

Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/00486/FUL
at 5 - 6 Marshall's Court, Edinburgh, EH1.
Development of 25 new residential flats, cycle parking
provision, associated works and infrastructure (as
amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal is aligned with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable, there is no unacceptable adverse impact on neighbouring amenity and the accommodation will provide a good standard of amenity for future occupiers. The mix of units is accepted given the constraints of the site and the provision of an off-site financial contribution for affordable housing is justified here. Zero car parking is supported and the proposal has been designed to prioritise active travel and meets the requirements of the Edinburgh Design Guidance. The proposal will provide contemporary residential accommodation within the city centre and contribute towards maintaining a sustainable residential community. The building will provide an acceptable setting to the listed buildings and the regeneration of this vacant site, with a high quality design, will enhance the character and appearance of the New Town Conservation Area. There are no material planning considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LEN09, NSG, NSGD02, OTH, CRPNEW, LDPP, LDEL01, LDEL02, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN08, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03,

Report

Application for Planning Permission 20/00486/FUL at 5 - 6 Marshall's Court, Edinburgh, EH1. Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The application site covers an area of 0.07ha and is rectangular in shape, lying to the east of Marshall's Court and west of Greenside Row. The site is within the City Centre as defined in the Edinburgh Local Development Plan and has been vacant for several years. The tenements to the north are A listed (ref: LB28335). The predominant building materials within the area are stone, brick and slate.

Calton Hill is to the south of the site and Blenheim Place and Leith Walk to the north and east. To the west is the Omni Centre and Edinburgh Playhouse. The site slopes downwards to the north and up to the west with a steep slope connecting the Greenside area with Leith Walk. The surrounding area has a mix of uses including hotels, office and residential and form part of a wider mix within the city centre.

The site is within the Old and New Towns of Edinburgh World Heritage Site. This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for detailed planning permission for a residential housing development comprising 25 flats with associated landscaping/public realm works.

The scheme represents a mix of sizes ranging from one bedroom to three bedrooms. Details of the mix are as follows:

1 Bedroom: 4
2 Bedroom: 18
3 Bedroom: 3

The accommodation will sit within a single flatted block with deck access to the flats at the upper levels on the Marshall's Court side. The height of the block is four storeys and fifth floor accommodation incorporated within the mansard roof. Brick is the predominant building material and zinc used at the roof level.

Zero car parking is proposed on the site and 54 cycle parking spaces are to be provided.

Scheme One

Several amendments have been made during the assessment of the proposals. The main changes relate to:

- the number of units have been reduced from 26 to 25;
- the roof form has been revised to form a traditional roof type;
- the building length has been reduced to enable access to Greenside End parking spaces;
- the northern gable windows have been omitted and a projection included to avoid overlooking;
- slot windows have been incorporated on the southern gable to address the street;
- communal and private roof terraces have been omitted; and
- other minor changes.

Supporting Information

The following documents were submitted in support of the application:

- Affordable Housing Statement;
- Archaeological Evaluation;
- Daylight/Sunlight Report;
- Design and Access Statement;
- Drainage Strategy Report;
- Flood Risk Assessment
- Planning Statement;
- Views and
- Sustainability Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposals have an adverse impact on the setting of listed buildings, the character and appearance of the conservation area or effect the outstanding universal value of the world heritage site;
- c) the proposed design, scale and layout are acceptable;
- d) the mix of units and level of affordable housing are acceptable;
- e) the proposal provides an acceptable level of amenity for future occupiers and existing neighbours;
- f) the transport, access and parking arrangements are acceptable;
- g) the impact on infrastructure is acceptable;
- h) the proposals affect trees and biodiversity;
- l) there are any other material issues and
- J) representations raised issues to be addressed.

a) Principle

The site is within the City Centre as defined in the Edinburgh Local Development Plan (LDP). Policy Del 2 City Centre supports proposals that retain and enhance its character, attractiveness, vitality and accessibility of the area. Uses should be appropriate to the site, its accessibility and compatible with the character of the surrounding area. Policy Hou 1 Housing Development supports the delivery of housing on suitable sites within the urban area.

Residential accommodation will strengthen the residential population within the city centre, enhancing the vitality of the area and supporting local amenities. Therefore, the proposal is compatible with policies Del 2 and Hou 1 and the use is acceptable, subject to compliance with other LDP policies.

b) Built Heritage

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require proposals to have 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. LDP Policy Env 1 World Heritage Sites requires development to respect and protect the outstanding universal values of the World Heritage Site and its setting. LDP Policy Env 3 Listed Buildings - Setting permits development if not detrimental to the architectural character, appearance or historic interest of the building or its settings. LDP Policy Env 6 Conservation Areas - Development supports development which preserves or enhances the special character or appearance of the conservation area and demonstrates a high standard of design utilising appropriate materials for the historic environment.

Listed Buildings

The site sits to the south of the category A listed tenements at 6 - 10 Blenheim Place and 2 - 3 Greenside End. The tenement is a symmetrical classical tenement range with flat roof, single storey to Blenheim Place and steep five storey drop to the rear. The tenements are characterised by their stone façades and classical architecture. The listed buildings are primarily viewed and appreciated from Blenheim Place. As the proposed building is set 13m back from Blenheim Place and with a modest increase in height there is no impact on the setting of the listed building from this view and the character of the building will be maintained.

The proposed scheme will affect the setting of the rear elevation of the listed buildings. The rear elevations are plain in design with regular window fenestration comprising six over six window formation with hard landscaping within the curtilage. This site historically contained buildings and its redevelopment offers the opportunity to strengthen the historic grain and resolve and unsightly area of land. The proposed scheme will provide a sympathetic setting to the rear elevation of the listed buildings. The building is set back around 13m from the listed buildings and maintains their setting. Private views of Calton Hill will be interrupted by the development on the site, however, private views are not protected. Historically, the building on the site would have had a similar impact on private views. The proposed residential block will form a plain elevation that does not detract from the character or setting of the listed building.

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 existing site has been cleared for a significant period and detracts from the character and appearance of the New Town. Whilst the New Town itself has been well preserved, there are several contemporary interventions within the Greenside area including the Baxter's Place hotel extension, Omni Centre and contemporary office developments. The proposed scheme, with its architectural language and materiality sits comfortably within this part of the conservation area. The traditional mansard roof form design featuring dormers pick up on the heavily articulated roofscape of the surrounding area.

The material palette including brick compliments the existing use of brick in this part of the New Town with the tone of the brick referencing the sandstone character of the wider New Town. The solid to void ratios, window patterns replicate a similar pattern to the traditional tenement patterns.

The proposal will reinvigorate this site and contribute towards the re-establishment of the tight knit character of the Greenside area. The changes will enhance the site's relationship with the street and appearance in local views. The character of the area is formed of a mix of uses and the use as residential site will contribute towards a balanced mix of uses within the conservation area and have a positive impact on the mixed-use character of the area. The scheme demonstrates a high standard of design and utilises appropriate materials within the historic environment and will enhance the character and appearance of the New Town Conservation Area.

World Heritage Site

The site sits within the Old and New Towns of Edinburgh World Heritage Site and visible within views from Calton Hill. Edinburgh World Heritage has been consulted and consider the proposal to have a harmful impact on the Outstanding Universal Value of the World Heritage Site in terms of the design, height and understanding of secondary street hierarchy of heights in the New Town. Whilst higher than the original building on the site, this proposal will maintain the character of the Calton Hill valley. Although secondary streets within the New Town generally sit lower than primary streets, in this case the character of the area has been changed through contemporary interventions of a higher scale. The street no longer reads as a back street lane and accordingly a higher building is acceptable. The material of the roof and articulation of the roof planes and dormers work sensitively with other roofs. The introduction of an articulated roof form is a positive contribution to the wider roofscape. The proposed scheme will not be prominent with the key view to the site from Calton Hill. The proposed changes have responded sensitively to its surroundings, integrating a contemporary development sensitively within its historic surroundings.

With reference to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed buildings and the character or appearance of the New Town Conservation Area. The proposal complies with LDP Policies Env 1, Env 3 and Env 6.

c) Design, Scale and Layout

Policy Des 1 Design Quality and Context, Des 2 Co-ordinated Development, Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features, LDP Policy Des 4 - Development Design - Impact on Setting , Des 7 Layout Design and Des 8 Public Realm and Landscape Design of the LDP support schemes with a comprehensively designed layout and demonstrate an integrated approach to the layout of buildings, streets, footpaths and open space. Layouts should incorporate and enhance existing features contributing towards a sense of place. The layout should connect with the wider network and encourage walking, cycling and support public transport. Policy Hou 4 - Housing Density seeks an appropriate density having regard to the characteristics of the area and creating an attractive residential environment.

Layout and Density

The development proposes a single rectangular block flanked at either side by Marshall's Court and Greenside Row. The orientation of the buildings will face onto the existing streets providing an active frontage onto Marshall's Court and Greenside Row. Minor setbacks at ground floor level apartments provide modest defensible space. To the west elevation facing Marshall's Court the entrances to the flats are recessed by around 1m and form a defensible space from the street. The layout includes a single stair with external deck access to the upper levels.

Cycle storage access is gained from Greenside End with additional on street storage to Marshall's Court. The layout will form an urban street, the building extends the full width of the space between Marshall's Court and Greenside Row which is in keeping with the historical building width of the site. Whilst 3 Marshall's Court is narrower and steps back from the street this building is the exception along the street with most other buildings occupying the full width. The space formed to the front of 3 Marshall's Court by the setback does not contribute towards the attractiveness of the street and is an underutilised space. An active street frontage will increase activity on Marshall's Court and Greenside Row and enhance the character of the street.

The residential density equates to around 357 units/ha. The higher density reflects the efficient use of the site with no space is given over to roads or car parking. Higher densities are supported within urban area with good access to public transport. High densities are a characteristic of the city centre and therefore, acceptable in this location when compliant with other policies.

Height, Scale and Massing

The character of the area is predominantly flatted accommodation between two and five storey residential buildings. The hotel extension to Baxter's Place is the tallest building on the street and is around six storeys with a seven-storey set back. The surrounding flats are of a traditional design utilising traditional building materials. This proposal is four storeys with fifth floor accommodation incorporated within the roofscape and dormer windows. The proposed maximum height of the proposal is around 16.5m at the north elevation, which sits higher than the residential accommodation to the north and buildings to the south. However, as the section drawing shows the proposal sits around 5.5m lower than the Marriott Hotel to the west and office to the south and maintains the valley character of the street. This maintains the relationship between Leith Street and Calton Hill, maintaining the valley setting to Calton Hill. The overall height of the building is similar to the properties at Blenheim Place when considered from the rear with this proposal around 1.5m taller. Overall, in the context of the neighbouring buildings the proposal sits comfortably within its surroundings and will not have a detrimental impact the character of the area.

The massing of the scheme has been broken up on the east elevation facing Calton Hill through the rhythm of the window pattern, recessed downpipe guttering and dormers forming an articulated roofscape. These elements assist in reading the verticality of the proposal and maintain a rhythm that replicates traditional tenement vernacular. The north elevation facing Blenheim Place has a projecting pop-out maintaining privacy for the residents of Blenheim Place and reduces the overall mass of the elevation through providing an interesting design feature.

The massing on the east elevation on Marshall's Court has attempted to replicate the rhythm of the Greenside Row elevation through the incorporation of recessed downpipes and patterned brick detail. The southern gable has incorporated slot windows that reduces overall mass of this elevation and provides a welcoming reception to the street.

The applicant has submitted views that demonstrate that the development will sit comfortably within the wider townscape. Analysis of key views shows that proposed buildings sit comfortably within the view from Calton Hill and the view from Marshall's Court forming a close-knit urban street within this historic street. The proposals have been designed to ensure that the characteristics of this view, such as traditional roofs and the roofscape, are maintained.

Design and Materials

The gable elevation to the north has been designed to provide an attractive setting to the listed buildings without any direct overlooking. The projecting gable provides an interesting design feature maximising access to light and outlook whilst avoiding overlooking the neighbouring properties. The south-east elevation has a strong verticality in its arrangement with windows and downpipes used to emphasise this. The south west elevation whilst not read directly in conjunction with the south east elevation has attempted to replicate some of its key features and verticality.

The roof has been designed to create a traditional looking mansard form to reflect the site's position within the conservation area, world heritage site. This roof form is in-keeping with the historic proportions and rhythms of the surrounding roofscapes when viewed from Calton Hill. Although the roof introduces a traditional form contemporary features such as full height windows have been included to provide uninterrupted views of Calton Hill.

In terms of materials, the predominant building material is brick. Whilst stone is the predominant building material within the New Town Conservation Area there are examples of brick used within the Greenside area included Baxter's Place hotel extension or the rear of the Edinburgh Playhouse. The abutting building has a dark render finish and the type of brick has been chosen to compliment the colour of sandstone buildings prominent within views. Accordingly, in this site, the use of brick is acceptable. Zinc cladding will be used on the roof which has been used successfully on other sites within the world heritage site to work well with its historic surroundings with stone copes over the brickwork of the parapet. Overall, these materials are acceptable. Therefore, the proposal complies with policies Des 1, Des 2, Des 3, Des 4, Des 7, Des 8 and Hou 4 of the LDP.

d) Housing Mix and Affordable Housing

LDP Policy Hou 2 - Housing Mix requires a mix of housing types and sizes on suitable sites. The EDG stipulates that internal space standards should be at least 52 square metres per one bedroom unit, 66 square metres per two bedroom unit and 81 square metres per three bedroom unit. All units within the scheme meet or exceed the internal space standards.

The Edinburgh Design Guidance requires residential schemes to include 20% family housing classed as three bedrooms or more. This proposal includes only 12% and is a minor infringement of the guidance. However, given the constraints of the site, including sitting within a steep valley and lack of private amenity space on site, it is not considered to be an attractive site for growing families. The residential accommodation is likely to be more attractive to younger couples. Accordingly, in these exceptional circumstances an infringement in the guidance is acceptable and will make a positive contribution to the residential accommodation within this city centre.

The residential accommodation has been designed to facilitate access across all levels with access to the upper levels by lift. Whilst, the accessibility of the wider site may be restricted to those with special needs due to the changes in level from Leith Street to Marshall's Court, the accommodation on the site is accessible and the compliance with regulations will be considered as part of the building standards process. The wider accessibility issues regarding the change in levels cannot be dealt with through this application.

Affordable Housing

Policy Hou 6 Affordable Housing of the LDP requires developments of 12 or more units to include provision for affordable housing amounting to 25% of the total number of units proposed. There is a requirement for 6.25 units on this site.

The applicant has explored all means of providing onsite affordable housing however, the site constraints, high build costs and market value have made this unviable. Instead, the applicant is to provide a commuted sum towards the provision of affordable housing of £325,000 to be secured through a S75 legal agreement. The sum will be used to deliver affordable housing within the local area (within the same or adjacent ward). Housing Management and Development accept that payment of a commuted sum can be justified and the equivalent to 25% on site provision. Therefore, the proposal complies with policy Hou 2 and Hou 6 of the LDP and will make a contribution to affordable housing needs.

e) Amenity

Policy Des 5 Development Design - Amenity of the LDP supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed. Policy Hou 3 Private Green Space in Housing Development requires a minimum of 20% of the total site area should be useable communal greenspace.

The applicant has demonstrated that the level of daylighting to the proposed development and the impact on neighbouring properties is acceptable. The existing windows were assessed by Vertical Sky Component (VSC) and showed minimal impact to the neighbouring properties. All habitable rooms in the proposed development meet the right to light criteria and therefore, adequate daylight is maintained to the existing neighbouring properties and will be achievable for the proposed properties. 96% of properties will be dual aspect enhancing the internal amenity of the proposed flats.

No communal greenspace and will be provided due to the constrained nature of the site within a tight-knit urban area. Opportunities for open space were limited to roof level however, this would be detrimental to impact on built heritage considerations and in this instance, it was determined that a traditional roof form was an appropriate response to the site's historic context. Although no open space is provided on the site, there is direct access to Calton Hill for future residents. The applicant has agreed to make a financial contribution through the S75 agreement to upgrade access to Calton Hill from Greenside Row by resurfacing the top level path and funding replacement Caithness paving. Therefore, in this particular case, the contribution to enhancing existing neighbouring green space compensates for no on-site provision and meets the requirements of policy Hou 3 Private Green Space in Housing Development, Env 18 Open Space and is considered reasonable in relation to the development.

In terms of privacy, the proposed flats are set sufficiently back from the existing properties at Blenheim Place with no direct overlooking. The proposed ground floor flats incorporate a buffer zone between public spaces and the façade is created by the formation of privacy planting. The proposals therefore, comply with policy Hou 3 and Des 5 and will provide a high level of internal and external amenity.

f) Transport

The scheme has been assessed against policies Tra 2 - Private Car Parking, Tra 3 - Private Cycle Parking. Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

Zero car parking provision is being provided on the site. There is no minimum standard for car parking within zone one and in highly accessible locations such as the city centre zero car parking on site is encouraged. Cycle provision of 54 spaces is provided with a mix of internal secure cycle stores and some visitor cycle parking on-street. The Roads Authority was consulted and raised no objections and the proposals comply with policies Tra 2 and Tra 3.

g) Infrastructure

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Transport

The site is within 0m - 250m of tram line 1 and therefore, within the Zone 1 contribution zone as defined in the Developer Contributions and Infrastructure Developer Delivery Supplementary Guidance. The applicant is required to contribute the net sum of £62,071 towards the tramline. and will be subject to a S75 legal agreement.

Education

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone' within the Developer Contributions and infrastructure Delivery Supplementary Guidance. The assessment was based on 21 residential flats (excluding one bedroom flats), using the established 'per flat' rates for that zone. The total land contribution required is £17,976.

A S75 legal agreement is recommended as the suitable method of securing this contribution and ensuring the scheme complies with policy Del 1. The applicant has confirmed acceptance of the proposed contributions.

h) Other Matters

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 proposals meet the Council's requirements. SEPA has no objection to the application. The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policy Env 21 Flood Protection.

Waste

An acceptable waste strategy is to be agreed by Waste and subject to a condition.

Archaeology

Policy Env 9 Development of Sites of Archaeological Significance permits development where no significant archaeological features are likely to be affected or the benefits of the proposed development outweigh the importance of preserving the remains in situ. Where sites are of archaeological significance the applicant will be required to undertake a programme of works including excavation, recording, analysis and publication of the results. The site was historically used as part of the Greenside (Rude) Chapel and therefore, of archaeological significance. Accordingly, a condition has been included to secure a programme of archaeological works agreed with the City of Edinburgh Council.

Contamination

Policy Env 22 Pollution and Air, Water and Soil Quality permits development where there will be no significant adverse effects on air, soil quality, quality of the water environment or on ground stability or appropriate mitigation to minimise adverse effects can be provided. The applicant has submitted a basic level of site investigation, however more information is required.

Accordingly, a condition has been included requiring further site investigation with remedial or protective measures if required before work is undertaken on site and ensure the site is made safe for the proposed use of the site.

i) Public Comments

Comments on scheme are as follows:

Material Comments - Objections

- uses; this is addressed in section 3.3 a)
- built heritage; this is addressed in section 3.3 b)
- height; this is addressed in section 3.3 c)
- layout; this is addressed in section 3.3 c)
- density; this is addressed in section 3.3 c)
- mass, scale, design; this is addressed in section 3.3 c)
- disabled access; this is addressed in section 3.3 d)
- amenity; this is addressed in section 3.3 e)
- open space; this is addressed in section 3.3 e)
- traffic and parking; this is addressed in section 3.3 f)
- waste; this is addressed in section 3.3 h)

Non-Material Comments

- parking permits;
- building standards issues;
- construction process;
- non-compliance with approved use;
- private views;
- references to other planning permission reports and
- maintenance.

Community Council

The New Town and Broughton Community Council requested to be a statutory consultee and objected to the application on the following grounds:

- layout; this is addressed in section 3.3 c)
- height, scale and form; this is addressed in section 3.3 c)
- amenity; this is addressed in section 3.3 d) and
- access and parking; this is addressed in section 3.3 e).

Conclusion

The proposal is aligned with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable, there is no unacceptable adverse impact on neighbouring amenity and the accommodation will provide a good standard of amenity for future occupiers. The mix of units is accepted given the constraints of the site and the provision of an off-site financial contribution for affordable housing is justified here.

Zero car parking is supported and the proposal has been designed to prioritise active travel and meets the requirements of the Edinburgh Design Guidance. The proposal will provide contemporary residential accommodation within the city centre and contribute towards maintaining a sustainable residential community. The building will provide an acceptable setting to the listed buildings and the regeneration of this vacant site, with a high quality design, will enhance the character and appearance of the New Town Conservation Area. There are no material planning considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

4. Details of an acceptable waste management plan are to be submitted and approved by the planning authority prior to the commencement of development on site.

5. Details of the hard and soft landscape treatment of the site, including surface treatments and planters, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The development shall be undertaken in accordance with the approved details, prior to its first occupation.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. To safeguard public safety.
4. For the planning authority to consider.
5. In order to ensure that a high standard of landscaping is achieved.

Informatives

It should be noted that:

1. Consent shall not be issued until a S75 agreement has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

Tram Contribution Zone - £62,071 (based on 25 units within Zone 1) to the Edinburgh Tram.

Communities and Families

Sub-Area D-1 of the 'Drummond Education Contribution Zone' - £17,976.

Affordable Housing

Commuted sum equivalent to 25% on site provision (£52,000 x 6.25 units units) - £325,000.

Parks and Greenspace

Greenside Row footpath works - £17,272.

Caithness paving installation - £8,694.

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights. The site is accessible via a steep slope or steps that may reduce accessibility. However, this cannot be addressed through this application.

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 publicised on the weekly list of applications on 10 February 2020. Neighbours were notified of the application on 5 February 2020 and 21 days were allowed for comments. The proposals that formed Scheme 1 received 24 objections, including a petition with 31 signatories and one general comment.

Neighbours were re-notified on 8 October 2020 to allow for comments to be submitted on revised plans and further information for Scheme 2. Scheme 2 received 21 objections including a petition with 31 signatories.

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

Edinburgh Local Development Plan

Date registered

3 February 2020

Drawing numbers/Scheme

01 - 02, 03A - 09A, 10 - 12,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: declan.semple@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

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

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

LDP Policy Env 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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

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

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

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

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

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

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

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

LDP Policy Hou 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 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.

Appendix 1

Application for Planning Permission 20/00486/FUL At 5 - 6 Marshall's Court, Edinburgh, EH1 Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended).

Consultations

Scottish Water - response dated 11/02/2020

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

Water

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

Foul

o This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

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

Infrastructure within boundary

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

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

Scottish Water Disclaimer

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

o Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd Tel: 0333 123 1223

Email: sw@sisplan.co.uk www.sisplan.co.uk

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

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

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

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

o *Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>*

Next Steps:

o *Single Property/Less than 10 dwellings*

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

o *10 or more domestic dwellings:*

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

o *Non Domestic/Commercial Property:*

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

o *Trade Effluent Discharge from Non Dom Property:*

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk 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 using

the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Archaeology - response dated 12/02/2020

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for development of 26 new residential flats, cycle parking provision, associated works and infrastructure.

The site lies to the rear of Baxter's Place at the foot of Calton Hill. Historically the site formed part of the grounds associated with Greenside (Rude) Chapel established in the mid 15th century and which became a leper hospital in the 1590's. The hospital appears to have continued until around 1650 and it and the chapel were surrounded by a graveyard, remains of which were discovered in 2009 during Tram works in London Road and possibly during the construction of the green-side place carpark in the 1980's. The site was abandoned until redeveloped in the 18th/19th century.

Accordingly, this building and site is regarded as being of archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies 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.

Given the archaeological significance of the site a programme of pre-determination evaluation was carried out in 2019 by AOC Archaeology. The results (see accompanying AOC report 24983) demonstrated that archaeological remains do survive on site, including a well, dating to the 18th/ 19th centuries though no evidence for earlier chapel/hospital remains were positively identified.

The proposals will require significant ground works during construction which will affect the surviving 18/19th century remains, but which may disturb earlier archaeological remains (including possibly human remains) associated with former 15th-17th century Greenside (Rude) Chapel & Hospital. It is therefore considered that this scheme will have some low but potentially significant localised archaeological impacts. It is recommended therefore that a programme of archaeological work is undertaken prior to development to fully excavate and record any buried remains affected.

It is recommended that the following condition is attached to any granted permissions to ensure that this programme of archaeological works is undertaken prior to construction.

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Communities + Families - response dated 13/02/2020

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:

16 Flats (10 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:
£13,696*

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.

Communities + Families - response dated 17/11/2020

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:

21 residential flats (4 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:
£17,976*

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.

Transport - response dated 17/02/2020

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

- 1. The applicant will be required to contribute the sum of £65,286 (based on 26 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 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), 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 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);*

Note:

- o Zero car parking is acceptable for residential development in this area;*
- o The proposed 60 cycle parking spaces exceeds the required provision under the Council's parking standards.*

Transport - response dated 30/10/2020

Further to the memorandum dated the 17th of February and the subsequent amendments made Transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute the sum of £62,071 (based on 25 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
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), 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 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);

Note:

- o Zero car parking is acceptable for residential development in this area due to its proximity to public transport and local services and amenities;*
- o The proposed 54 cycle parking spaces meets the required provision under the Council's parking standards and the proposed split between internal and external storage is considered acceptable*

Historic Environmental Scotland - response dated 20/02/2020

Thank you for your consultation which we received on 07 February 2020. We have assessed it for our historic environment interests and consider that the proposals affect, or have the potential to affect, the following:

<i>Ref</i>	<i>Name</i>	
<i>Designation Type</i> 100018438 <i>Heritage Sites</i>	<i>Edinburgh World Heritage Site Boundary</i>	<i>World</i>
<i>LB28334</i> <i>Building</i>	<i>1-5 (INCLUSIVE NOS) BLENHEIM PLACE INCLUDING RAILINGS</i>	<i>Listed</i>
<i>LB28335</i> <i>Building</i>	<i>6-10 (INCLUSIVE NOS) BLENHEIM PLACE AND 2 AND 3 GREENSIDE END INCLUDING RAILINGS AND BOUNDARY WALLS</i>	<i>Listed</i>
<i>GDL00367</i> <i>and Designed Landscape</i>	<i>THE NEW TOWN GARDENS</i>	<i>Garden</i>

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 have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on 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.

Historic Environment Scotland - response dated 21/10/2020

Thank you for your consultation which we received on 08 October 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	
<i>Designation Type</i> 100018438	<i>Edinburgh World Heritage Site Boundary</i>	<i>World</i>
<i>Heritage Sites</i> LB28334	<i>1-5 (INCLUSIVE NOS) BLENHEIM PLACE INCLUDING RAILINGS</i>	<i>Listed</i>
<i>Building</i> LB28335	<i>6-10 (INCLUSIVE NOS) BLENHEIM PLACE AND 2 AND 3 GREENSIDE END INCLUDING RAILINGS AND BOUNDARY WALLS</i>	<i>Listed</i>
<i>GDL00367</i> <i>and Designed Landscape</i>	<i>THE NEW TOWN GARDENS</i>	<i>Garden</i>

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 have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on 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.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Mario Cariello who can be contacted by phone on 0131 668 8917 or by email on mario.cariello@hes.scot.

New Town and Broughton Community Council - response dated 10/03/2020

Firstly, thank you for agreeing a minor extension to allow the New Town & Broughton Community Council (NTBCC) to consider their response to this proposal in more detail. The proposal relates to the development of a block of 26 new flats on an existing gap site in the New Town Conservation Area and Edinburgh World Heritage Site.

NTBCC had been approached by a number of local residents regarding the application listed above and as well as meeting with residents to better understand their concerns, NTBCC accepted an invitation from those residents to present at the February NTBCC meeting.

Following that meeting, NTBCC then also accepted a prior invitation from the planning consultants, CBRE, to meet with them to better understand this proposal and the reasoning underpinning it.

NTBCC and a designated representative for the local residents met with CBRE on 26th February. A representative from EMA architects was also present. We would want to acknowledge both the pro- active contact from CBRE and the openness of the discussion during that meeting. However, despite the discussions with the planning agents and the architect, several important reservations regarding the proposal remained.

We are also aware that the local residents' association, the Regent, Royal, Carlton Terraces and Mews Association (RRCTMA), in support of their members, have also submitted an objection to the proposal in its current form, being concerned about the adverse impact of the development upon their amenity as a result of loss of privacy, light, over-shadowing and increased nuisance caused by the proximity of the new building.

We agree with the point made by the RRCTMA, as stated in their objection, that it is important to recognise the city's need to increase housing provision for residents, and that no-one is opposed to a residential development of an appropriate form, scale and height on the brownfield site at this location. We also acknowledge and accept that currently the site is poorly maintained and has essentially transmuted into a 'de facto' free parking area.

Whilst we understand that the recent commercial discussions between the developer and the City of Edinburgh Council Estates Dept. had indicated that a development of up to 27 units would be possible (now reduced to 26) which has dictated the height (& footprint) of the proposal, broadly, NTBCC are of the view that too much is being proposed for the site in terms of both footprint and height.

Regarding the specifics of the proposal, NTBCC have concerns with the following aspects :

Height

NTBCC's view is that the 5 storey proposal is incompatible with the buildings both adjoining and adjacent in Greenside End and Greenside Row. Many residents have indicated that a more appropriate height for the development would be a maximum of three storeys (vs. the 5 storeys proposed). Numerous buildings within the vicinity are only three storeys high, and we are aware that the Planning officer's report for the development at 11 Marshall's Court (06/02317/FUL) recognised the possibility of there being future development on the current application site but also stated that the "land is in Council ownership and is to be sold as part of the Fit for Future project. The site may be suitable for residential use, for small-scale business use or a combination of both, up to three storeys in height" (p3 of the Development Quality Sub-Committee of the Planning Committee report for 06/02317/FUL).

However - given current floor - ceiling height requirements vs. those in earlier period buildings and the geometry of the proposed new building (stepped back flat-roofed design vs. pitched roof - it may be possible to incorporate an element of 4 storeys in the development (but still being stepped back towards Greenside End).

Footprint

The footprint of the development is, in our view, larger than appropriate for the site. Although we understand from discussions with CBRE that the footprint has been reduced marginally from the initial proposal, the width of the proposed building is beyond that of the abutting building at 3 Marshall's Court. This appears slightly incongruous and lacking harmony with the existing tenement at 3 Marshall's Court. It also results in a reduced pavement width (p 47 of the Design and Access Statement) which is regrettable.

Whilst we are not entirely clear as to which sections of the current access road are adopted (& hence should meet Edinburgh Council guidance as to pavement width etc.), this impact on both the access amenity of the proposed and existing buildings is a concern.

NTBCC believe that it would be more appropriate for the development to match the width of 3 Marshall's Court, consistent with the requirements of LDP Policy Des 4 ('Development Design - Impact on Setting') and to LDP Policy Des 5 ('Development Design - Amenity').

Overshadowing / Privacy

The proposed five storey building would result in a considerable loss of sunlight and daylight to residents at Greenside End and Blenheim Place. The proposed minimum distance between the feature gable-end of the new building and Greenside End is approximately 9 metres only (as a minimum, acknowledging that due to the slight offset in orientation, this is slightly more in places). It was stated to NTBCC that this is consistent with Edinburgh Council non-statutory guidance for minimum distances between adjacent gable ends. However, we are aware that the current CEC (non-statutory) 'Guidance for Householders' state a minimum distance requirement between building facades to be 18 metres. The impacted properties in Greenside End are mostly (if not all) single aspect and as such, we would expect that these minimum distance requirements should apply between buildings, being approximately 18 metres.

This reduction in building spacing requirements will have a significant and detrimental impact of existing residents within Greenside End.

We are also aware of the discussions that have been had regarding the inclusion (or otherwise) of slit feature windows in the new building gable end, facing Greenside End. . We also understand that as the apartments in the new building are dual aspect, these feature windows could be removed.

However, our preference would be stricter adherence to the building spacing requirements (being 18 metres & not the 9 metres minimum proposed) which would lessen the impact of overlooking from these feature windows.

Access / Parking

While NTBCC recognise the positive ambitions of initiatives that aim to reduce car ownership in the city, we are concerned at the lack of 'set down' spaces for activities such as deliveries, house moves, emergency response vehicles, taxi pick-up/drop-off, and more, all require appropriate vehicular access and short term parking. It is likely that residents in a car-free development will be more frequent users of such services. We were also surprised that there appears to be no mention of Car Club provision within the development site as we would anticipate there being a higher demand for such a facility - ideally complete with electric vehicle charging points.

Noise disturbance

The proposed location - being at the lower point of the valley will result in noise being generated from external terraces (as proposed) will be reflected off surrounding buildings - resulting in noise being an impact on amenity of adjacent residents. As far as we understand, the inclusion of the roof terraces was deemed necessary to meet the requirements for accessible open space for the residents within the new development.

However, there is public access from the development onto the lower reaches of Calton Hill and hence we would question if the issues that may emanate from the open and accessible roof terrace in terms of noise etc. may outweigh the requirement for accessible open space.

We would also acknowledge that in the discussions with CBRE, they indicated that there may be other improvements that could be made to the roof terraces (in terms of a reduction in size - pulling it away from the properties in Greenside End, coupled with

improved screening). However, our preference would be to have inaccessible (but green / sedum) roofs.

In summary, we consider the site in question a suitable choice for the development of flats, however at present the proposed overall scale of the building is too large. Additionally, the surrounding area would benefit from the application being reduced in height by at least one storey to better match, respond to and be more in harmony with the surrounding buildings, in particular, 3 Marshall Court and the properties in Greenside End.

As stated, we are of the view that the proposals contravene Policy Des4 'Development Design - Impact on Setting' which requires the proposal to have "a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views" - we do not believe that this application achieves that in its current form.

Environmental Protection - response dated 23/04/2020

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes to develop 26 new residential units with no car parking.

The application has included a basic level of site investigation information in support of the application however more information is required prior to the applicant being in a position to develop the site. Therefore, a condition is recommended to ensure that the site is made safe for the proposed end use.

The application proposes zero car parking spaces. The site is situated in central Edinburgh, feeds into the central Edinburgh air quality management area and has excellent public transport, cycling and walking links. Therefore, zero car parking is strongly supported by Environmental Protection to reduce the possibility of any further traffic related air quality impacts from occurring.

Therefore, Environmental protection would offer no objections subject to the following condition:

Prior to the commencement of construction works on site:

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Edinburgh World Heritage - response dated 22/10/2020

Thank you for consulting Edinburgh World Heritage regarding the above application. We offer the following comments to the formal submission, which we hope you find helpful in determining the application.

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

OUTSTANDING UNIVERSAL VALUE

As summarised in our previous response of March 2020, the proposals touch on a number of elements of OUV - principally Calton Hill, topography, classical, set pieces, and the rhythm of the New Town. In many respects the issues are similar to those encountered with past proposals for Calton Road.

Calton Hill and Topography: At the point of inscription of the WHS, the site was vacant, having been cleared in the 1960s. The site is at a low point in the valley between Calton Hill and Multrees Hill (on which the St James Centre was placed).

Classical set pieces: Nearby Blenheim Place was kept deliberately low in order to allow a sense of the valley and for the hill to remain prominent, with a gap in the built forms between this terrace, Greenside Church and Royal Terrace. The office building inserted into this space (pre-inscription of the WHS) was deliberately kept low and recessed. Blenheim Place is part of a wider classical set-piece, forming the base of the handsome Ionic portico that turns the corner from Leith Walk to the west, while allowing Greenside Church to be perceived almost as a country church in a bucolic setting.

Rhythm of the New Town: the general pattern across the New Town, established in the First New Town, is for taller buildings on the main routes, with secondary building at a lesser scale behind. Map evidence shows that the buildings on the site were the same width as the existing buildings at 3 Marshall's Court (i.e. OS 25 Inch, 1896). Old images show low level buildings behind the tenements on Calton Road and Picardy Place, in line with the scale of the surviving historic buildings in Marshall's Court and Greenside Row. The surrounding buildings at this level of the valley are three to four storeys high.

IMPACT ON OUTSANDING UNIVERSAL VALUE

Our previous advice on these proposals (March 2020) raised concerns regarding the proposals as follows:

_&Ú Lack of understanding of the World Heritage Site value, characteristics and resultant lack of necessary consideration in the design and height of the proposals

_&Ú Lack of information necessary to judge the impact of the proposals on the OUV of the World Heritage Site (including verified images and context showing wider urban context)

_&Ú On the basis of the limited information provided at that time, the proposals would be likely to have a negative impact on OUV, particularly due to their scale and disruption of main street/secondary street hierarchy of heights characteristic of the New Town

While some design amendments have been made, the current proposals remain largely the same in principle, height, massing and level of information provided. For the reasons outlined in our previous letter, we therefore continue to advise that the proposals would have some harmful impact on the Outstanding Universal Value of the World Heritage Site.

This level of harm could be reduced primarily by reducing the height of the proposed development by one storey. The use of historic local materials (rather than buff brick as shown in the visuals) and details would also lower the level of harm.

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):

_&Ú Duty to protect, conserve and present OUV for future generations (UNESCO)

_&Ú 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)

_&Ú The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)

_&Ú 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)

_&Ú Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)

RESULTANT POSITION

The proposals would constitute a level of harm to the Outstanding Universal Value of the World Heritage Site and, in line with the legislative and policy considerations outlined above, we are therefore unable to give our support to these proposals. We advise that opportunities to reduce the level of harm is explored, principally by the reduction in height of the proposed development, as outlined above.

As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail of this application. We are aware of a forthcoming additional consultation for this site, and will respond to this separately where consulted.

Parks + Greenspace - response dated 22/12/2020

I can confirm I have been fully consulted on these plans and have provided from P1 the attached quotes for the works below and am fully supportive of these planned projects to improve Calton Hill.

- 1. Caithness stone (£8,694); To increase to 40sm the Caithness site taking away muddy desire lines and giving an exceptional viewing platform looking over the Forth and parts of Edinburgh*
- 2. Path top section (£17,272.10) To provide a much safer surface and also improved stepped section leading to Greenside.*

The funding is from a planning application funded through the provision of the 25 units at Marshall's Court to compensate for no on-site open space provision.

I have also attached photos of the site to get the Caithness upgrade and also photo of the top section of steps and pathway to be upgraded.

Affordable Housing - response dated 22/01/2021

DEMOLITION OF EXISTING HOUSE AND ERECTION OF NEW RESIDENTIAL

1. Introduction

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

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

- o 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.*
- o 25% of the total number of units proposed should be affordable housing.*
- o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development of 25 flats of one, two and three bedrooms. There is an affordable housing requirement for 6 units (25%) to be an approved affordable housing tenure.

The application was first submitted in February 2020. There has been extensive discussion with the applicant to try and find a way to secure on-site affordable housing, but all approaches to on-site delivery have been discounted for the reasons set out below.

- o Delivery by a Registered Social Landlord (RSL)*

The applicant engaged with RSLs at an early stage to explore the potential for on-site delivery as either social or mid-market rent, however this was not viable or feasible for the following reasons.

It was not possible to include a dedicated stairwell and entrance for the six affordable units as it is a small, contained site with existing buildings close by. RSLs will generally look to consolidate ownership of affordable homes within a single stairwell to avoid ownership, management and maintenance issues. In addition, access to on-site affordable units would be challenging for some potential occupiers as the site is at the bottom of a steep slope.

It should be noted that even if the applicant had been able to identify a RSL to deliver on-site affordable housing, the build costs will be markedly higher than what an RSL would typically be able to finance. This is due to the building abutting an existing property, the topography and the requirement for materials appropriate to its location in the World Heritage Site. The applicant has suggested that the construction cost per unit could exceed £200,000. RSLs build costs are approximately £130,000 per unit. The funding gap that would have to be bridged to deliver six affordable homes would be highly significant (potentially more than £400,000).

- o Low-Cost Home Ownership (Golden Share)*

Golden Share is a form of unsubsidised low-cost home ownership where units are sold at 80% of market value. The Council's guidance on 'Affordable Housing' states that the purchase price of a home when based on 80% of market value should not exceed £214,796 for it to be 'affordable', and properties approaching this value are expected to have three bedrooms.

The estimated sales values of the proposed units have been independently verified by the Council's Estates Team. The two-bedroom and three-bedroom units are expected to be priced above £214,796 even at 80% of market value. The price of the one-bedroom unit would be close to this price. The estimated sales values make 'Golden Share' an unviable affordable housing delivery model.

- o Intermediate Rent*

The delivery of on-site affordable homes as 'intermediate rent' was considered when the entire development was to deliver homes for rent, but this was discounted when the

scheme became a more traditional 'housing for sale' model with a reduced number of units.

The applicant is therefore proposing the payment of a commuted sum in lieu of delivering on-site affordable housing.

The Council expects the 25% affordable housing contribution to be delivered on site and in a manner that is well-integrated. Over 9 out of every 10 applications where there is a AHP requirement have affordable housing delivered onsite. However, the Council's planning guidance on 'Affordable Housing' (last updated in February 2019 and approved by Planning Committee) sets out that if options for onsite delivery have been explored but there are exceptional reasons why this is unviable or unfeasible, then a commuted sum payment can be agreed in lieu of onsite affordable housing.

Housing Management and Development accepts that it would be unviable or unfeasible to deliver affordable housing on-site and therefore the payment of a commuted sum can be justified.

The commuted sum should be secured through a S75 agreement. The sum required will be based on the site's land value and calculated in line with the approach set out in the planning guidance on 'Affordable Housing'. The sum is anticipated to be £325,000 (based on £52,000 per unit multiplied by the exact AHP requirement for 6.25 affordable homes).

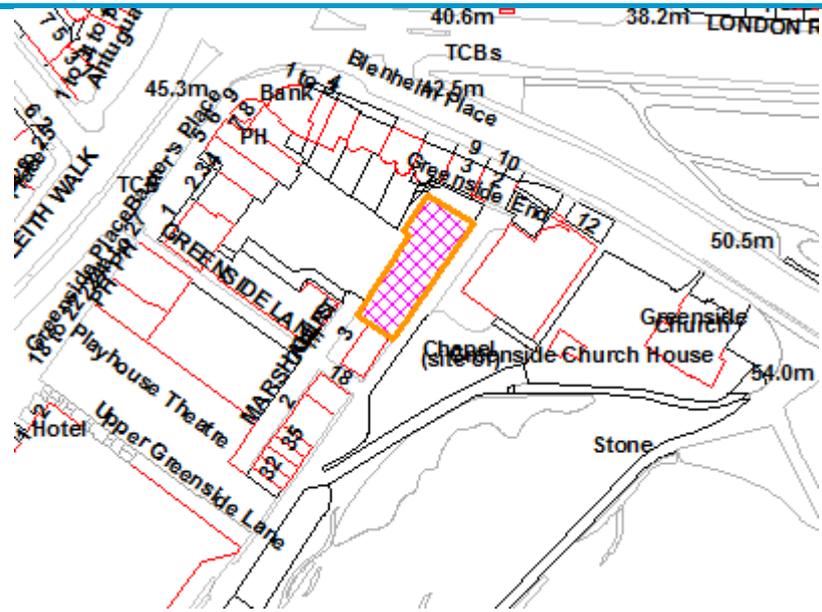
3. Summary

All means to find an onsite affordable housing solution have been explored. The site constraints, high build cost and high market value of these homes mean that they would not be financially viable as onsite affordable housing.

Housing Management and Development accepts that it would be unviable or unfeasible to deliver affordable housing on-site and therefore the payment of a commuted sum can be justified. The required sum is anticipated to be £325,000 and should be secured through a S75 agreement.

The Council will have 10 years to use the commuted sum to secure an affordable housing project. The site is within the City Centre ward. The sum will be used to deliver affordable housing within the local area (within the same or adjacent ward). Commuted sums have recently been used to support the delivery of affordable housing nearby at Shrubhill and Fountainbridge. With the expanding housing programme, Housing Management and Development are aware of potential projects close to the city centre ward where commuted sums could be used to deliver more or better-quality affordable homes.

Location Plan



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