

Development Management Sub-Committee Report

Wednesday 7 December 2022

**Application for Planning Permission
14 - 17 Atholl Crescent, Edinburgh, EH3 8HA.**

**Proposal: Change of Use from office to form 34x residential units
with associated works (as amended).**

**Item – Committee Decision
Application Number – 21/03992/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because there are developer contributions with financial contributions over £250,000. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal broadly complies with relevant policies set out in the Local Development Plan (LDP). The proposal will not have a detrimental impact on the character, appearance or special historic interest of the listed buildings or the conservation area. The level of private greenspace provided represents an infringement of LDP Policy Hou 3 (Private Green Space in Housing Development). An infringement is acceptable in this case given the limited space in this established city centre area and the presence of good quality public greenspace in close proximity. The level of cycle parking provided meets the requirements of the Parking Standard. However, this number is achieved exclusively through the use of two tier racks. This is acceptable in this case given the proposal is a conversion and there is limited space within this location. A satisfactory residential environment can be achieved in this area, in line with the level of amenity experienced by neighbours.

Developer contributions will be required in relation to education and the provision of off-site affordable housing. Subject to the completion of an appropriate Section 75 agreement the proposed scheme is acceptable in this regard.

Overall the proposals are acceptable and there are no material considerations which outweigh the conclusion above.

SECTION A – Application Background

Site Description

The application site is a series of four conjoined former townhouses which are currently vacant having previously been in use as offices. The buildings are category A listed built in 1825 by Thomas Bonnar (designated 14 December 1970, reference: LB28260). They are 3 storeys with attic and basement built in typical Georgian symmetrical style. The four townhouses were latterly interconnected and used as offices, with a link to the modern mews building to the rear also created at 15 Atholl Crescent. A courtyard area is located between the Townhouses and the existing mews, this serves as a car park with access taken from Atholl Crescent Lane. The site is neighboured by an office at 18 Atholl Crescent and a residential dwelling at 13 Atholl Crescent. Atholl Crescent and Atholl Crescent Lane to the rear are characterised by a mix of residential and uses.

The application site is located within the New Town Conservation Area and the World Heritage Site.

Description of the Proposal

The application is for the conversion of the existing offices into 34 residential units and includes the removal of the rear link to the existing mews building. The proposal includes 23 flats within the existing townhouses and 11 units within the mews building. The units consist of a mix of 10 three/four bedroom, 12 two bedroom, 11 one bedroom and 1 studio apartment.

A general overview of the main proposed works is outlined below:

- Removal of double lift core and reinstatement of original stair between ground and third floor in 15 Atholl Crescent. This will include a Cupola/rooflight reinstated above staircase.
- Reinstatement of original party walls to remove connections between townhouses formed as part of historic alterations.
- Reinstatement of original townhouse entrance to 16 Atholl Crescent with non-original railings blocking external steps removed and original railing positions reinstated.
- Original entrance lobby at 16 Atholl Crescent created internally.
- Link bridge structure connecting townhouses to mews removed with rear facades of both buildings made good. Replacement stone and repairs will be carried out.
- Full renovation of non original sash and case windows with repair of original Georgian windows.
- Renovation of basement level, second and third floor levels including subdivision of spaces. Limited alterations also proposed at ground and first floor levels.
- Removal of non-original partitions and historic alterations. Where possible damaged historic features will be reinstated.

The proposal includes a courtyard area between the townhouses and mews with an approximate area of 620 square metres. This includes six private gardens and six car parking spaces with EV charge points. A secure bike store is provided within the mews building providing space for 78 bikes. Access to the mews and parking area will be taken from Atholl Crescent Lane. Access to the rear facing basement level apartments within the existing Townhouses can also be taken From Atholl Crescent Lane. Access to the 23 units within the existing Townhouses can also be taken from Atholl Crescent. A bin store is proposed within the mews building to the rear.

Revised Scheme

- The scheme has been revised to refine the approach taken to the refurbishment and upgrade of windows. The original scheme included the full replacement of all windows. In the revised scheme the majority of windows are retained and repaired.
- Amendments to fenestration at the rear of the existing townhouses. Stripping back of roof materials to upgrade insulation. Existing slate retained, with selective use of Spanish Heavy Cupa 3 as required. No change to roof profile proposed.
- Original internal doors retained and pinned. Layout of rear room in 14 Atholl Crescent amended and suspended ceiling introduced.
- Suspended ceiling introduced to rear room of 16 Atholl Crescent.
- Timber fascias of dormer windows stripped back and replaced with zinc.
- One car parking space removed.
- One parking space designated for disabled users.
- Basement level doors replaced at principal elevation.
- Rooflight formed at 15 Atholl Crescent.

Supporting Information

- Affordable Housing Statement
- Design and Access Statement
- Financial Viability Statement (dated July 2021) and Update (dated 23 September 2021)
- Heritage Statement
- Planning Statement
- Window Survey
- Window Condition Report and Photos

Relevant Site History

96/12636/LBC

14-16 Atholl Crescent

Edinburgh

EH3 8HA

Form new openings at ground & third floor between 13 & 14

Granted

13 February 1997

98/01163/LBC
14-16 Atholl Crescent
Edinburgh
EH3 8HA
Install independent air conditioning units
Granted
27 July 1998

01/03134/LBC
14-16 Atholl Crescent
Edinburgh
EH3 8HA
Alterations to entrance vestibule doors
Refused
6 December 2001

21/03991/LBC
14 - 17 Atholl Crescent
Edinburgh
EH3 8HA
Internal and external alterations to facilitate change of use from office to residential (as amended).

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport Planning

Communities and Families

Archaeology

Affordable Housing

Environmental Protection

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 15 September 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 23 September 2022; 6 August 2021;

Site Notices Date(s): 20 September 2022; 3 August 2021;

Number of Contributors: 9

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) **The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environmental: Doorways
- Managing Change in the Historic Environmental: Interiors
- Managing Change in the Historic Environmental: Roofs
- Managing Change in the Historic Environmental: Setting
- Managing Change in the Historic Environmental: Windows

Consultation with Historic Environment Scotland has identified a number of elements of the proposed scheme which will have a positive impact on the character of the listed buildings including the reintroduction of a main door to 16 Atholl Crescent, the reintroduction of a main stair to 15 Atholl Crescent and the removal of the rear link to the mews building. The reinstatement of individual houses, removing linkages between the buildings and the removal of security bars to basement level windows will also positively contribute to the character and appearance of the listed buildings.

The application also proposes the reconfiguration of the number of internal spaces to allow the conversion of the spaces for residential use. Historic Environment Scotland's guidance document entitled Managing Change in the Historic Environment: Interiors states that whilst it is advisable to avoid the amalgamation of rooms, and an 'open-plan' layout, within a historic building, with an important cellular plan form, there may be scope to make significant interventions within areas of secondary importance. The guidance also emphasises the contribution that original decorative feature such as panelling, and cornices make to the character of listed building. It outlines a strong presumption for the retention of original staircases and doors.

In this case the most significant areas of change are limited to the basement level, second and third floors and the modern mews located to the rear. In terms of the hierarchy of Georgian Townhouses these are typically the areas of secondary importance. The basement level was typically used by staff associated with the house and is typically plain in nature. Principal rooms within a townhouse are typically located at ground and first floor level, to the front of the property. Decorative schemes in these parts of the house are typically more elaborate. The placement of doors within rooms is important. Hallways at ground floor level were also typically highly decorative. Upper levels of Georgian Townhouses are typically plain in nature. The second floor would have historically provided guest accommodation and children's bedrooms whilst the upper floor was typically used for staff accommodation.

In this case the basement level, second floor level and third floor level of all the townhouses has undergone significant alteration associated with the conversion of the buildings to form offices in the 1980s. No decorative features remain, and a number of spaces have been unsympathetically subdivided and altered. HES has expressed no concern relating to the proposed alterations of these spaces. Given that these spaces would be expected to have little in the way of decorative features and given the significant level of previous alteration that has already occurred, the proposed changes in this case will not impact the character of the listed buildings.

The same is true of proposed internal changes to the mews building. The mews is a modern construction and has been significantly altered to support the previous office use. Changes to the interior of the mews will not impact the character of listing.

At ground floor level the entrance halls at 14 Atholl Crescent and 17 Atholl Crescent remain intact with highly decorative plasterwork and views of the original timber staircase. The entrance hall to 16 Atholl Crescent has been compromised by the removal of the original entrance door and the formation of an office to the front of the property. The original timber staircase is retained in this property. The entrance to 15 Atholl Crescent has been compromised by the removal of the original staircase and the formation of lifts. The proposal scheme will see the reintroduction of a door and entrance hall to 16 Atholl Crescent and the reintroduction of a staircase at 15 Atholl Crescent. This will have a significant positive impact on the character of these buildings. The hallways to 14 and 17 Atholl Crescent and all original decorative features are retained. The original scheme proposed the removal of a number of internal doors and infilling of the entrances. The scheme has been amended to ensure that original doors and entrances from the hallway are retained and pinned to ensure the intention of these spaces remains legible. HES is supportive of this amendment.

Limited subdivision of the ground floor rear rooms at 14, 15 and 16 Atholl Crescent is proposed to allow the formation of new bathrooms. At 16 and 15 Atholl Crescent these rooms have already been subject to significant alteration and the proposed subdivision will not impact the character of the buildings. The rear room of 14 Atholl Crescent has also previously been altered and extended. However, HES has noted that the early twentieth century decorative scheme, including cornice and timber panels contribute and an arched recess to the north wall do contribute to the character of the building. In response the scheme has been amended, a suspended ceiling is proposed to allow limited subdivision whilst retaining the cornice. Given the level alteration to this room through the twentieth century and that the cornice is not original, subdivision of this space is acceptable. The introduction of a limited suspended ceiling allows the retention of the cornice, limiting the loss of historic material. The proposed layout of this space has also been amended to retain the existing buffet recess. Given that the decorative features are retained and that this room has already been altered, the proposed change is acceptable.

The first floors, as the principal drawing room level and with the greatest number of intact rooms and surviving decorative schemes, undoubtedly forms the most significant space within each of the townhouses. Subdivision and alteration at this level is therefore limited. Three quarter height bathroom pods are proposed within 14 Atholl Crescent and 17 Atholl Crescent. Subdivision of the rear room at 15 Atholl Crescent is proposed, however this space has been subject to earlier alterations and subdivision will not harm the character of the building in this case. HES has raised some concern about the proposed subdivision of the rear rooms in 16 Atholl Crescent, due to the remaining cornice and the seemingly intact floor plan. However, a review of plans from the 80s and from the early 1900s it is clear that the existing rooms are not original in form. The rear rooms have had spine walls removed and relocated and the rooms have also been subject to previous subdivision. The cornice is unlikely to be original. Given the extensive level of intervention in this space, subdivision is acceptable. The revised scheme introduces a suspended ceiling to allow the retention of the existing cornice, limiting the loss of historic material.

Revised interior plans show the retention of original doors, particularly at ground and first floor level, original cornices are retained as are original staircases. The proposed scheme will not have a negative impact on the character of the interiors of the listed buildings.

Guidance outlined in *Managing Change in the Historic Environment: Doorways* notes the important role doorways, and their associated features, such as entrance steps and platts, can make to the character and physical integrity of some historic buildings. In this case all original doorways on the townhouses are retained. No changes are proposed to the external stairs located on Atholl Crescent which make an important contribution to the character of the listed buildings and the Conservation Area. New modern aluminium doors are proposed on the street facing elevation of the mews building looking onto Atholl Crescent Lane. Existing doors and windows associated with this building are not original and do not contribute to the character of the listed building. Although modern in appearance the new doors proposed are still in keeping with the appearance of Lane and will not detract from the character of the building which is already modern in appearance.

Managing Change in the Historic Environment: Windows outlines a strong presumption in favour of the retention of original historic windows, with replacement typically only supported where windows are beyond repair. Glass type, glazing patterns, method of opening and materials are all important considerations in assessing changes to windows. The introduction of double glazing can be acceptable, though it is expected that original frames are retained, and narrow profile glazing is used with a cavity not exceeding 6 mm. New windows openings and the conversion of windows to doors can be acceptable on secondary elevations and where there is not a strong glazing pattern.

The proposals are supported by a window survey and condition report. Retrofitting of double glazing is proposed for all windows. Only two windows are deemed beyond repair with complete replacement proposed. These are not original Georgian windows. HES has noted the contribution that the original Georgian windows make to the character of the townhouses, particularly at lower levels. HES recommends that further consideration should be given to the overhaul and upgrading of the original Georgian sashes in repairable condition. It is recommended that a condition is included requiring further information is submitted to the Planning Authority for further consideration and approval before any Georgian sashes are replaced. The proposal also includes the replacement of the timber fascias and cladding of the dormer windows of the townhouses with zinc. The windows are in poor condition and not original. Zinc is an acceptable material in historic settings and can be coloured to match the existing windows. The proposed alteration will not affect the character of the buildings.

To the rear of the townhouses, one window is to be infilled and new windows are to be formed where the glazed link is removed. The proposal also includes the introduction of external cast iron fall barriers on upper level windows and the conversion of three lower level windows to doors. The rear elevation is a secondary elevation and will not be visible from public view points. The removal of the existing link bridge will improve the appearance of this elevation. The cast iron fall barriers are a sympathetic addition to the elevation. HES has not objected to this addition. The proposal also includes the replacement of all windows of the mews building to the rear. None of the existing windows are historic. The modern windows do not contribute to the character of the listed buildings or their setting.

Managing Change in the Historic Environment: Roofs notes that the significance of a historic roof is derived from a number of factors including its age, functional performance, shape and pitch, profile, and the qualities of its supporting structure, covering materials and associated features. The proposals in this case include removing all roof coverings to decking and rafters to allow new insulation to be installed. The roof profile will be unchanged and the existing slates are to be reused where possible. If slate is found to be damaged, Scot Slate will be prioritised on visible elevations with the use of Spanish Cupa 3 slate where required. Spanish slate is an acceptable substitute for Scots slate.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the character or special historic interest of the listed buildings. A number of elements of the scheme, including the reintroduction of an entrance door and the removal of the rear link bridge will have a positive impact on the character of the buildings. The proposal includes extensive subdivision to achieve the desired layout to support the conversion. These subdivisions are largely limited to areas of secondary importance with no original decorative features. The scheme has been amended to retain decorative features in line with comments from HES. The subdivision of the rear room on the ground floor of 14 Atholl Crescent and the rear room on the first floor of 16 Atholl Crescent is acceptable given the previous level of intervention in these spaces.

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

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.

The New Town Conservation Area Character Appraisal notes the 'Georgian elegance' of Coates and Atholl Crescent, noting that Atholl crescent has remained largely unchanged. The group of buildings borders the principal approach to the city from the west and forms a grand prelude to the streets of James Craigs New Town.

The formal Georgian setting of the townhouses makes the most significant contribution to the New Town Conservation Area. Atholl Crescent remains largely as planned. The removal of original doorway at 16 Atholl Crescent has had a negative impact on the setting of the street and the Conservation Area. Security bars at the basement level also detract from the character and appearance of the Conservation Area. Although the rear of the buildings is screened from view and makes a limited contribution to the appearance of the Conservation Area, the link bridge between 15 Atholl Crescent and the mews does erode the character of the Conservation Area.

The proposal includes limit external changes. The removal of security bars at basement level, the reintroduction of a door to 16 Atholl Crescent and the removal of the link bridge to the rear will contribute positively to character and appearance of the Conservation Area. The return of the buildings to residential use will be compatible with the original character of the conservation area.

A limited number of original Georgian windows remain and it is expected that those which can be repaired are retained. The window report provided indicates that any repairs will follow the original pattern. The proposed retrofit of windows with double glazing will have no visual impact. Proposed alterations to the fenestration to the rear elevation of the townhouses will not be visible from public viewpoints and will not impact the character or appearance of the conservation area. The replacement of windows located on the mews buildings will be in keeping with other modern window units which are visible on Atholl Crescent Lane and will not detract from the appearance of the area.

The proposal also includes removing all roof coverings to decking and rafters to allow new insulation to be installed. The roof profile will be unchanged, and the existing slates are to be reused where possible. If slate is found to be damaged, Scot Slate will be prioritised on visible elevations with the use of Spanish Cupa 3 slate where required. Spanish slate is an acceptable substitute for Scots slate. This will not impact the character or appearance of the Conservation Area.

Conclusion in relation to the conservation area

The proposals will not adversely impact on the character or appearance of the conservation area. The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policies Env 1, Env 3, Env 4, Env 6 and Env 9
- LDP Housing Policies Hou 1, Hou 3, Hou 4, Hou 5 and Hou 6
- LDP Delivery Policy Del 1
- LDP Employment Policy Emp 9
- LDP Design Policy Des 5
- LDP Transport Policies Tra 2 and Tra 3

The Council's non-statutory Listed Buildings and Conservation Area Guidance, Edinburgh Design Guidance, Affordable Housing Guidance and Developer Contributions & Infrastructure Delivery Supplementary Guidance are material considerations relevant when considering the policies above. RICS Guidance Note Valuation of Development Property, 1st Edition, 2019 has also been considered in relation to Policy Hou 6.

Impact on Listed Buildings and Impact on Conservation Area

This has been assessed in sections a) and b) and the proposals comply with LDP Policies Env 3, Env 4 and Env 6.

Impact on the World Heritage Site

LDP Policy Env 1 states that 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.

The New Town 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.

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

Principle of Development

Policy Hou 1 (Housing Development) supports new residential development on sites in the Urban Area, provided the proposals are compatible with other policies in the Local Plan.

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. In this instance the proposal will introduce a residential development in an area with a mix of uses. Whilst a number of properties on Atholl Crescent remain in office use, there are several properties which have been successfully converted back to residential use. The Proposed Development will result in the conversion of the former townhouses back to their original use, which given the level of separation from surrounding commercial buildings will not prejudice or inhibit the activities of those uses.

Policy Hou 5 (Conversion to Housing) of the Edinburgh Local Development Plan (LDP) states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided that a satisfactory residential environment can be achieved; housing would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking standards are met; and the change of use is acceptable having regard to other policies in the plan. These are assessed below:

Residential amenity and open space

Policy Des 5 Development Design (Amenity) states that planning permission will be granted for development that ensures future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

All proposed residential units meet or exceed the minimum internal floorspace requirements set out in Edinburgh Design Guidance (EDG) with the exception of two one bed units. The minimum internal floor area recommended for one bed flats is 52 square metres. In this case one unit will have floor area of 50.8 square metres (sqm) and another will have a floor area of 50.6 sqm. This represents an infringement of guidance. However, as this is a conversion of a listed building an infringement is acceptable in this case. 22 of the 34 units proposed are dual aspect representing 65% of the units proposed. This exceeds the 50% recommendation set out in EDG. 12 units would be suitable for growing families, with three or more rooms and exceeding 91 sqm. This represents 35 % of the total units provided and exceeds the 20% recommended in guidance. In total 47% of the units proposed exceed 91 square metres. The site is centrally located with good access to public transport. The density achieved is comparable with other townhouse conversions in the surrounding area.

In terms of open space, the courtyard to the rear is approximately 620 square metres which is 36% of the site. Residents of the rear basement level flats will have access to private gardens as will occupants of the proposed townhouse units in the mews building. The garden space equates to approximately 161 sqm which is 9.5% of the site. Six private gardens are identified on plans, ranging in size between 12 sqm - 25 sqm. A limited area of 34 sqm of greenspace is located to the rear of the site which would be communal. Effectively, 28 of the new units will therefore be reliant on public greenspace around Atholl Crescent, including Princes Street Gardens which is a five minute walk away. It is not uncommon for city centre residents to have no private greenspace and this has been accepted in previous applications for conversions in the surrounding area. Given that the application is for a conversion within an established historic layout and given it is within walking distance of a large, good quality area of public space, an infringement of LDP Policy Hou 3 is acceptable in this case.

The proposed scheme does not have a lift in converted townhouses and given the significant loss of historic material this would entail it is unlikely this could be accommodated without damaging the character of the listing. Universal access is possible to the rear of the site. The converted mews building will have an entrance lobby which will be universally accessible and the 11 residential units in this building will be served by a lift. Universal access to the basement level flats within the converted townhouses will also be provided to the rear.

Environmental Protection recommended further investigation of the garages opposite the site on Canning Street Lane to establish whether they are in commercial use. These garages appear to be used exclusively for parking cars and not for any wider commercial activity. No Noise Impact Assessment was required. Although Atholl Crescent is a busy road, the area is residential and the level of amenity provided to future occupants will be in keeping with this.

Nearby uses

The surrounding has a mix of residential and commercial uses. The proposed residential use will be compatible with the established character of the area.

Parking

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. The proposal includes six car parking spaces, which complies with Parking Standards set out in guidance. A low level of car parking provision is supported in this case due to the accessibility of the site by public transport and cycling. All spaces have electric charge points. One space is allocated for users with disabilities. Car access will be taken from Atholl Crescent Lane. Public comments noted that the lane does not have a pavement. The Roads Authority has raised no concern in relation to pedestrian safety. Several garages are present on the lane and given the low level of parking proposed it is not expected the scheme will result in a significant increase in traffic on the lane. The proposal complies with Tra 2.

The proposal includes 78 cycle parking spaces in an internal store to the rear of the site. Cycle Parking Standards require a minimum of 77. Edinburgh Street Design Guidance recommends a maximum of 80 % of cycle parking is covered by one type. In this 100% of the provision is from two tier racks. Guidance recommends a 50/50 split of two tier racks combined with other forms of parking. In order to achieve the minimum numbers of parking required on-site in a constrained setting, the use of two tier racks is necessary. As the proposal is a conversion, an infringement of guidance is acceptable in this case.

A satisfactory residential environment can be achieved.

Neighbouring Amenity

LDP Policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The buildings are existing and are being converted back to their original residential use. The proposal does not include the extension of the existing buildings and will raise no issues in relation to loss of sunlight to neighbouring amenity space or loss of daylight to neighbouring windows.

Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town and the New Town. There will be a distance of approximately 6.8 metres between the windows of the converted mews building to the rear and neighbouring properties on the south-east side of Atholl Crescent Lane. However, the mews buildings are an intrinsic part of the established spatial pattern of the area. On balance it is considered this arrangement would be consistent with existing development in the area.

A bin store is proposed within the converted mews building to the rear. The existing bins serving the office building are located within a pend on Atholl Crescent Lane. Noise from an internal bin store separated from the street will not impact neighbouring amenity.

This element of the proposal complies with LDP Policy Des 5.

Developer Contributions

LDP Policy Del 1 states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

Education Contributions

The application site is located within the Boroughmuir/James Gillespie's Education Contribution Zone, Sub Area BJ-1. Additional secondary school capacity is required in this area to support population growth associated with new development. Communities and Families has outlined a requirement for an education contribution in this case. Based on 20 flats exceeding one bedroom and two townhouses a contribution of £32,672 is required. This is based on a rate of £980 per flat and £6,536 per house. A Section 75 agreement is recommended to secure this amount.

Affordable Housing

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

Affordable Housing Guidance states that the payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20, or there are exceptional reasons to avoid on-site provision. Such reasons could include the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, where it is evidenced to be unviable or unfeasible or where there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere.

The applicant is not proposing to deliver any on-site affordable homes. An Affordable Housing Statement has been submitted which sets out three reasons why the applicant considers the delivery of on-site affordable housing would not be a suitable option including:

- there is not an opportunity for an entire stair or building to be allocated as affordable;
- ongoing maintenance costs will be higher than a purpose-built affordable housing development;
- the costs associated with this development are very high due to the nature of the conversion and partial demolition.

The applicant also originally did not propose to pay a commuted sum in lieu of on-site provision and in support of this stance provided two separate Financial Viability Assessments (FVA). The first FVA is dated July 2021, with an updated FVA dated September 2021. The financial viability case put forward by the applicant stated that the development is not financially viable when contributions are sought for affordable housing or education. The applicant put forward that there is a viability deficit and that the payment of developer contributions relating to education and affordable housing would result in a profit below 15% which represents a level of profit below industry standard and represents a high level of risk.

Following extensive discussion on this matter the applicant has confirmed to the Planning Authority that they are willing to enter into a legal agreement to pay the required Section 75 obligations in relation to affordable housing and education.

At the request of the applicant the Council instructed the Valuation Office Agency to set a commuted sum based on industry standards. This process was concluded in September 2022. The District Valuer calculated a residual value for the proposed development of £2,870,000. Following an assessment of cost plans provided by the applicant and in line with policy the District Valuer has set a commuted sum requirement of £717,502. This equates to £84,412 per unit. It is recommended this sum is secured by Section 75 agreement.

Tram Contributions

The proposed development is within the Edinburgh Trams Contribution Zone, the application was assessed for a tram contribution. The development is within Zone 1 of the contribution zone, and a development of 34 residential units would attract a tram contribution of £91,000. In line with the approved policy, the previous use (class 4 offices) is to be deducted, being 2,857 sq. m which equates to £261,764. Therefore, no tram contribution is due.

Subject to the conclusion of suitable legal agreement to pay a commuted sum of £717,502 toward the provision of off-site affordable housing and an education contribution of £32,672 the proposal complies with LDP Policies Del 1 and Hou 6.

Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out requirement for the development of sites of archaeological significance. The City Archaeologist was consulted on the scheme and has concluded that given the significant alterations made to the buildings throughout the twentieth century there are no known significant archaeological impacts nor implications in relation to the proposed scheme.

The proposal complies with LDP Policy Env 9.

Conclusion in relation to the Development Plan

The proposal broadly complies with relevant Policies set out in the Local Development Plan (LDP). The proposal will not have a detrimental impact on the character, appearance or special historic interest of the listed buildings or the conservation area.

The level of private greenspace provided represents an infringement of LDP Policy Hou 3. An infringement is acceptable in this case given the limited space in this established city centre area and the presence of good quality public greenspace in close proximity. The level of cycle parking provided meets the requirements of the Parking Standard. However, this number is achieved exclusively through the use of two tier racks. This is contrary to guidance. This is acceptable in this case given the proposal is a conversion and there is limited space within this location. A satisfactory residential environment can be achieved in this area, in line with the level of amenity experienced by neighbours.

Developer contributions will be required in relation to education and the provision of off-site affordable housing. Subject to the completion of an appropriate Section 75 agreement the proposed scheme is acceptable in this regard.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

Objections - Original Scheme

- Windows to be replaced; this is addressed in section (a).
- Non traditional doors to the rear of the townhouses, external fall guards and non traditional elements to rear of mews; this is addressed in section (a).
- Too many units; this is addressed in section (c).
- Lack of pavement on Atholl Crescent Lane; this is addressed in section (c).
- Privacy; this is addressed in section (c).
- Inadequate car parking provision; this is addressed in section (c).

Objections to revised scheme

- Parking provision; this is addressed in section (c).
- Noise from bin collection; this is addressed in section (c).
- No affordable housing or commuted sum proposed; this is addressed in section (c).
- No access for disabled users; this is addressed in section (c).

Neutral Comments

- Supports conversion to residential; this is addressed in section (c).
- Concerns regarding parking provision; this is addressed in section (c).

non-material considerations

- Impact on businesses from loss of office space; this is not a planning matter.
- No public EV charge points for public in the surrounding area; this is not a planning matter.
- Construction Noise; this is not a planning matter.
- Private waste collection not suitable; this is not a planning matter.

Conclusion in relation to identified material considerations

There are no material considerations which outweigh the conclusion outlined above.

Overall conclusion

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal broadly complies with relevant policies set out in the Local Development Plan (LDP). The proposal will not have a detrimental impact on the character, appearance or special historic interest of the listed buildings or the conservation area.

The level of private greenspace provided represents an infringement of LDP Policy Hou 3 (Private Green Space in Housing Development). An infringement is acceptable in this case given the limited space in this established city centre area and the presence of good quality public greenspace in close proximity. The level of cycle parking provided meets the requirements of the Parking Standard. However, this number is achieved exclusively through the use of two tier racks. This is acceptable in this case given the proposal is a conversion and there is limited space within this location. A satisfactory residential environment can be achieved in this area, in line with the level of amenity experienced by neighbours.

Developer contributions will be required in relation to education and the provision of off-site affordable housing. Subject to the completion of an appropriate Section 75 agreement the proposed scheme is acceptable in this regard.

Overall the proposals are acceptable and there are no material considerations which outweigh the conclusion above.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. The replacement of any element of an original Georgian window, as identified in the report provided by Edinburgh Sash & Case (May 2022) must be justified with the provision of further written information to the satisfaction of the Planning Authority.
4. All replacement windows must match the glazing pattern of the original windows.
5. EV charging points shall be provided in accordance with the parking standards in the Edinburgh Design Guidance and implemented prior to the occupation of the development hereby granted.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.

3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the character of the statutorily listed building.
5. To ensure sustainable access to the site.

Informatives

It should be noted that:

1. LEGAL AGREEMENT -

Planning permission shall not be issued until a suitable legal agreement relating to education infrastructure and affordable housing has been concluded and signed. The legal agreement shall include the following:

Education

The application site is within Boroughmuir/James Gillespie's Education Contribution Zone, Sub Area BJ-1. The developer is required to contribute the sum of £32,672. This is based on a rate of £980 per flat and £6,536 per house with more than one bedroom. 20 flats x £980 and 2 houses x £6,536.

Affordable Housing

A commuted sum of £717,502 is required for the provision of off-site affordable housing. This is based on a rate of £84,412 per unit. 8.5 units x £84, 412.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), visitor cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category B - Newly sub-divided or converted);
7. One parking space to be designated for disabled users.
8. 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 they wish 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. Noise from nearby mechanical plant (including any possible plant introduced for this application) must meet NR25 within the living apartments of the proposed residences, with windows partially open for ventilation.
10. Noise from proposed lift machinery to meet NR20 when assessed in the nearest habitable rooms.
11. Private waste collection is proposed for inhabitants within the converted mews to the rear. Private collection is also proposed for converted townhouses looking onto Atholl Crescent until street bin hub becomes operational. The applicant should contact Waste Services to agree terms of a waste strategy.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 2 August 2021

Drawing Numbers/Scheme

01, 02A, 01, 02A-08A, 09B, 10A, 11A, 12B, 13B, 14A-18A19B, 20A, 22-34

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Transport Planning

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

1. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), visitor cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

3. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf

(Category B - Newly sub-divided or converted);

4. One parking space to be designated for disabled users;

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 they wish 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;

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

DATE: 17 September 2021

NAME: Communities and Families

COMMENT: Assessment based on:

32 Flats

2 Houses

This site falls within Sub-Area BJ-1 of the 'Boroughmuir / James Gillespie's 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:
£44,432

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.

DATE: 17 August 2021

NAME: Archaeology

COMMENT: Having assessed the proposals and Montagu Evan's report I concur that the buildings have significantly been affected by their 20th century conversions into a college and offices from their original domestic uses. Given this, I agree with their conclusions regarding the minimal significant impacts of this scheme and have concluded that there are no known significant archaeological impacts nor implications in relation to these applications.

DATE: 26 August 2021

NAME: Affordable Housing

COMMENT: This application is not viable for onsite affordable housing. A commuted sum is recommended as the affordable housing contribution for the following reasons:

1. The development is a conversion of listed building, which can mean onsite affordable housing is not practical or feasible.
2. Onsite affordable housing delivery is not financially viable due to high construction cost, which are around £100,000 more per home than a RSL would be able to pay.
3. The applicant has engaged in an open book assessment, and construction costs have been independently verified
4. The District Valuer has provided a commuted sum value, calculated using the methodology set out in the Council's Affordable Housing Guidance
5. There is a strong programme of affordable housing being delivered across Edinburgh. The commuted sum would be used to support affordable housing delivery in the same or an adjacent ward.

We support the District Valuers recommendation of a commuted sum totalling £717,502. If Committee is minded to grant this application, the commuted sum would be secured through a Section 75 Legal Agreement.

DATE: 17 November 2022

NAME: Environmental Protection

COMMENT: We have some concerns relating to noise which may negatively impact the amenity of the proposed residential occupiers.

Therefore, before we can consider this application we would need the applicant to submit a Noise Impact Assessment demonstrating that:

- Noise from nearby mechanical plant (including any possible plant introduced for this application) meets NR25 within the living apartments of the proposed residences, with windows partially open for ventilation.
- A review should be carried out of the usage of the commercial garage directly opposite the proposed residential properties at Atholl Crescent Lane. Signage indicates that access is needed at all hours. We would have concerns about noise disturbance affecting the amenity of residents during night hours (23.00 - 07.00).
- In relation to road traffic at the Atholl Crescent facade:
Internal levels of the proposed dwellings should not breach the following (closed windows are acceptable):

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700

D - Daytime 16 hours between 0700 - 2300

DATE: 19 September 2021

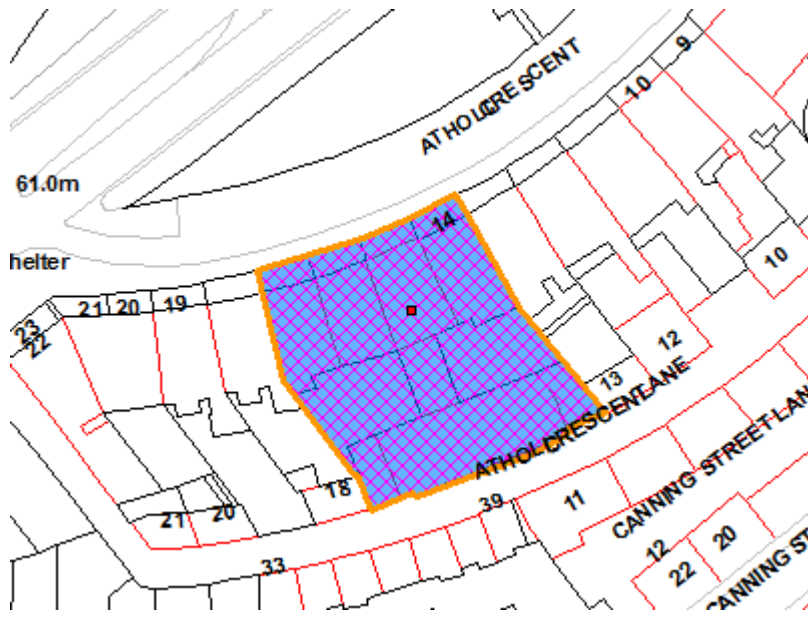
NAME: Historic Environment Scotland

COMMENT: We have assessed the application for planning permission and do not have any comments to make for this consultation.

DATE: 29 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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