact Assessment (NIA) has been provided looking at potential noise impacts from transport sources on the proposed development, noise from non-residential proposed uses on existing and proposed residential units and commercial plant noise. Environmental Protection note that the NIA has demonstrated that its possible for the proposed uses to be established with little impact on residential amenity.

A full assessment of the potential effects of the proposed building services/plant has not been undertaken. As most of the plant will be located in basement area below the Plot 1 residential uses Environmental Protection are satisfied that amenity can be protected and has recommended conditions and informatives.

Some of the specific operations of the proposed commercial / retail aspects of the development are not known and therefore cannot be robustly assessed in terms of their potential noise impacts. The removal of the hotel and associated skybar from the previous scheme is an improvement in terms of potential noise sources.

It is acceptable that this can be considered later and a suspensive condition is proposed to ensure that adequate mitigation is achieved. Environmental Protection are confident that engineering solutions can be introduced to ensure residential amenity is protected and therefore conditions are recommended.

A condition is also recommended to deal with any potential commercial cooking operations that may take place in relation to extract and ventilation systems. Odours from domestic operations will be as expected in a residential development.

Environmental Protection do not object to the proposals.

Privacy

The consideration of privacy distances has been considered when setting out the position and orientation of the proposed buildings within the site.

The Mid Market Rent (MMR) block:

Dundas Street is a relatively wide street and there is a separation distance of approximately 26 metres. The separation distance between the existing buildings along Eyre Terrace and the proposed MMR block is approximately 16 and 17 metres, and this generally matches the existing width of a typical urban street.

The northern elevation of the MMR block will face into the existing courtyard of the existing block to the north at Eyre Place (referred to as the Applecross development).

The new internal plan of the MMR block places the main circulation route along the northern perimeter of the block by reconfiguring all habitable windows to face the inner MMR and BTR courtyard. Therefore, the windows facing north into the existing courtyard are non-habitable from the proposed corridor. The window-to-window distance is 18.5 metres. The ground floor level of the proposed block sits at a lower level than the adjacent courtyard and therefore do not cause overlooking.

The proposal does contain bedroom and living room windows on the eastern and western elevations of the courtyard. These windows replicate the existing courtyard design. The east/west distance matches the existing width of the courtyard at approximately 22 metres.

These are acceptable privacy distances in an urban environment.

On Dundas Street within the existing development to the north there are existing windows in the recessed area of the building. However, windows within the gables of buildings are not generally protected. Notwithstanding this, external louvers fitted to the windows on the north/west elevation shall ensure limited overlooking occurs as a result of the proposals.

Internally, the shared courtyard between the MMR and BTR blocks has been widened resulting in the separation distance of 21 metres between the east and west sides of the courtyard, and 22 metres between the north and south sides as measured from the eastern corners of the courtyard, and 28.5 metres between the north and south sides as measured from the western corners of the courtyard.

BTR block:

To the south, the separation distance between the BTR block and the New Town Quarter approved office building is between 12 metres at the nearest point to the south/west of the block and 19 metres at the farthest point to the north/east.

The distances within the site are appropriate for the proposed layout and shall have an acceptable impact on residential privacy and immediate outlook.

Daylighting and Overshadowing:

A detailed Daylight and Overshadowing Study has been provided.

Daylight to existing neighbouring buildings:

The daylight to existing buildings initially uses the Vertical Skyline Component (VSC) Method. Any that do not pass that test then Average Daylight Factor (ADF) analysis is used.

Along Eyre Place the set back of the northern elevation from the current situation improves the daylight penetration into the existing Eyre Place courtyard area. The Daylight study shows that the majority of the existing windows pass the VSC requirement. The two windows that did not meet the VSC test did meet the additional ADF analysis taken on the relevant room. The Daylight Study also highlights that there are 12 windows at 2-8 Eyre Place where the VSC will be increased by more than 20% through the proposals.

Along Eyre Terrace the majority pass the VSC requirement, but there are five rooms to Eyre Terrace that do not meet the test.

As per the EDG guidance the Average Daylight Factor assessment has been carried out on these. This shows that there are five rooms failing the ADF test on Eyre Terrace:

- One bedroom to 1 Eyre Terrace;
- One kitchen to 3 Eyre Terrace;
- Two living/kitchen/dining room to 5 Eyre Terrace and
- One living/kitchen/dining room to 9 Eyre Terrace.

These are all to the rear of the building and five rooms is a relatively minor impact in such an urban environment. Furthermore, it should be noted that the affected windows at 2-4 Eyre Place are served by other unaffected windows, and the impact to the windows along Eyre Terrace will be caused by the wider New Town Quarter development, rather than the MMR and BTR Plot 1 site.

Daylighting to proposed new buildings:

Daylight received by the residential buildings in the proposed development was assessed using No Skyline/Daylight Distribution analysis (NSL/DD).

MMR block:

The study indicates that within the MMR block there are 41 rooms (14%) out of a total of 292 analysed that do not meet the target. These are 20 bedrooms and 21 living/dining rooms located in a similar relative location, facing the courtyard on the lower ground, ground and first floor levels. Just under half of the rooms that do not meet the target are bedrooms. Bedrooms have half of the requirement for daylight of living rooms.

Therefore 86% of the rooms meet the target, this is above the 77% figure provided for the previous MMR proposals that committee refused permission for.

BTR block:

In the BTR block there are 22 rooms (14%) out of a total of 157 analysed that do not meet the target. These are 12 bedrooms and 10 living/dining rooms to the south and facing the courtyard on the ground, upper ground and first floor levels.

Overall, across the whole Plot 1 development 86% of the rooms analysed meet the Edinburgh Design Guidance standards for daylighting. Achieving reasonable amenity needs to be balanced against achieving good townscape. A large percentage of the rooms meet the daylighting standards, and it is accepted that in such an urban area there will be infringements against the guidance. The information provided indicates that when considering the wider development site 92% of the rooms assessed comply with the guidance.

Overshadowing

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).

Out of the three amenity spaces to be created, two are not compliant.

MMR block:

The part courtyard associated with the existing residential block to the north does not meet the requirement. However, the roof terrace exceeds the minimum requirement.

The roof terrace exceeds the minimum requirement.

BTR block:

The courtyard shared with the MMR block does not meet the guidance. These spaces do not meet the target due to the development itself causing an obstruction to sunlight.

Existing amenity

In terms of the proposed impact on existing external spaces there are no additional impacts on overshadowing except to one of the spaces to the rear of the existing Lorimer building on Eyre Terrace which will not receive at least two hours sunlight to 50% of its area on 21 March. This is due to the wider New Town Quarter development rather than from the Plot 1 site directly.

The majority of the open spaces do not meet the requirements for overshadowing. Of those that do not, two are central courtyard areas associated with the MMR block and given the desire to achieve a frontage along Dundas Street with appropriate building heights it would be difficult to get adequate sunlight into these spaces. The roof terrace exceeds requirements and will receive at least two hours sunlight to 50% of its area on 21 March. Overall, the new proposals represent an improvement on the previous designs that will reduce the negative impact on existing and future residents and will provide a suitable provision of amenity for all occupants. The level of daylight and sunlight will be sufficient for existing and future occupants and the level of overshadowing will be marginal in comparison to the rest of the development.

Open space and landscaping:

LDP Policy Hou 3 (Private Green Space) sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be greenspace. Private and communal gardens should be designed for use by residents for a range of functions, including space for play, seating, food growing, tree planting and drying laundry.

MMR Block:

The MMR block contains 108 units. 16 of the units have access to a private garden area at the ground level areas, though these will be in shady areas. Therefore, for 92 units 920 sqm of communal open space is required.

The MMR roof terrace provides approximately 970 sqm of private open space for future residents. Taking into account previous concerns relating to the usability of the roof top space the landscape architects have sought to provide a wider range of functions.

These include a west facing deck overlooking Dundas Streets providing views towards the New Town, with the loungers and planters. A sheltered and enclosed area proposed to be for games (such as table tennis). An outdoor gym/exercise area on the western side and on the northern side's areas for planting.

BTR Block:

The BTR block contains 66 units. Three units have access to a private garden, leaving a requirement for 630 sqm of communal open space.

The roof terrace area associated with the BTR block covers an area of 870 sqm. It has been designed to provide a range of functions including a large terrace with grass areas and pergola shelters, an outdoor office area with benches, a more secluded and sheltered garden area and also an orchard area with trees in planters on the southwest corner, to help filter the prevailing wind.

In this urban location, where the development responds to existing streets with a perimeter block layout, it is difficult to achieve sunny open space at ground level. The Edinburgh Design Guidance states that where it is difficult to achieve the areas normally required for private open space - for example, because of a need to adhere to a spatial pattern in an area, the inclusion of balconies or roof terraces may be seen as a mitigating measure.

The internal courtyard area at the ground floor level, covering 535 sqm, is proposed to serve both the MMR and BTR blocks. It has been designed with play area alongside areas of planting and seating areas. This will be a well overlooked space suitable for play.

A minimum of 20% of total site area should be useable greenspace. The total site area of the wider site (considered under permission 20/03034/FUL) is 2.44 hectares, 20% of this is 4,880 sqm.

The communal amenity greenspace 4495 sqm and the private garden / terrace space provided is 2756 sqm which totals to 7251 sqm. Though areas of hardstanding and small terrace areas are not technically greenspace. This is above the 20% requirement at approximately 31% of the total development site area.

Objections have been received in relation to the adjacent park and the potential impact on it. Permission has been granted under application reference 20/03034/FUL for the blocks adjacent to the park alongside the proposal to link through to the park from the site. There will potentially be additional users to the park alongside users from the wider neighbourhood. The legal agreement for the wider application included provision for improvements to the park.

Policy Des 8 (Public Realm and Landscape Design) seeks high quality, well designed public spaces. The site for Plot 1 contains part of the public link through the site. As before, the materials include natural stone within the core areas, which is appropriate for the conservation area. As the development is effectively creating a new 'street' this should be in natural materials because it is important to create a quality public realm along a main route which is intended to be extensively used. In private areas materials such as reconstituted stone can be used. However, the hardworks plan uses the word notionally so it is recommended that the hardworks are conditioned to secure appropriate materials for the location.

In summary, condition 23 on the previous application refused, via condition, the previously proposed development on this plot due to concerns over residential amenity, both for existing neighbouring residents and future occupiers of the proposed development.

In relation to the adjacent block at Eyre Place (Applecross) a number of changes have been made. The internal layout of the adjoining MMR block has been altered so the windows facing north into the existing courtyard are non-habitable from the proposed corridor and still retain an 18.5 metre window to window distance. The habitable corner rooms have a window-to-window distance of 22 metres.

Daylighting and overshadowing to the block have improved by removing the existing wall and setting the northern elevation further back than the existing situation with the office building.

On the Dundas Street elevation, the recessed cut out remains but louvers have been added to mitigate overlooking concerns.

In relation to the new residential units, the privacy distances proposed to the surrounding buildings are acceptable for an urban environment. There are some narrower distances of 12m, but this is required to frame the new route though the site and to the proposed office development opposite.

In terms of daylighting, across the whole of Plot 1 86% of the rooms analysed meet the EDG standards. In comparison, the previous MMR block figure was 77%. Achieving reasonable amenity needs to be balanced against achieving good townscape and the location of the proposed blocks is set by the existing streets and routes.

The internal courtyard area will be overshadowed due to the layout and surrounding proposed buildings. However, the courtyard size has been increased in size from the early refused scheme of 300 sqm to 535 sqm. It also contains more main door access to the ground floor flats and has been made more useable through planting, seating and a play area.

The size and usability of the roof terraces has also been improved over the previous proposals. Overall, although there are still some infringements against the guidance, the amenity of the residential development (both existing and proposed) has been increase over from the earlier scheme and the applicant has gone some way to address earlier concerns.

Overall it is concluded that the development will provide an acceptable level of residential amenity in accordance with LDP Policy Des 5 (Development Design - Amenity) with some limited infringements on overshadowing. The proposal also meets the requirements of Hou 3 (Private Green Space).

h) Transport and Road Safety

A Transport Assessment (TA) has been submitted in support of the application. This provides an assessment of the transport considerations associated with the proposal.

The vehicular access to the site remains as currently in place, which is one vehicular access point taken from Eyre Terrace.

The TA has been assessed by the Roads Authority and it concludes that it is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

The site is in an accessible location with good walking accessibility to a range of services and the city centre (20 minutes).

The application site for Plot 1 contains the western section of the route that will provide a link through the site from Dundas Street through to the eastern part of part of the King George V Park. This increases permeability through the area. The Dundas Street entrance into the site includes a ramp and steps. The ramp is a minimum of 2.2m at the narrowest points but extends to 2.5m for the majority of its length with a grade of 1:21.

There are a number of bus stops are located on surrounding streets with the TA setting out that at present, bus stops are found on Eyre Place, Henderson Row, Brandon Street, Dundas Street, the B901, and Howe Street. Currently nine bus services, mostly operated by Lothian Buses, serve these bus stops offering residents with approximately 32 services per hour during weekdays, 23 services per hour on a Saturday, and 15 services per hour on a Sunday.

The site is in an accessible location with good linkages and the proposed development will not have a detrimental impact on the road network.

Parking:

LDP Policy Tra 2 (Private Parking) 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 parking standards contain no minimum amounts for car parking. Planning permission for the below podium deck parking area has previously been granted. As the basement level of Plot 1 is linked to the wider site the parking numbers are considered within this context.

The standards allow for a maximum of 435 parking spaces for the total number of residential units and three spaces for the office space granted on the plot to the south.

The proposed development provides a total of 164 car parking spaces. This includes 16 accessible spaces and 28 electric vehicle spaces. This complies with the parking standards.

The use of the podium deck allows the car parking to remain out of sight and the proposed parking numbers are considerably less than what the standards allow for.

Twenty-two motorcycle parking spaces proposed complies with the minimum CEC motorcycle parking requirement of 22 spaces.

The proposed level of car parking meets the requirements of Policy Tra 2 (Private Parking).

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

A total of 950 cycle parking spaces are provided throughout the site for the residential elements. This meets the requirement for the 435 units. Of this total number, 370 are allocated for the Plot 1 site, split into 238 for the MMR block and 132 for the BTR block. The majority of the cycle parking is provided throughout the basement level within defined secure spaces.

The Roads Authority recommends the applicant develops a Travel Plan and contains a travel plan framework. This would have the aim of influencing travel behaviour promote sustainable travel. An informative is proposed to encourage the applicant to undertake the measures set out in the TA.

In summary, the site is within an accessible location with good access to public transport. The access to the site is acceptable and the level of parking proposed is within the standards.

i) Other Material Considerations

Developer Contributions and Affordable Housing:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance August 2018 sets out the Council's approach for contributions.

Affordable Housing:

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed.

As an integral part of the wider site, the units within this plot are considered alongside those residential units granted under permission 20/03034/FUL:

- Plot 2 - 144 BTR units.
- Plot 4 - 117 private residential units.

This application is for 174 units, split between 66 BTR units and 108 Mid-market rent.

Consequently, across the total number of 435 residential units there is a requirement for 108 affordable units. This is being delivered as part of this application and they are located within the northern part of Plot 1, which is close to public transport and local amenities. The affordable homes will comprise a range of sizes from one to three bedrooms and the mix is generally representative of the wider development.

Affordable Housing (Enabling and Partnerships) are supportive of the application subject to the affordable housing being secured through a legal agreement.

Education:

This site falls within subarea D-1 of the Drummond Education Contribution Zone.

Communities and Families has identified that the proposed development is required to make a contribution towards the delivery of the actions based on the established 'per flat' rate.

Based on £856 per flat for 76 flats (98 one bedroom/studio flats excluded), the contribution required is £65,056 towards infrastructure (quarter 4 2017 valuation subject to indexation).

Healthcare:

The application site is not located within a Health Care Contribution Zone and there are no identified health care actions in this area. No contribution towards health care is required.

Transport:

The same matters covered by the legal agreement for the previous application (reference 20/03034/FUL) are recommended:

- The design and build of a toucan crossing on Dundas Street close to the proposed ramped access to the satisfaction and at no cost the Council (location to be agreed with CEC).
- Upgrading the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footways on the eastern footway and access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction of, and at no cost to, the Council.
- The east west route from the courtyard leading to Dundas Street is required to be secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access.

Optional:

- In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area.

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 on the podium level and green and blue roofs alongside underground storage tanks (including one within Plot 1) on what is a tight urban site. The applicant is proposing to discharge surface water to the surface culvert on Eyre Place and discussions are ongoing with Scottish Water.

Scottish Water has no general objection to the application but has advice for the applicant to take into account.

Flood Prevention has confirmed that the information is generally acceptable.

Sustainability:

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision low and zero carbon equipment in the form of a community heating system which includes gas CHP and heat pump for the BTR block and MMR block includes roof mounted photovoltaic array.

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 not using tropical hardwood, communal recycling and electric vehicle charging points.

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

Ecology:

LDP Policy Env 16 (Species Protection) relates to protected species. As a previously developed site this plot has low ecological value. There is more interest in the wider site and its woodland strips around the periphery.

SNH note that this is a city centre development and as such does not raise significant natural heritage issues.

The proposed development would not result in significant harm to ecology or biodiversity. No evidence been presented to the Planning Authority that the proposal would harm European protected species

Archaeology:

LDP Policy Env 8 (Protection of Important Remains) seeks to protect archaeological remains from being adversely impacted from development.

The Archaeology Officer has considered the proposals. In terms of buried remains, the consultation response notes that in this area there are unlikely to be significant deposits that have survived. In relation to existing buildings, a historic building survey has been undertaken of the adjacent RBS Data Centre.

It is concluded that there are no, known, significant archaeological concerns regarding this application and the proposals comply with policy Env 8.

Waste:

As with the proposals for the wider site and waste collection is to be factored and brought to a single collection point at Eyre Place. Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There is also the requirement for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations.

Waste Services has confirmed that based on the information provided that a waste strategy can be agreed.

Ground Contamination:

Site investigation information has been provided. Due to the previously developed nature of the site, a condition is required to ensure the appropriate investigation and mitigation is undertaken.

Air Quality:

The development site is near the city centre Air Quality Management Area, which has been declared for exceedances in NO2.

SEPA does not object to the application but does note that advice from CEC Environmental Protection on air quality should be sought.

Environmental Protection does not object to the application. It also notes, as with the previous application, the car parking numbers to a low level, this is welcomed and will reduce the impacts it will have. There will be a net reduction in car parking numbers across the site when compared to the existing use.

Electric charging points are proposed in line with the Council's parking standards, which if taken as a whole at 164 spaces equates to a total of 28 car parking spaces. A condition is recommended to secure the electric charging points. The submitted information also states that remainder of the spaces will be provided with a 3Kw charging socket which has the ability to be upgraded to 7KW (32amp) Type 2 electric vehicle charging points.

Environmental Protection has also recommended a condition requiring rapid charging points for the commercial parking areas. This condition is on the granted permission and in consideration of the Plot 1 residential development is not appropriate for this application.

A Construction Environmental Management Plan (CEMP) is recommended as an informative.

i) The Environmental Impact Assessment Report

An EIA Report has been provided alongside the application. This is an addendum to the EIA Report (and subsequent addendum) submitted in relation to application number 20/03034/FUL that included Plot 1 as part of a wider site.

It provides an updated assessment of the impact of the development in environmental terms to take into account the potential proposed changes arising from this proposal. It covers Socioeconomics, Transportation and Access, Air Quality, Noise and Vibration, Townscape and Visual Impacts, Cultural Heritage, Daylight, Sunlight and Overshadowing and Cumulative Effects.

The scope of the EIA Report is acceptable, the content comprehensive and the general methodologies used for the various assessments are considered appropriate. As this application relates to the development between Dundas Street and Eyre Place, the potential impact is limited.

In the previous application and the EIA there were some viewpoint assessments provided by the applicant that were not agreed with in terms of the effect. These mainly related to the loss of trees in the previous application and the concluded effect on the view. The relevant viewpoints in relation to this application are Viewpoint 1 Dundas Street and Viewpoint 7 Brandon Terrace. These are still noted as beneficial in the submitted EIA Report. These are more likely to be of neutral effects, however, the building line (from the granted office block) and loss of trees establishes some parameters for this application.

Sufficient information has been submitted in the EIA Report, alongside responses to the application, to allow a balanced judgement to be made regarding resulting impacts. Therefore, this Committee report not only provides an assessment of the proposal in planning terms, it has also considered the conclusions of the EIA Report.

k) Equalities Issues

The application has been considered in terms of equalities and human rights. Access to some of the areas are via stepped access, which may have some implications for access for all. However, alternative access is available around the development and the site provides more permeability than the existing buildings/layout. The proposal contains level access elsewhere and utilises lifts.

l) Public Representations

Material Representations: Objections

Eyre Place Block Related Comments:

- The latest proposed plans have an extra level making the new building higher than the old RBS Building. As a result, there will be a loss of sunlight/daylight for the residents of Eyre Place - assessed in section 3.3g)
- The new building will still be facing the living rooms of the four flats on the Dundas Street side and the main bedroom of one of them. The distance is less than 7 metres, which will cause a loss of privacy - assessed in section 3.3g) and louvres proposed.
- Flats in the new building have a living room/kitchen facing the courtyard, so noise from these flats, especially single aspect flats, will disturb residents of EP, especially at night, because their main bedrooms are on the courtyard side, which will be shared by the EP residents. The cooking smell from those new flats which have a kitchen facing the courtyard will also disturb the residents in the EP building - assessed in section 3.3g), living spaces are only found on the east side of the courtyard (representing 6no. flats), with kitchens located to the rear of the habitable space, away from the facade.
- The connection between the proposed new building and the development built in 2004/5 by Applecross on Eyre Place: The latest proposed plans have an extra level making the new building higher. The new building will still be facing the flats 2/3, 2/6, 2/9 and 2/12 living rooms on the Dundas Street side.

It will also face directly into the main bedroom of 2/12. The distance is less than 7 metres - assessed in section 3.3g

- will be a reduction of light into the afore mentioned properties room as well as a loss aspect and privacy - assessed in section 3.3g
- The building line goes against the building line precedent taking the new building up to the pavement causing a narrowing of the buildings either side of Dundas Street that will cause increased road noise -general noise considered in section 3.3g) and design considered in section 3.3f)
- Whilst an improvement on the original, these latest MMR Plans indicate that the Applecross building, and courtyard will still be overlooked by roof terraces and windows from units on East and West wings. Gas flues from these units will still be facing into our courtyard - will be some potential for overlooking the roof terraces designed to minimise this and to focus attention and circulation away from the Eyre Place block edge.
- This development is too close to the road (Dundas Street). It is too close to the windows of 2 Eyre Place which face it - assessed in section 3.3g)

Other comments

Principle

- loss of hotel is a poor decision. If short term lets are minimised by the Council, there will be greater demand for hotels. It loses diversity of previous application - assessed in section 3.3c) residential development supported and office block on wider site previously granted.

Density

- overdevelopment of the site and residential density too high. Not in conformity with national and CEC planning policies which require new housing to be at a density and in a form appropriate to the characteristics, environmental quality and residential amenity of the surrounding area - assessed in section 3.3f)
- excessive number of units/density for the area and higher than surrounding area (including when considered with consented scheme)- assessed in section 3.3f)

Design and Historic Environment

- Dundas Street is on the northern edge of the New Town. The style and materials of the proposed new building will not make a positive contribution to the architecture of the area - assessed in section 3.3b and 3.3f)
- The new building will take construction up to the pavement of Dundas Street and breaks the existing building precedent which has been in place for over 100 years - assessed in section 3.3b)

- Realignment on Dundas Street, whilst enabling the cramming of more units, will cause a deprivation of light, privacy and amenity to residents into Applecross building - assessed in section 3.3f) and 3.3g)
- The design is banal and by granting permission for ever more of these characterless constructions the Council are in danger of ripping the soul from our city. The green oasis, which was the north end of Dundas Street will become no more than a street canyon -assessed in section 3.3f)
- encroaches on natural light to surrounding properties - assessed in section 3.3g)
- for such an important location in our beautiful and historic city it is a design of poor quality - assessed in section 3.3f)
- The Edinburgh Design Guide, page 43 states 'The key aims are for new development to: Have a positive impact on the immediate surroundings; wider environment; landscape and views...positioning of the buildings on site...to create or help to reinforce a sense of place, urban vitality...' This proposal does not. It is banal and uninspiring - assessed in section 3.3f)
- This proposal does not enhance or preserve the character of the area - assessed in section 3.3b) and 3.3f)
- Impact on special character of the area - World heritage site - assessed in section 3.3e)
- unimaginative design and impact on WHS - assessed in section 3.3e)
- The Edinburgh Design Guidance for building in a Conservation Area strongly supports stone as the material of choice, not cast stone and metal - assessed in section 3.3b) and 3.3e)
- adverse effect on the character of the Conservation Area and the adjacent World Heritage Site - assessed in section 3.3b) and 3.3e)
- Roof-top Terraces. Much effort has been placed by the applicant on the value and diversity of the roof-top spaces. Query if these spaces will be utilised and as not visible they will not contribute to the amenity for most residents - assessed in section 3.3g)

Amenity

- Sunlight & Daylight - Many of the apartments in the Plot 1 fail to meet sunlight and daylight levels specified by EDG. Much of this is due to the over-development of the site. It is important that all the apartments meet EDG, and not just a percentage - assessed in section 3.3g)
- 75% of amenity space is provided through roof top terraces. This is not appropriate as shared amenity provision due to usability - weather, supervising children - assessed in section 3.3g)

Impact on King George V Park

- King George V Park is the only public green space in this locale and is already inadequate according to the standards adopted by City of Edinburgh Council. The Park will be woefully short of the green space needed for the additional residents of the proposed new housing - wider development proposals already granted adjacent to the park.
- Unacceptable pressure will be imposed on a small and popular park, which is already, in the light of the CEC's own Open Space Strategy, too small. The developers' claims to nearly double the amount of open space in the development site are ludicrous as they include hard surfaced paths, roof spaces and balconies. Councillors should reject this application and instead indicate support for an alternative application which proposed a new and truly green plot on the land in question. This would add genuine value to this neighbourhood - wider development proposals already granted adjacent to the park.
- This park is already under-managed by the City of Edinburgh Council and is already overcrowded, particularly the facilities for children - management issues not controlled by Planning.
- The proposals will put a massive extra pressure on King George V Park which, with a public area of about 1.6 hectares is well below the area of 2 hectares required in the Council's Open Space Strategy.
- The situation is exacerbated by the lack of public open green space in the development as a whole and the absence of new public open green space to compensate for the proposal to build on the area of ground on Eyre Place which is shown on the development plan as being reserved for public open space - area referred to as open space adjacent to the park has an early PPP permission in place for mixed use development and previous application also grants a BTR block at this location.
- This will change the ambience from a quiet, calm space where people can relax to a busy working thoroughfare - permission and link through to the park previously granted.
- Already friction between users and the prospect of a large influx of new park users into the immediate vicinity of the park over the next few years is unwelcome - high density development supported at this location.

Transport

- SPP, Designing Streets and the National Transport Strategy set policy context for hierarchy for transport modes placing walking, cycling, public transport ahead of private cars. Location lends itself to easy walking for services and public transport, proposal should actively provide for pedestrians, parking excessive for a city centre location. Prime location for car free development - assessed in section 3.3h) car parking within standards and general layout previously granted.
- lack of car parking proposed in the development - assessed in section 3.3h)

- dedicated car club spaces should be provided - assessed in section 3.3h) car parking within standards and general layout previously granted.
- increased traffic impact and impact on parking in the area - assessed in section 3.3h)
- traffic safety concerns from development - assessed in section 3.3h)

Infrastructure

- negative impact on local infrastructure and services - education, medical etc. Additional Section 75 contributions should be sought from this application for these purposes - assessed in section 3.3i) legal agreement required in line with Council's guidance.

Sustainability

- proposals configured for gas central heating, no use of green heating systems such as ground and air source heat pumps - assessed in section 3.3i) proposals meet current guidance. BTR uses air sour heat pumps
- Solar PV & Thermal could be integrated into the design. A development of this size should set an example for others to follow. As this is a substantial development, it could have a significant impact on Edinburgh's aim of Net Zero - assessed in section 3.3i) proposals meet current guidance.
- Open air clothes drying should be encouraged - rooftop terraces proposed, but such a use cannot be controlled.

Material Representations: Support

- High quality mixed use site, positive addition to the previous scheme;
- Provides much needed accommodation that will bring more people back to the city centre;
- Proposals will bring activity and people back into the area that has suffered from a lack of investment;
- Car parking levels are supported, fewer would be better. Note EV charging infrastructure being provided for all spaces.

These comments are noted.

Non-material Representations

- Developer's project management.
- Matters relating to indemnity insurance:
- The applicants should resubmit the entire proposal.
- References to CityPlan 2030.

Community Council Comments

The New Town and Broughton Community Council did not comment on the application.

Overall Conclusion

Compliance with the Listed Buildings & Conservation Areas Requirements

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP Policies.

The changes to the blocks on Plot 1 will not interfere with the setting of Royal Terrace, which was a concern of Historic Environment Scotland (HES) in regard to the previous proposals. In terms of the buildings on Brandon Street/Eyre Terrace, the proposed sheer masonry facades will continue to step down Dundas Street following the established form of the Georgian tenements. Although there will be changes to the set-back of the upper levels, the scale of the buildings will be regularised, and the removal of the hotel rooftop bar is supported.

The changes will not have a detrimental impact on the setting of any surrounding listed buildings. Therefore, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the character and setting of the listed buildings.

Overall, the development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Eyre Terrace are acceptable.

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

Compliance with the Development Plan

The proposed use of the plot for residential development is supported by Policy Hou 1 (Housing Development). The ancillary uses within the development aid in providing an element of sustainability and are acceptable within the context of a wider regeneration scheme, which is in an accessible location.

The development of this plot will not have an adverse impact on the Inventory Garden and Designed Landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes). Likewise, the proposals will not have a detrimental impact on the setting or outstanding universal values of the World Heritage Site.

Overall the design makes a positive contribution to the area and will add to its sense of place. The design, scale and layout are acceptable.

Potential impacts on the amenity of future residential in terms of noise can be addressed through conditions. There are some infringements in relation to daylighting. However, daylighting to adjacent properties is generally acceptable and the impacts on the proposed development are improved over the previous scheme. Open Space has been provided primarily on the rooftop areas.

The proposal is acceptable in transport grounds with suitable access to the site and the proposed car and cycle parking meets the Council's standards as set out in the Edinburgh Design Guidance.

In all other respects the proposed development is acceptable, subject to conditions and a legal agreement. The proposal therefore complies with the development plan. 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

Conditions:-

1. Notwithstanding the information on the submitted drawings a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing for each development block by the Planning Authority before work is commenced that block.
2. Prior to the commencement of the construction of the superstructure or above ground works for each development block, sample panels, to be no less than 1.5m x1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship for that block and submitted for written approval by the Planning Authority.

Note: the sandstone used for facades within the scheme should be chosen to harmonise with the colouring and weathering characteristics of sandstone on nearby buildings.

3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

4. The development shall be carried out in accordance with the landscaping scheme approved under condition 3. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
5. Prior to occupation of the first residential unit, details shall be submitted showing the final design and location of the artwork within the public realm. The artwork will then be installed and maintained, unless otherwise agreed in writing with the Planning Authority.
6. Prior to commencement of development details of a cycle wheel ramp will be required on at least one of the two stepped accesses besides the ramped access leading to Dundas Street from the main public realm route to aid movement of cyclist.
7. A minimum of 28 car parking spaces (out of the total 164 proposed) shall be served by 7Kw (32amp) type 2 electric vehicle charging sockets and shall be installed and operational prior to the development being occupied. These shall be installed and operational in full prior to the development being occupied.

Note: all remaining parking spaces should be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets.

8. 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.
9. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the proposed plant has been submitted to and approved in writing by the Planning Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

10. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the office and other commercial uses has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
11. Prior to commencement of development details of the kitchen ventilation system associated with any commercial kitchen shall be submitted to and approved in writing by the Planning Authority. These will need to be terminated at roof level and be capable of achieving 30 air changes per hour in the kitchen area and have a minimum 15m per second efflux velocity at the termination point.
12. Any gas boilers in excess of 1MW (accumulative assessment) will require secondary abatement technology incorporated into any plant to the satisfaction of the Planning Authority.
13. Prior to commencement of development a comprehensive maintenance plan of all the SUDs/water attenuation, landscape and trees shall be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure the adequacy of facilities for cyclists.
7. To encourage sustainable forms of transport
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to safeguard the amenity of neighbouring residents and other occupiers.
12. To reduce emissions
13. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. A suitable legal agreement will be required to cover the following matters:

Affordable Housing:

The plot is to deliver the 25% affordable housing contribution for this application and the prior application 20/03034/FUL. This equates to 108 affordable homes (from a total of 435 proposed units) that are intended to be delivered as intermediate rent for a minimum of 25 years. The Affordable Housing response notes that in accordance with that existing S75, these will now continue to apply to this application until affordable housing is provided. Restrictions on construction will be applied to Plot 4 (residential development) until land for the affordable housing is transferred to the Council or a RSL nominated by the Council, or; the completion of construction of the affordable housing.

Education:

A sum of £65,056 for education infrastructure (£856 per flat) (to be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment) in line with the Drummond Education Contribution Zone.

Note that this requirement is in addition to the sum secured under planning permission 20/03034/FUL.

Transport:

Previous issues covered by the legal agreement for 20/03034/FUL

- The design and build of a toucan crossing on Dundas Street close to the proposed
- ramped access to the satisfaction and at no cost the Council (location to be agreed with CEC).
- Upgrading the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footways on the eastern footway and access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction and at no cost to the Council.
- The east west route from the courtyard leading to Dundas Street is required to be
- secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access;

Green Infrastructure:

The previous green infrastructure contribution and park path improvement works should be carried through into the legal agreement.

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. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
6. The EIA Report has been taken into consideration in the making of this decision, as required under the Environmental Impact Assessment (Scotland) regulations 2017.
7. Swiftbricks should be included within the development.
8. The Roads Authority response notes a number of issues that the applicant should be made aware of:
 - In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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;
 - 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/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category A - New Build);
 - The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
 - The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
 - 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.
- 9. The Environmental Protection consultation response contains a number of points that the applicant should be aware of during the construction phase of the development.
- 10. A detailed Construction Environment Management Plan (CEMP) shall be submitted to the satisfaction of The Planning Authority and adhered to during the construction phase. Environmental Protection note its main concerns are the dust, piling stage and hours of noisy operation.
- 11. When available the applicant shall provide details of all the boilers to Environmental Protection to ensure compliance with the Clean Air Act 1993.
- 12. The applicant shall engage with the Spatial Policy Team with regards the LEZ proposals spatial.policy@edinburgh.gov.uk
- 13. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
- 14. Details on how the heat and energy will provided, with specific details on renewable energy and storage submitted to the satisfaction of the Planning Authority.
- 15. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 9 July 2021. A total of 25 representations were received, comprising 22 letters of objections and three letters in support of the proposals.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the urban area in the Local Development Plan Proposals Map.

The site is located within the New Town Gardens Inventory Garden and Design Landscape. It is also within the New Town Conservation Area.

The World Heritage Site is to the south of the site.

Date registered

28 June 2021

Drawing numbers/Scheme

01-05,06A-15A,16-31,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer

E-mail:kenneth.bowes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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

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

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

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

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

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

Relevant Government Guidance on Historic Environment.

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

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.

Relevant Non-Statutory Guidelines

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

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.

Appendix 1

Application for Planning Permission 21/03481/FUL At 34 Fettes Row, Edinburgh, EH3 6RH Residential development with ground floor commercial uses and associated landscaping and infrastructure.

Consultations

Communities and Families response - dated 16 July 2021

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

76 Flats (98 one bedroom / studio flats excluded)

This site falls within Sub-Area D-1 of the 'Drummond 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:

£65,056

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.

Economic Development response - dated 5 July 2021

The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 21/03481/FUL for a mixed-use development at 34 Fettes Row, Edinburgh.

Commentary on existing uses

The application relates to a 0.52-hectare brownfield site currently occupied by office buildings lying east of Dundas Street. It forms part of the wider "Fettes Campus": a complex of office buildings most recently occupied by RBS (NatWest). The site covers all the footprint of the existing 113 Dundas Street office building (6,740 sqm), along with the "Link Block" office building immediately to the south and a section of the 34 Fettes Row office building further to the south. 113 Dundas Street was most recently used as offices for RBS (NatWest).

The surrounding area is a mix of office and residential. While reasonably close to the city centre, the complex lies outwith Edinburgh's core office market and would generally be considered a peripheral location by occupiers. The area has historically been a financial services cluster with RBS, Standard Life and Royal London all having substantial operations in the area. In recent years, the area has emerged as a technology hub centred on the 17,730 sqm Tanfield office building. Other major office buildings in the vicinity include Dundas House (11,119 sqm) and Centrum House (2,064 sqm).

The economic impact of the existing building at 113 Dundas Street can be estimated. If fully-let as office space, the building could, based on a median employment density for offices occupied by finance and insurance companies (based on the most recent usage of the building and the tenants of the surrounding offices) of one employee per 10 sqm (net), be expected to directly support approximately 1,112 full-time equivalent (FTE) jobs ($11,119 \div 10$). Based on a median GVA per worker for employees in the financial and insurance activities sector in Edinburgh of £154,973 (2018 prices) per annum, this could be expected to directly add approximately £172.3 million of GVA (2018 prices) to the economy of Edinburgh per annum ($1,112 \times £154,973$) if fully occupied for this purpose.

Commentary on proposed uses

- Commercial space

The development as proposed would deliver 616 sqm of commercial space. The use class is not specified. Indicatively, office space would support 62 FTE jobs ($616 \div 10$) while retail space would support 35 FTE jobs ($616 \div 17.5$).

- Sui generis (flats)

The development as proposed would deliver 174 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 174 flats could be expected to collectively spend approximately £4.60 million per annum. Of this £4.60 million, it is estimated that approximately £2.35 million could reasonably be expected to primarily be made within Edinburgh. This £2.35 million could be expected to directly support approximately 22 FTE jobs and £0.78 million of GVA per annum (2018 prices).

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the development could support 22 FTE jobs and £0.78 million of GVA per annum (2018 prices) via the expenditure of residents, along with a small number of additional jobs in the commercial space. This compares to an estimated 1,112 FTE and £172.3 million of GVA (2018 prices) that could be supported by the existing office building if fully occupied.

This response is made on behalf of Commercial Development & Investment

Scottish Water response - dated 5 July 2021

Audit of Proposal

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

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- There is currently sufficient capacity for a foul only connection in the Edinburgh PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

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

Asset Impact Assessment

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

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

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:*
- Site Investigation Services (UK) Ltd Tel: 0333 123 1223*
- Email: sw@sisplan.co.uk*
- www.sisplan.co.uk*

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

- *All Proposed Developments*

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- *Non Domestic/Commercial Property:*

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- *Trade Effluent Discharge from Non Dom Property:*

*- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants. To find out more about connecting your property to the water and waste water supply visit: www.scottishwater.co.uk/business/connections
SW Public General*

- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here. Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best

management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Archaeology Officer response - date 12 July 2021

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for residential development with ground floor commercial uses and associated landscaping and infrastructure. |

The site lies across the northern limits of the Edinburgh's New Town, directly on the northern boundary of the World Heritage Site. The site is dominated by the 1971 RBS Data Centre designed by Richard Latimer. Historic maps indicate that until the mid 19th century the site remained relatively free from development with the exception of mill lades running across the northern limits of the site, which feed the medieval mills at Canonmills. The 1876 plan shows the eastern half of the site occupied by open air Royal Gymnasium in particular the large circular rowing machine known as 'The Great Sea Serpent'. By c.1905 the western half of the site had been developed with a mix of domestic and small industrial units, a process already started on the western half of the site during the mid-19th century, whilst the eastern half underly the grounds for St Bernard's Football Club.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of local archaeological/historic importance principally in terms of Edinburgh's Victorian/Early 20th century social & industrial heritage, 20th century banking and earlier pre-industrial milling.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies DES3, ENV5, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Remains

Given the archaeological potential an archaeological evaluation was undertaken by CFA Archaeology in 2019. Their evaluation report CFA DSR 3916 indicated that remains of associated with the Victorian Royal Gymnasium site and potentially of the earlier medieval Canonmills Loch survived insitu beneath up to 3m of made ground which they associate with the formation of the c.1900 football ground for St Bernard's FC. These remains have been identified in this and earlier preapplication discussions

as main foci for archaeological investigation and research during any future development. Although the evaluation did not in dedicate uniform preservation across the site, the remains of the important large rotary rowing machine known as the 'The Great Sea Serpent' appears to have survived and will require further excavation.

However due to truncation caused by the construction of the RBS Data Centre which this application site concerns, I agree with CFA's conclusions that in this area it is unlikely that significant deposits will have survived due to the expected truncation caused by its construction.

Historic Building RBS Data Centre

The proposals will see the demolition of the 1971 Royal Bank of Scotland Data Centre designed by James Richard Latimer. Although undesignated this building we regard this building as having some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. As such it is important that a historic building survey was undertaken to provide a permanent record of it. This was undertaken by CFA between 2019 and August 2020 (CFA DSR 3898).

Based upon the above given that this building has now been recorded and it occurs out with the area expected to contain significant archaeological insitu remains/deposits, it has been concluded that there are no, known, significant archaeological concerns regarding this application.

Environmental Protection - 25 August 2021

The Proposals by the applicant for the redevelopment of the site of the former RBS offices and data centre on Dundas Street, for residential, office, hotel and other commercial uses (ref. 20/03034/FUL), were approved subject to conditions in February 2021. The applicant now wants to alter part of that approval that will see the previously consented Hotel and with a 'sky bar' changed into residential use instead.

Environmental Protection have provided comments on various mixed-use proposal for this site in the past. The site has the former Royal Bank of Scotland data management centre and offices, with large surface car park and warehouse buildings to the rear occupying the area.

The plot lies adjacent to the consented affordable housing units. The Plot would front onto Eyre Terrace to the east, onto the new public realm link route to the south and onto Dundas Street to the west.

The proposed and consented plots vary on how they interact at the ground floor level, with podiums and basements proposed. The levels below the podium's upper deck level would accommodate several uses, including private residential units and office uses as well as car parking, a public gym facility and plant rooms. A further level below, i.e. the 'basement' level, would accommodate the lower gym level and plant rooms.

This latest application for Plot 1 highlights that they would want commercial uses located on the ground floor. If the applicant wants to have any commercial uses other than Class 1,2 and 4 then additional supporting materials will be required to ensure these uses will not impact neighbouring amenity mainly in the form of noise and odours.

The applicant has advised that shared parking provision across the site will remain unchanged which is welcomed.

The applicant has submitted various supporting documents such as a noise impact assessment, site investigation reports, and an air quality impact assessment.

The updated noise impact assessment has looked at noise impacts from transport sources on the proposed development, noise from non-residential proposed uses on existing and proposed residential units, commercial plant noise and construction noise. The applicants noise impact assessment has demonstrated that its possible for the proposed uses to be established with little impact on residential amenity. Most plant will be in the basement areas so mitigation form plant will be achievable. The removal of the rooftop 'Skybar' is welcomed as this was previously a cause for concern.

Similarly, a full assessment of the potential effects of the proposed building services plant has not been undertaken the applicant has advised that there are likely to be changes to plant selections, locations, etc. during the course of the development design. As such, limiting criteria have been specified here to provide designers with target criteria to reference in the selection of equipment, and the overall design of the building services systems. Environmental Protection shall recommend a condition and informative is attached to ensure plant noise is adequately controlled. As most of the plant will be located in basement area below the Plot 1 residential uses we are satisfied that amenity can be protected. We will recommend that noise from plant should not exceed NR25 when measured inside the nearest residential units.

The applicant will be increasing the number of residents into an area near to the city centre air quality management area. The development site is near the city centre Air Quality Management Area, which has been declare for exceedances in NO2. The sources of NO2 from his development will be mainly from transport sources and special heating as the applicant is proposing to use gas. Environmental Protection would highlight that there are cost effective alternatives that will significantly reduce the impacts.

The development site offers great access to public transport, as well as walking and cycling infrastructure with fantastic amenity and employment already existing in the area. The applicant has demonstrated how the development will link into the existing travel networks. They recognise that the main network especially during peak hours is congested. This is something that is likely to get worse when other committed developments are built out. The applicant has kept the Car parking numbers to a low level, this is welcomed and will reduce the impacts it will have. It is recognised that there will be a net reduction in car parking numbers across the site when compared to the existing use.

The councils City Plan 2030 is going to be aiming to promote a city were people don't not to rely on a car to move around therefore if there is scope to reduce parking numbers further then this should be seriously considered.

There have been major improvements in sustainable transport and with the way people want/don't want to commute. One of the main aims of the Choices for the City Plan 2030 is to create a city where you don't need to own a car to move around. It states

that one of the aims of City Plan 2030 will be to realise the lifelong health benefits of walking and cycling by creating streets and public spaces for people over cars and improving and expanding sustainable public transport.

To do this, City Plan 2030 will plan for a city in which you don't need to own a car to move around. City Plan 2030 will provide for new homes, jobs and amenities and services in accessible neighbourhood locations with good access to walking and cycling routes and to public transport. We also want to reduce carbon emissions and we are committed to the reduction of traffic borne air pollution.

The choices we make for City Plan 2030 will align with those of the City Mobility Plan to help balance quality of life with access to jobs and services for all residents and workers in the city.

Low Emission Zones' (LEZ) in Edinburgh are being progressed in close alignment with several strategies aiming to enhance placemaking and connectivity in Edinburgh, including City Centre Transformation and City Mobility Plan.

Alongside the development of the national regime, the next steps for Edinburgh's LEZ will involve continued technical assessment work to inform LEZ decisions. The applicant will need to engage with Planning with regards the development of LEZ's and its potential in this area.

The applicant has committed to installing EV charging points it should be noted that they will need to be provided in all the car parks to the agreed standards with the necessary infrastructure for this to be increased over time. The applicant is in accordance with the Edinburgh Design Standards in providing the minimum number of EV charging points. These would need to be to a minimum standard of 7kw (32amp) type two plugin sockets. As the proposed parking areas are in basements it will be easy and cheap to install wall mounted chargers at the development phase. Environmental Protection would recommend that every parking space has access to a 3kw (16 amp) three pin plug to enable slow charging of electric vehicles. We would recommend that users of the spaces are given an option to upgrade the charging outlets to the 7kw standards, so the developer would need to ensure there is capacity in the electrical mains to increase the amps. Details of this will need to be clearly demonstrated in detailed drawing.

Any non-residential parking spaces will need to have at least 3 rapid three-phase 50Kw electric vehicle charging points installed and operational prior to occupation. This should also be highlighted on any detailed plans.

The UK and Scottish Government have committed to banning the sale of combustion engine cars. As this is a large development which will take many years to complete it is feasible that this development will not be completed before the ban is introduced. The developer should therefore ensure the development is futureproofed with charging provided for all spaces as described above.

The applicant should be advised to ensure emissions are kept to a minimum. The applicant must fully consider extending the provision of PV/solar panels which is a good mitigation measure to reduce energy demand and emissions. The applicant should also investigate the installation of photovoltaic panels and use ground and air sourced heat pumps linked to energy storage. The applicant should be aware of the Climate Emergency and Edinburgh's Zero Carbon targets. Therefore, no fossil fuels should be

considered. It is understood that they propose using Combined Heat and Power (CHP) gas boilers. We would urge the developer to reconsider this option and look to meet all heat and energy demand using onsite renewables.

If the applicant progress with an energy centre or centralised boilers they will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD - Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).

Planning restrictions are recommended to ensure amenity is protected. We would strongly recommend that you engage with Environmental Health throughout the development but especially during the early stages. This will ensure that the risk of complaint is further reduced. This is due to the location, level of demolition/earth works and length of time the development phase and the fact that people are now spending far longer periods in their homes due to the changes introduced through COVID and are more sensitive to construction disturbance. Environmental Protection shall be recommending planning conditions are attached to mitigate the local air quality and noise and vibration impacts this proposal will have.

In line with industry best practice a Construction Environmental Management Plan (CEMP) must be prepared for the development and secured by planning condition like the St James Centre development. The CEMP would be implemented and adhered to throughout the works with limited scope to amend it throughout.

The details of the CEMP would be agreed with the Planning Authority prior to the commencement of the works and would comprise, in effect, an operational manual detailing the management, monitoring, auditing and training procedures to be followed during the works to ensure compliance with relevant legislation, planning policy, regulations and best practice. It would also set out the specific roles and responsibilities of on-site personnel.

To minimise potential dust, noise and vibration, general best practice measures would be implemented and adhered to by contractors. Such measures have been highlighted in an informative, but the CEMP should provide more detail however the main concern for Environmental Protection is the dust, piling stage and hours of noisy operation. The applicant has highlighted its intentions regarding these, and Environmental Protection would support this if conditioned.

A mixture of ground improvement and limited piling will be undertaken on-site. Rotary bored piles are being proposed, in order to minimise the noise and vibration. This will need to be detailed in the CEMP.

The applicant has advised that it is anticipated that typical working hours for the demolition and construction phases would be:

- o 08.00 - 18.00 hours Monday to Friday;
- o 08.00 - 12.00 hours on Saturdays; and
- o No noisy working on Sundays or Bank Holidays.

Environmental Protection would support these hours of noisy working but will need to be controlled through conditioning of the CEMP. This is the most effective form of controlling the impacts. It is conceivable that certain works, for example delivery of abnormal loads, assembly of tower cranes may have to be undertaken outside these periods. No crushing shall be permitted on the development site to reduce dust impacts and we will recommend a specific condition for this. Such works will need to be subject to prior agreement and reasonable notice with CEC in the same way that St James Development operate. The applicant will need to have onsite monitoring throughout the development phase in the form of noise monitoring equipment with Vibration monitoring carried out at key stages of demolition and piling. Dust monitoring will need to be conducted during the demolition and earthworks stage.

Ventilation extracts are required to adequately deal with kitchen effluvia from the commercial kitchens these will need to be terminated at roof level and be capable of achieving 30 air changes per hour in the kitchen area and have a minimum 15m per second efflux velocity at the termination point. The roof plans do not show the position of the extract point therefore this information must be submitted later. A condition will be recommended to ensure this information is provided otherwise no cooking shall be permitted in the commercial kitchens.

The applicant had submitted site investigation information which is currently being assessed. A standards condition shall be required to ensure the site is fully remediated.

Therefore, on balance Environmental Protection offer no objection subject to the following conditions;

1. Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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.

2. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise and odours from the office and other commercial uses has been submitted to and approved in writing by the Planning

Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

3. Prior to the any commercial cooking uses being taken, then details of extract flue and ventilation system, capable of 30 air changes per hour and terminating above roof level will be required and implemented.

4. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the proposed plant has been submitted to and approved in writing by the Planning Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

5. A minimum of 29 car parking spaces shall be served by 7Kw (32amp) type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. All remaining parking spaces shall be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets. These shall be installed and operational in full prior to the development being occupied.

6. Three Rapid 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdeMO/Type 2) chargers shall be installed at the commercial parking areas.

7. A detailed Construction Environment Management Plan (CEMP) shall be submitted to the satisfaction of The Planning Authority and adhered to during the construction phase.

8. During the demolition and construction phase no crushing is permitted on the development site.

9. During the demolition and construction phase hours of noisy construction shall be restricted to the satisfaction of the Planning Authority and specified in the CEMP.

10. Details on how the heat and energy will provided, with specific details on renewable energy and storage submitted to the satisfaction of the Planning Authority.

11. Any gas boilers in excess of 1MW (accumulative assessment) will require secondary abatement technology incorporated into any plant to the satisfaction of the Planning Authority.

Informative

1. When available the applicant shall provide details of all the boilers to Environmental Protection to ensure compliance with the Clean Air Act 1993.

2. The applicant shall engage with the Spatial Policy Team with regards the LEZ proposals spatial.policy@edinburgh.gov.uk

3. *The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*

4. *It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.*

Construction Phase

1. *Careful selection of methods and plant to minimise noise at source as far as reasonably practicable;*

2. *Use of modern, quiet and well-maintained machinery such as electric powered plant, where possible and hoists should use the Variable Frequency Converter drive system;*

3. *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC.*

4. *Vehicles and mechanical plant used for the Works would be fitted with exhaust silencers, which would be maintained in good and efficient working order and operated in such a manner as to minimise noise emissions in accordance with the relevant EU/UK noise limits applicable to that equipment or no noisier than would be expected based the noise levels quoted in BS 5228. Plant should be properly maintained and operated in accordance with manufacturers' recommendations. Electrically powered plant would be preferred, where practicable, to mechanically powered alternatives;*

5. *Establish noise and vibration target levels (a Section 61 agreement under the Control of Pollution Act 19745 (COPA)) to reduce noise and vibration to a minimum in accordance with best practicable means, as defined in Section 72 of COPA;*

6. *Adherence to relevant British Standards to establish noise and vibration 'Threshold' and 'Action' levels. Noise criteria would be discussed and agreed with CEC prior to the commencement of works*

7. *Identification and use of low noise techniques and non-vibratory or percussive piling techniques, where possible, to minimise noise and vibration. For example, equipment that breaks concrete by munching or similar, rather than by percussion. Where construction plant is known to generate significant levels of noise then it is to be used sparingly and the construction activity closely monitored to minimise noise levels;*

8. *Where possible, adopt low vibration working methods or alternative working methods, use of cut off trenches, reduction of energy input per blow and reducing resistance to penetration e.g. pre-boring for driven piles;*

9. *Where high levels of noise and vibration are predicted, monitoring of noise and vibration levels;*

10. *Positioning plant as far away from residential property as physically possible and switching off when not in use;*

11. *Switching off plant and vehicle engines when not in use;*

12. *Regular maintenance and servicing of vehicles, equipment and plant;*

13. *Adherence to the agreed operational hours;*

14. *Use of hoarding to the required height and density appropriate to the noise sensitivity of the area. Use of enclosures and screens (hoardings and heavy Monaflex*

sheeting), where necessary and practicable, around noisy fixed plant, especially near to surrounding residences;

15. Liaison with the occupants of adjacent properties most likely to be affected by noise or vibration from activities on the Site should also take place. The occupants should be informed of the nature of the works, proposed hours of work and anticipated duration prior to the commencement of activities; and

16. Review of demolition and construction techniques, especially in response to exceedances of the Action Level and / or complaints

17. Implementing measures to reduce dust emissions during transport (for example, sheeting the sides of vehicles carrying fine material);

18. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicles exhaust;

19. Using dust screens and covers and the appropriate location of dusty materials storage;

20. Fires to be prohibited on the Site;

21. Restricting drop heights onto lorries;

22. Assessing the risk of dust annoyance from the operations throughout the working day, taking account of wind speed, direction, and surface moisture levels. The Contractor should ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment should be recorded as part of documented site management procedures;

23. Spraying of internal unsurfaced temporary roadways with water at regular intervals as conditions require. The frequency of road spraying would be recorded as part of documented site management procedures;

24. Keeping surfaced roads and the public road during all ground works clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping would be recorded as part of documented site management procedures;

25. Adherence to the speed limits. All vehicles operating within the Site on unsurfaced roads would not exceed 15mph to minimise the re-suspension of dust;

26. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) should be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason would be recorded. Review of the dust management plan on a monthly basis during the construction project and the outcome of the review to be recorded as part of the documented site management procedures.

27. No bonfires shall be permitted on the Site.

SEPA response - dated 6 July 2021

Thank you for asking us if this an application on which we'd like to provide comments.

The substitution of an affordable housing and build to rent block for an affordable housing and hotel block would not alter our previous advice, especially in the footprint of the two blocks is the same. There is no change in vulnerability to any flood risk (and I think it is surface water only at this site) between domestic and hotel development. The advice from CEC's own Environmental Health Officers would be useful in terms of greater numbers of residents being exposed to any poor air quality. (Hotel guests would be temporary residents whereas residents of the rental properties would be

longer-term if not permanently resident.) With more people resident, however, there may be more people generating car journeys and that should be factored into any possible impacts on the Low Emissions Zone and City Centre Transformation.

NatureScot response - dated 7 July 2021

Thank you for consulting us with the above application and EIA.

We have no comments to make to this application. This is a city centre development and as such does not raise significant natural heritage issues. We are currently focusing our EIA advice to those cases that raise nationally significant issues or meet our placemaking priorities.

Historic Environment Scotland response - dated 14 July 2021

Thank you for your consultation which we received on 02 July 2021. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

*GDL00367 - THE NEW TOWN GARDENS - Garden and Designed Landscape
The Old and New Towns of Edinburgh World Heritage site
LB29680 - 15-23a Royal Terrace - Listed Building
LB29679 - 1-13a Royal Terrace - Listed Building*

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We note the proposed changes to the recently approved (2020) scheme, specifically to Plot 1 between Dundas Street and Eyre Terrace, where it is proposed to replace the proposed hotel element in favour of residential units.

The changes to the blocks concerned on Plot 1 will not interfere with the setting of Royal Terrace, our main concern with the previous proposals. In terms of the wider World Heritage site the proposed sheer masonry facades will continue to step down Dundas Street following the established form of the Georgian tenements, although there will be changes to set-back upper levels where the scale of the buildings will be regularised - with the removal of the hotel rooftop bar (building 7) and set-back additions to building 6.

We do not consider the resultant proposed changes would result in any significant concerns from HES.

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.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Edinburgh World Heritage response - dated 23 July 2021

Thank you for consulting Edinburgh World Heritage regarding the above application. We offer the following comments to the formal submission. These are based on our remit with respect to impact on the Outstanding Universal Value (OUV) of the World Heritage Site, and consideration should be given to wider heritage assets outside the scope of our remit.

This letter should be read in conjunction with our previous response to related applications 20/02024/FUL and 20/03034/FUL.

Impact on Outstanding Universal Value

I refer to our previous responses which detail more fully the contribution made to OUV by the site and area relevant to this application. In relation to our previous assessment that the proposals would not have a significant impact on the overall OUV of the World Heritage Site, the proposals for Plot A have been developed. We offer comment on the following changes most relevant to our remit.

The immediate setting of the World Heritage Site should be protected by ensuring that new development is contextual, high quality design and respectful of its historic context.

Whilst the overall principle remains as before, the changes to elevation design to Dundas Street appears to have lost some of the attention to locally characteristic depths, proportion and detailing seen in the elevations for 20/02024/FUL. We advise that careful consideration is given to ensure that the design rhythm, materials, proportion and detailing reflect their high quality and characteristic New Town context. There also appears to be the addition of further massing of rooftop additions to the northernmost block along Dundas Street. As Edinburgh's lively and characteristic roofscape is such an important part of its OUV, we advise the appropriateness of this is given careful consideration, with the aim being to conserve Edinburgh distinctive roofscape character.

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 advise that careful consideration is given to the heritage impacts of the proposal in line with the policy and legislation outlined above, and hope that our comments above are helpful to you in considering this application. We consider that the proposals would not cause notable harm to the OUV of the World Heritage Site as a whole, but encourage every opportunity to be taken to ensure that that this significant development reflects the high quality and locally characteristic architecture of Edinburgh's New Towns.

As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail (including materials specification) of this application.

Affordable Housing (Housing Management and Development) response - dated 26 August 2021

1. Introduction

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

Housing Management and Development are the consultee for Affordable Housing. The proposed affordable housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- 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's guidance on 'Affordable Housing' sets out the requirements of the AHP, it can be downloaded here:*

2. Affordable Housing Provision

This application is for a development consisting of up to 174 homes and as such the AHP will apply. Furthermore this application has been identified by the applicant as being the affordable housing contribution for the prior application 20/03034/FUL. There will be an AHP requirement for a minimum of 25% homes of approved affordable tenures.

This application comprises 66 units for Build To Rent (BTR) and 108 homes which will be Intermediate Rent, a total of 174 homes. However, this application is proposed as the affordable housing contribution for the prior application 20/03034/FUL, which was considered by Development Management Sub Committee on 17 February 2021. The decision was "minded to grant" with a requirement for a further consent for the Hotel and Affordable Block (Plot A). The components of the two applications are:

- 1. Plot 1 (this application - 21/03481/FUL) - 66 BTR homes and 108 Intermediate Rent*
- 2. Plot 2 (20/03034/FUL) - 144 BTR homes*
- 3. Plot 3 (20/03034/FUL) - Office*
- 4. Plot 4 (20/03034/FUL) - 117 homes Private Residential*

These are a total of 435 residential units, with a combined affordable housing contribution of 108.75 units. When provided onsite the affordable housing contribution is rounded down to the nearest whole unit, giving an onsite affordable housing contribution of 108 homes.

The applicant entered into dialogue with the Council on the design, mix and location of the affordable housing. The 108 affordable homes will be flatted apartments within a contained block close to public transport links and local amenities. The applicant advised that affordable housing occupants will have access to all the communal facilities offered by the wider development.

However, measures are required to safeguard the affordable housing contribution. These measures had been accepted by the applicant and form part of the Section 75 Legal Agreement for the prior application. In accordance with that existing S75, these will now continue to apply to this application until affordable housing is provided. Restrictions on construction will be applied to Plot 4 (residential development) until:

- o Land for the affordable housing is transferred to the Council or a RSL nominated by the Council, or;*
- o The completion of construction of the affordable housing.*

If committee are minded to grant the application this should be included in the legal agreement requirements.

The affordable homes will comprise a range of sizes from one to three bedrooms. The proposed mix of unit sizes is generally representative of the wider development. 22 (20%) of the affordable units will have three-bedrooms in comparison to 69 (21%)

three- and four-bedroom homes across the wider site. It is welcome that the applicant has not included any studio flats in the affordable allocation.

The affordable homes will be well-integrated into the development and will front onto Dundas Street. As part of the prior application, the applicant had submitted an Affordable Housing Statement which confirmed that they considered the delivery of affordable homes for social rent and engaged with a local Registered Social Landlord (RSL) to try to achieve this, however this was not found to be a viable option due to significant financial constraints.

The affordable housing within this development will therefore be delivered on-site as 'intermediate rent' (unsubsidised mid-market rent), an accepted affordable tenure. The affordable homes will be financed by institutional investment and delivered for a minimum of 25 years. There will be no requirement for grant subsidy, therefore the grant that is freed up can be channelled into delivery of social rented homes elsewhere.

The proposed approach to affordable housing delivery is in line with the principles set out in the report "Support for Build To Rent" which the Planning Committee noted in January 2020, following approval by the Housing, Homelessness and Fair Work Committee. The proposal shares the characteristics of a typical BTR development in that it will be financed by institutional investment and will deliver placemaking and housing at a scale and pace which is rarely matched by traditional housing for sale providers.

The developer is currently in discussions with a housing association about them owning and operating the affordable units for 'intermediate rent'. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,400 and £3,300 less per annum, depending on house size. The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Rents at the 30th Percentile are affordable to people within the defined client group, and significantly less than average market rents.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing which will assist in the delivery of a mixed sustainable community. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Housing Management and Development is supportive of this application as:

- The applicant will deliver 108 on-site affordable homes as 'intermediate rent' for a minimum of 25 years;*
- This would be the 25% affordable housing contribution for this application and the prior application 20/03034/FUL;*

- The affordable housing is well-integrated and includes a variety of sizes to reflect the provision of homes across the wider site;
- There is no grant funding required for the affordable homes. The grant funding freed up will be targeted to the delivery of social rented homes elsewhere within the city.
- Restrictions on the construction of Plot 4 should continue until affordable housing is provided, and this should be included in the legal agreement requirements.

I would be happy to assist with any queries on the affordable housing requirements for this application.

Roads Authority response - dated 14 July 2021

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

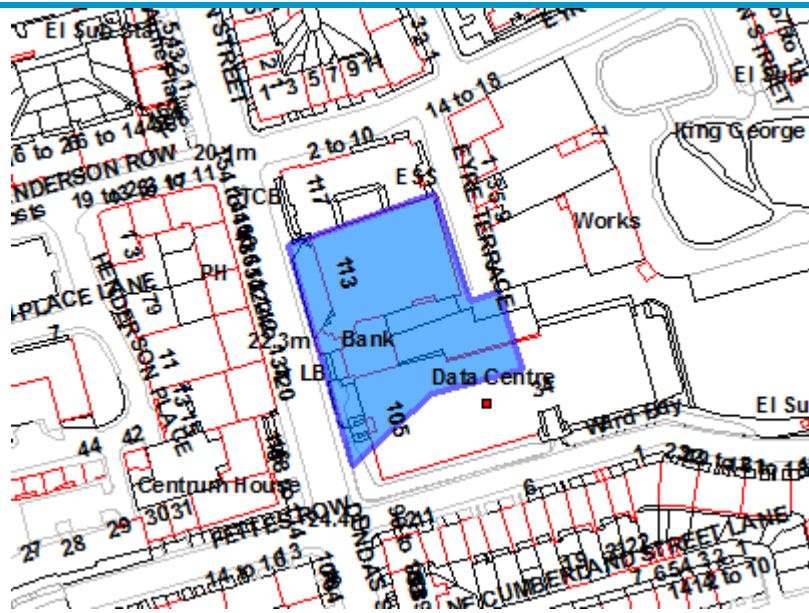
1. *Cycle parking requirement as follows;*
 - o *948 secure cycle parking spaces required for the 435 residential unit*
 - o *76 secure cycle parking spaces required for the office*
2. *No tram contribution required (see note b below);*
3. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-__controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category A - New Build);*
5. *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) *A transport statement has been submitted in support of the application. This has been assessed by transport officer and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments.*
 - o *The proposed additional 86 residential units to the consented development will generate a total two-way vehicular trips of 29 for each of the AM and PM peak hours*
 - o *Tram contribution in Zone 3;*
 - o *Existing office use 36,957m² GEA =£1,278,712*
 - o *Existing warehouse use 1,955m² GEA = £10,642*

- o Total tram contribution of existing use = £1,289,354
- o Consented Office use 9,820sqm =£340,250
- o Consented 349 Residential unit = £253,000
- o Additional 86 residential units = £79,353
- o Consented Gym 940sqm =£00
- o Total tram contribution for proposed and consented =£672,603
- o Net tram contribution = £672,603(proposed) - £1,289,354(existing use) =£-616,751
- b) Vehicular access to be maintained from existing Eyre Terrace providing a link to the proposed undercroft parking areas, 3.7m wide emergency access designed as shared surface around the perimeter of BTR with collapsible bollards to prevent unauthorised parking;
- c) Ramped pedestrian access proposed from both Dundas Street and Royal Crescent to connect to the active travel network of King George V Park;
- d) Dundas Street ramp - the ramp is a minimum of 2.2m at the narrowest points but extends to 2.5m for the majority of its length. The ramp gradient meets the requirements of the DDA with a grade of 1:21 which ensures that access is available for all ranges of mobility
- e) The site is accessible by public transport (Lothian service - 23, 27, 8, 24, 36, 42, 61), tram and rail
- f) The proposed 164 car parking spaces including 16 disabled bays and 29 EV charging spaces complies with the Council's parking standards which could allow a maximum of 435 parking spaces for the proposed residential unit. 3 car parking spaces for the office. Residential car parking space allocation as follows;
 - o 66 BTR/108 MMR - 68 parking spaces (including 7 disabled bays and 12 EV charging)
 - o Private residential 93 (including 8 disabled bays and 16 EV charging)
 - o Office 3 (including 1 disabled bay and 1 EV charging);
- g) 22 motorcycle parking spaces proposed complies with the minimum CEC motorcycle parking requirement of 22 spaces;
- h) Cycle parking -
 - o 948 secure cycle parking spaces required for the 435 residential unit
 - o Proposed 76 cycle parking spaces for the office complies with the minimum requirement of 75 spaces.

Location Plan



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