

Development Management Sub Committee

Wednesday 10 November 2021

**Application for Planning Permission 21/02830/FUL
at 30 Semple Street, Edinburgh, EH3 8BL.
Refurbishment, extensions, new facade treatments and
associated works.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the Edinburgh Local Development Plan.

It preserves the character and setting of the adjacent listed building and the design is high quality representing a building that in terms of scale, form and materials is compatible with the character of the local environment.

No unreasonable loss of amenity to neighbouring residents will occur as a result of the development and the proposal minimises environmental resource use and incorporates sustainable features. A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result.

The proposal does not result in an increased flood risk. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEMP01, LDEL02, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES11, LDES12, LEN01, LEN03, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSGD02,

Report

Application for Planning Permission 21/02830/FUL at 30 Semple Street, Edinburgh, EH3 8BL. Refurbishment, extensions, new facade treatments and associated works.

Recommendations

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

Background

2.1 Site description

The site is a modern office block in the centre of Semple Street within the City Centre as shown on the LDP Proposals map.

The current office is around 20 years old and is five storeys high with a rooftop plant room. The top storey is set back from the street and there is a series of louvres over reconstituted stone. The gross internal floor area is 4917 square metres (sqm).

There is a side lane to the north which leads to a small area of 10 car parking spaces and a cycle parking shelter at the rear.

The surrounding buildings are largely commercial although Lothian House to the east has residential properties on the upper floors. The area has undergone significant change over the last 30 years with large office buildings on the opposite side of Semple Street and along the north side of Morrison street with a business area created around the West Approach Road.

Lothian House, is a Category B Listed Art Deco Building (ref: LB30289, dated 19/03/1993).

The existing office building on-site is not listed, not in a conservation area or within the World Heritage site.

2.2 Site History

29 January 1999 - planning permission granted for the demolition of existing office building and construction of new speculative office development (application reference : 98/03239/FUL)

Surrounding site history:

27 April 2018 - planning permission refused for erection of additional office floor with adjusted elevation details and plant area at 142 Lothian Road (application reference : 17/05827/FUL)

Main report

3.1 Description of the Proposal

The proposal is to rebuild the office to provide a more energy efficient building in line with current standards.

The proposal will increase the height of the existing five storey building to include two additional floors, increasing the gross internal area from 4,917 square metres to 6,938 square metres.

The design takes visual cues from the stone design of the building to the north and the glass of the building to the south. The building will be largely glazed, with stone fins giving structure and framing. The stone fins detailing fronting Semple Street will be stepped in height to take reference from the existing office buildings north and south of the site. The north, east and south elevations will incorporate dark grey brick with vertically aligned glazed openings on five floors. The new additional floors will predominantly be glazed, with terraced areas to the rear.

70 cycle spaces will be created at basement level with five car parking spaces in the external space to the rear. These will include electric vehicle charging points and three accessible bays. The plans include improvements to the existing pavement to the front of the site. New plant equipment will be located on the roof with some moved to the basement level.

Sustainable technologies will be incorporated into the building design. These include use of photovoltaic panels on the roof, air source heat pumps, a new ventilation system and upgrades to the building fabric.

Supporting Information

The following documents have been submitted and can be viewed on Planning and Building Standards On-line Services.

- Transport Statement
- Travel Plan
- Design and Access Statement
- Drainage Strategy and Surface Water Management Plan and Supplementary Document
- Sustainability Statement
- Daylight and Sunlight Assessment
- Updated Daylight and Sunlight Assessment and Supplementary Document

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.

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 proposal will preserve the character and setting of the listed building/s;
- c) the proposal is acceptable in terms of scale, form, design and materials;
- d) the proposal has an adverse impact on residential amenity;
- e) the proposal is sustainable;
- f) the proposal will have transport impacts;
- g) the proposal will not increase flood risk;
- h) the proposal will harm the qualities of a World Heritage Site or its setting;
- i) the proposal secures appropriate infrastructure ;
- j) any issues of equalities or human rights have been addressed and
- k) all material comments raised have been addressed.

a) Principle

Edinburgh Local Development Plan Policy Emp 1 (Office Development) states that high quality office developments, including major developments will be supported in the City Centre as identified on the Proposals Map. The proposal is for a high-quality office development located within the City Centre therefore complies with LDP policy Emp 1.

LDP policy Del 2 (City Centre) states development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The requirements in principle will be for:

- a) comprehensively designed proposals which maximise the potential of the site in accordance with any relevant development principles, development brief and/or other guidance;
- b) a use or a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area;
- c) Where practicable, major mixed use developments should provide offices, particularly on upper floors. At street level, other uses may be more appropriate to maintain city centre diversity, especially retail vitality on important shopping frontages;
- d) the creation of new civic spaces and traffic-free pedestrian routes where achievable.

The proposal is for a high-quality contemporary office development that is appropriate to the location of the site as it is in the city centre where office development is supported.

The office use has been established on-site and its location is highly accessible with a number of public transport links nearby including bus routes on Semple Street, Morrison Street and Lothian Road accessed via existing footways.

The immediate environment is characterised by multi-storey office developments. Therefore, continued use of the site as an office building is compatible with the surrounding area.

The ground floor does not provide retail floorspace. However, the site is not located on a shopping frontage and this arrangement is consistent with existing office buildings on the street. The site is located near to a shopping frontage and the continued office use in this predominantly commercial location will not impact on the city centre's diversity.

The office design with large, glazed openings at ground floor allows visibility of internal activity from the street which is similar to existing buildings on Semple Street and will help to enhance the character of the area.

The development does not include the creation of new civic spaces. However, this is acceptable in this location as the proposal is for refurbishment, extensions and new facades to the existing building where the capacity to provide this space is limited by its current footprint. New paved surfaces are proposed on the existing footway to match the existing materials either side of the site which will help to improve the public realm and pedestrian routes into the site.

The proposal complies with LDP Policy Emp 1 (Office Development) and LDP policy Del 2 (City Centre).

b) Listed Building

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

LDP Policy Env 3 (Listed Buildings - Setting) states that planning permission will be granted for development within the curtilage of a listed building or affecting the setting of a listed building if not detrimental to the architectural character, appearance or historic interest of the building, or its setting.

The addition of two extra storeys to an office building was refused at the adjacent site 142 Lothian Road (now 2 Semple Street) under planning application 17/05827/FUL. A reason for refusal was that the overall height would be overbearing in relation to the listed building. The box-like design of the upper floors and the use of glazing would create a built element that would be detrimental to the character and appearance of the roof form of the listed building.

The above decision and its proximity to this application site is noted. However, each planning application is assessed on its own merits having regard to site's characteristics, relevant policy and guidance.

Notwithstanding, the application site is located within a central location on Semple street whereby the immediate character is of large, modern commercial office buildings. The scheme that was refused was physically attached to the listed section of Lothian House and represents a different context.

To the south at the junction with Fountainbridge where 2 Semple Street is sited, there is variation in architectural periods evident. The contemporary office development on the corner plot is read in a more immediate context with the historic environment on the streetscape as it sits next to Lothian House and traditional tenemental buildings facing opposite.

In regard to the relationship between the proposed office building and Lothian House, it is acknowledged that the proposal will result in increased scale and a closer proximity to this building by 1m at the rear.

However, the western side of the listed building is a subsidiary elevation that is of a more functional appearance than the other facades. The existing relationship to the listed building will not materially be altered given the distances retained. The scale, form and position of the proposal will not interfere with oblique views of the listed building or disrupt formal approaches. In this regard, there will be no detrimental impact to the architectural character, historical interest or setting of the listed building.

In reference to the Planning (Listed Building and Conservation Areas) (Scotland Act) 1997 the proposal will preserve the architectural character, appearance and setting of the listed building. The proposal therefore does not conflict with LDP Policy Env 3.

c) Design, Scale, Layout and Materials

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Design- impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Des 7-Layout and Design seeks a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

LDP Policy Des 11 Tall Buildings - Skyline and Key Views states planning permission will only be granted for development which rises above the building height prevalent in the surrounding area where:

- a) a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use
- b) the scale of the building is appropriate in its context
- c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.

LDP Policy Des 12 (Alterations and Extensions) states planning permission will be granted for alterations and extensions to an existing building which in design, form, materials and positioning are compatible with the character of the existing building and neighbourhood character.

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact on the immediate surroundings, through height and form; scale and proportions; positioning of the buildings and site materials and detailing.

A historical study of the site has been submitted as part of the planning application. This details that the site was originally located on the Port Hopetoun canal basin and formed part of the wider industrial area of Fountainbridge. Following its closure in 1922, the whole area was redeveloped and incrementally buildings were constructed. The completion of Lothian House was the first in 1936, followed by the Regal Cinema in 1938. The proposal site was first developed as an office building in the 1960s, which was the dominant element on this side of Semple Street.

The existing office building on-site, Excel House, was the highest built form on this side of Semple Street when completed in 2001. Presently, the building's height and form is compatible with that of adjacent buildings either side of the site. This arrangement creates a regular pattern to the immediate commercial townscape character which is evident from views onto the street at the junctions with Morrison Street and Fountainbridge.

In regard to LDP design policies, it is therefore important that the scale of any new building is appropriate in its context and forms part of a high-quality integrated approach.

The design concept of the existing building is of its time. Certain design features including the upper floor roof and window projections sit at odds with the simple, vertical emphasis of office buildings either side created through the uniform glazing and stone proportions. The extent of solid stone material at ground floor with the glass frontage set back, limits the ability of the building to contribute positively to an active street frontage on Semple Street.

In addition, the study does highlight the evolving nature of building heights and forms on the street and surrounding area.

The proposal is to extensively re-develop the existing building in order to bring it up to 21st century standards. In terms of materials, the redeveloped exterior facing Semple Street includes predominant use of large glazed curtain walling separated by dark metal panels and sandstone framing. The gable and north elevations incorporate use of dark grey brick separating the vertically proportioned windows with predominant use of glazing on the two uppermost floor levels. The choice of brick is important, and the use of dark grey brick will be carefully considered as part of a condition that has been added for full details of materials.

The stepped form of the sandstone frame detailing facing Semple Street responds to the height of the adjacent buildings. The extent and form of the glazed curtain walling is compatible with the design of contemporary office development evident in the area whilst the large glazed openings at ground floor help to create an active street frontage.

It is recognised the proposal results in an increase in height to include seven storeys in total that exceeds the height of adjacent six-storey office buildings. However, with regard to the above, the increase in scale is considered appropriate in this location as the overall design concept demonstrates a high-quality integrated approach that is compatible with the immediate context of the contemporary office buildings. The additional height in this central location within the street in tandem with the high-quality design upgrades the existing building and creates a focal point that enhances the surrounding townscape.

In regard to the skyline, the submitted design and access statement includes a visual analysis of the proposed increase in building height as viewed from Edinburgh Castle and several key view points across the city as identified within the EDG. The analysis demonstrates that the height of the building will be contained in wider townscape view by the scale of surrounding development and will not impact on the city's skyline.

In addition, the visuals show that the additional height will not be visible from surrounding streets including Lothian Road, Morrison Street and Fountainbridge.

Therefore, there would be no adverse impact on important views of landmark buildings, the historic skyline or landscape features and setting of the city.

In light of the above, the proposal complies with LDP Policies Des 1, Des 3, Des 4, Des 11, Des 12 and the Edinburgh Design Guidance.

d) Neighbouring Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. Further, that community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance.

LDP Policy Des 12 (Alterations and Extensions) states planning permission will be granted for alterations and extensions to existing buildings, which will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

In regard to privacy and outlook, EDG states the pattern of development in an area will help to define appropriate distances between buildings and privacy distances.

In regard to daylight, the EDG states that daylight is a requirement for living rooms, kitchens and bedrooms. Where there is a concern about potential levels of daylight, the Council will refer to the BRE guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice.

New buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained. The layout of buildings in an area will be used by the Council to assess whether the proposed spacing is reasonable.

The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council requires this to be more than 27% VSC or 0.8 of its former value. If this is not the case, changes to the building design, including a reduction in building height may be required.

Daylight reports have been submitted as part of the proposals to assess any level of impact that the additional height of the office building may have on all the residential property windows on Lothian House to the rear of the site. This report has been amended since the original submission of the planning application to address discrepancies in the original daylight calculations detailed. The revised report states that the initial discrepancy was due to the model including individual panes of glass for each window, which is not required under the Vertical Sky Component Method. (VSC)

The revised reports detail the level of impact on daylight to all windows on the rear elevation of Lothian House. It is noted a number of existing windows fall below the Vertical Sky Component of 27 % and are therefore poorly lit with daylighting. However, it is recognised that the site falls within a city centre location where due to the townscape character such situations are common.

As a result of the proposal, the report details that all of these windows would be within a minimum of 80% VSC of the previous available levels of daylight. This level of reduction in daylight is within the acceptable threshold as identified within the Edinburgh Design Guidance which means that the reduced daylight is not likely to be noticeable for occupiers. In light of the above, the proposals will not result in an unreasonable loss of daylight to neighbouring properties.

A privacy study has been submitted with the planning application that details existing and proposed outlook from the office building facing Lothian House to the rear. The existing building contains a number of windows and a small terraced area on the east elevation that faces onto Lothian House. The proposed elevation at the rear reduces the extent of glazing on five floors. In consideration of this and the distances retained to Lothian House it is not considered that there would be any unreasonable loss of privacy as a result of the refurbishments and new external facades on the existing building.

The new floors contain large glazed openings and it is recognised that these levels have the potential to provide additional outlook of Lothian House to the rear from their increased height which would result in some loss of privacy. However, these levels are setback from the lower floors which in tandem with the separation distance retained would limit the extent of downward views from within the building onto these residential properties.

These upper floors contain terraces set above the height of the Lothian House roof. These spaces primarily provide outlook across the City's skyline however as detailed in the study there is the potential for views of these neighbouring properties. A condition is therefore recommended for the full specification of these terraced areas including balustrade design and material, to be submitted and thereafter implemented prior to first use of these areas in order to safeguard neighbour's amenity.

In regard to immediate outlook, residential properties currently face onto the rear of the existing office building and this will not materially be altered by the proposed development.

In regard to sunlight, the proposal does not cast shade on any existing gardens or open spaces therefore is no impact on this aspect of amenity.

In regard to security, windows on the east elevation will provide a degree of outlook onto residential properties. There are a number of windows on this elevation as existing and it is not considered that the proposal will give rise to any specific security implications in this respect.

In regard to noise, the use of the building as an office has been established on-site which will be unaltered as a result of the proposal. The site is located within an established commercial area and the continued use of the building for these purposes is not anticipated to give rise to any unreasonable impact on noise.

Environmental Protection have been consulted on the proposals. As part of improvements to the building's energy efficiency existing gas boilers and cooling plant equipment will be replaced with electric heat pumps and photovoltaic panels on the roof. A large proportion of the plant and machinery will be relocated to the basement of the building.

A noise impact assessment and supplementary information has been provided to demonstrate that the amenity of the nearby residential properties will not be affected by the proposals. Environmental Protection has not objected to the proposals but has recommended conditions in order to ensure the replacement equipment does not exceed the required noise levels at nearest noise sensitive premises.

There are statutory provisions under Environmental Protection legislation should a noise disturbance be reported from the site and it not anticipated that there will be any unreasonable levels of noise from the proposals as demonstrated through the NIA assessment and supplementary information. An informative has therefore been applied that this equipment shall be installed and designed as such to comply with NR 25 within any nearby residential properties.

A reason for refusal on the planning application 17/05827/FUL was due to the proposals being contrary to LDP policies Des 5 and Des 12, in that the additional roof would have a detrimental impact on residential amenity through loss of daylight, privacy and potential noise nuisance.

There is a greater retained distance between the current proposal site and residential properties on Lothian House than proposed under the refused scheme further south.

Notwithstanding, it has been demonstrated through supporting information that there will be no unreasonable loss of residential amenity from this current scheme.

Full specification of the design of the terraced areas is required by condition in order to safeguard neighbour's amenity. Subject to the approval and implementation of these details the proposals will not result in an unreasonable loss of amenity to neighbouring properties and comply with LDP policy Des 5 and Des 12.

e) Sustainable Buildings

LDP Policy Des 6 (Sustainable Buildings) states planning permission will only be granted for new development where it is demonstrated that

- a) the current carbon dioxide emissions reduction target has been met, with at least half of this target met through use of low and zero carbon generating technologies.
- b) other features are incorporated that will reduce or minimise environmental resource use and impact.

Supporting paragraphs 156-157 of the LDP state the purpose of this policy is to help tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment.

Buildings account for a substantial proportion of total carbon emissions through the energy they consume. Local Authorities, through their planning and building standards responsibilities have a key role in helping to meet Scottish Government's target for nearly zero carbon homes and buildings by 2045.

Furthermore, the EDG refers to Scottish Ministers setting ambitious climate change targets around cutting greenhouse gas emissions. More energy efficient buildings and decarbonising the heat supply are key to helping achieve these targets.

As outlined in the submitted Sustainability Statement, the proposal seeks to incorporate a number of environmental improvements to the existing building, as outlined below.

The existing office building has an Energy Performance Certificate (EPC) rating of C, with carbon rating of 40kg of Co2 per square metre and an energy rating of 86kWh of energy per square metre per annum. The proposed office building targets an EPC rating of A, with carbon emissions reduced to under 15 kg of Co2 per square metres per year with a net carbon reduction of between 63 % and 100 %. The new EPC will have a reduced energy rating of 30 kWh per square metre per annum therefore a net reduction of 65 %.

The proposed retention and re-use of the existing building structure is of benefit in terms of output of carbon emissions.

The statement details that a large proportion of carbon emissions from new buildings are associated with the structural frame and foundations. It was decided to retain existing foundations and structure in order to save a considerable amount of carbon. Overall carbon emissions from the proposal, as opposed to a new building, are projected to be less than half 50 % over the next 20 years as detailed in this report. Further, this is principally due to the re-use of the existing structure.

The proposal targets a BREEAM (Building Research Establishment's Environmental Assessment Method); a sustainability rating of 'excellent'. The applicant has stated that this would be the first refurbishment of an existing office building in Edinburgh to achieve both EPC 'A' and BREEAM rating of 'Excellent.'

In order to achieve these standards, the proposal incorporates a number of features to minimise environmental impacts. These include upgrades to the existing ventilation system and replacement of existing non-openable windows to enable natural ventilation and improve energy efficiency.

Replacement of existing gas boilers and services with all energy provided by electricity generated from renewable resources, including air source heat pumps and use of photovoltaic panels. Upgrades to the existing building fabric to comply with current airtightness and insulation.

In regard to energy efficiency, Environmental Protection has commented that it welcomes the improvements to the building's energy efficiency. Existing carbon-emitting sources will be replaced entirely with sustainable modes of energy. Car parking spaces will be reduced, made accessible and fitted with EV charging points.

More facilities will be provided for active travel through the adequate provision of enclosed cycle facilities.

In light of the above, the proposal complies with LDP Policy Des 6.

f) Transport

Cycle Parking

LDP Policy Tra 3 set out the requirements for private cycle parking as set out in the Edinburgh Design Guidance.

LDP Policy Tra 4 states that cycle parking should be provided near building entrances and of an appropriate design.

Further, the Edinburgh Design Guidance states that the parking standards will be applied on a case-by-case basis for applications involving changes of use.

The Edinburgh Design Guidance states that for Class 4 - Business in Zone 1 should provide a minimum of 1 cycle space per 150 m² for employees and 1 space per 1000 m² for customers which equates to 53 cycle spaces in total.

The proposal provides 70 bicycle spaces on the basement floor level which exceeds the above standards. The existing six cycle spaces via a covered Sheffield cycle stand to the rear of the site would be removed. The proposed provision therefore exceeds the EDG cycle requirements on-site in compliance with policy Tra 3.

The design of the cycling spaces is appropriate for their use. Cycle parking spaces are located at the basement floor of the building in a secure, covered location and are designed to accommodate a range of bicycles. The cycle provision is located near shower and changing facilities which will further encourage use by means of active travel.

In light of the above, the proposal therefore complies with LDP Policies Tra 3, Tra 4 and the Edinburgh Design Guidance.

Car Parking

LDP Policy Tra 2 (Private Car Parking) set out the requirements for private car parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

Further, that lower provision will be pursued subject to consideration of factors including measures to reduce private car usage, the site's accessibility, existing availability of spaces off-site, the characteristics of the use and proximity to local amenities.

LDP policy Tra 4 (Design of Off-Street Car and Cycle Parking) states design considerations to be taken into account for car parking.

Further, Edinburgh Design Guidance states that the parking standards will be applied on a case by case basis for applications involving conversions where other policies will be utilised to ensure the proposals meet the Council's aims and objectives in terms of transport.

The site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 1. The standards identify that developments for Class 4 -Business Use within this area should have a maximum car parking provision of 1 space per 3000 m² which equates to two car parking spaces for the proposal site. There is no minimum parking provision. Lower provision will be pursued subject to consideration of factors including the site's accessibility to public transport.

There is an existing provision of ten car parking spaces on-site. This would be reconfigured to provide three accessible parking spaces and two standard spaces all with electric vehicle charging points.

The proposed provision therefore exceeds the maximum car parking standards of the EDG. However, the proposal aligns with the strategic transport objectives of the LDP through encouraging a shift in travel to sustainable means. The provision of suitably designed cycle provision, in tandem with reduced car parking on-site and provision of EV charging points aligns with these wider objectives. In addition, the provision of accessible car parking has regard to matters of equality.

The site is in a sustainable location with a number of public transport links nearby including bus routes on Semple Street, Morrison Street and Lothian Road accessed via existing footways.

The Roads Authority has raised no objections to the proposals subject to the inclusion of informative regarding position of signs, canopy or similar structures, a travel policy and financial contributions in regard to footway, carriageway and a traffic order.

Representations have raised that additional car parking should be included and that the additional floor space may lead to increase in traffic / congestion issues. The reduction in car parking spaces on-site is appropriate in this location as the site is well-served by sustainable modes of transport and no specific issues of road or pedestrian safety occur as a result. In tandem with the provision and design of cycle spaces detailed above, the development encourages reduced reliance on car journeys and increase in travel by a sustainable mode of transport in compliance with the overall objections of LDP Transport Policies.

g) Flood Risk and Surface Water Management

LDP Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

Representations have raised concern in regard to the impact on surface water discharge from the proposal to the existing drain at the rear of the site.

The applicant has submitted a Surface Water Management Plan. The strategy states the existing drainage discharges to a Scottish Water surface water sewer at the front along Semple Street and a separate sewer to the south and east of the building.

The report states that the footprint and roof area of the proposal will be the same as the existing building and the proposal will not alter these existing drainage arrangements on-site.

Flood Prevention has been consulted on these proposals and originally requested additional surface water run-off to be directed to Semple Street. On receipt of supplementary information detailing there is potential to divert additional rainwater onto Semple Street no objections have been raised. It is however recommended the applicants engage with Scottish Water to confirm they accept the proposals and an informative has been included in regard to this.

In light of the above, the proposal, has been designed to mitigate potential flood risk and complies with LDP Policy Env 21.

h) World Heritage Site

LDP Policy Env 1 (World Heritage Sites) states that Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh 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 proposal site is to the west of the World Heritage Site which is located on Lothian Road.

In respect to the scale, form and position of the proposal it is not considered that there will be any adverse impact on the outstanding universal values of the World Heritage Site or its setting.

The proposal complies with LDP policy Env 1.

i) Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute infrastructure provision where relevant and necessary subject to scale.

The Guidance for Developer Contributions and Infrastructure Delivery sets out the relevant tram contributions for developments.

The level of contribution depends on factors including the type of development, distance from tram route and size of development. Three contribution zones are identified from within 250 metres in Zone 1 to 750 metres in Zone 3. In Zone 3, sites are based on the shortest walking distance between any part of the site and the nearest part of the tram stop lying between 500 metres and 750 metres.

The proposal is located over 750 metres to the nearest tram stop on Shandwick Place based on the shortest walking distance, therefore, falls out with the contribution zone as identified within the guidance.

No other developer contributions are required.

In regard to LDP policy Del 1 the proposal does not require any developer contributions.

j) Equalities and Human Rights

Representation has been received from a resident of adjacent residential property, in regard to respecting people's human rights to a reasonable level of privacy and also a right to the maintenance of daylight.

It is also stated that the reduction of privacy presents additional problems for families with children, vulnerable adults and young women living alone. The representation refers to the proposed additional office space being in too close proximity to such groups and the impact will be worsened due to the pandemic.

The Human Rights Act 1998, Protocol 1, Article 1 states a person has the right to the peaceful enjoyment of all their possessions including home and other land. In addition, Article 8 of the Human Rights Act stating a person has the substantive right to respect their private and family life.

The Local Planning Authority has a legal obligation to have due regard to persons with protected characteristics under Section 149 - Public Sector Equality Duty of the Equality Act 2010. The aforementioned groups are covered by these categories under age, disability and sex.

Under Section 149 - Public Sector Equality Duty of the Equality Act 2010, a public authority must have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not. The Council in determining planning applications under Section 25 of the Town and Country Planning (Scotland) Act 1997, must consider whether any material consideration outweighs compliance with Edinburgh Local Development Plan policies.

In regard to the identified protected characteristics outlined above, it has not been demonstrated that the proposed development would have specifically detrimental impacts on such persons with protected characteristics. The impact on residential amenity, for all residents including those from protected groups, in respect to privacy and daylight of the proposals has been fully considered in terms of the relevant policies of the Edinburgh Local Development Plan. It is not considered that there will be any specific impacts to these protected groups from the proposals, beyond those that have already been assessed in terms of the Local Development Plan.

Due regard has been had to the Public Sector Equality Duty prescribed by the Equalities Act 2010. The provisions of Article 1 and 8 the Human Rights Act 1998 and the Equalities Act 2010 have been complied with through the assessment of the relevant policies of the Edinburgh Local Development Plan as detailed in the above report.

k) Representations

Material Comments- Objections

Office Use

- Impact on city centre through unwanted office space - The location of the office development in this city centre location is supported by relevant LDP policies as identified in section 3.3 a);
- Impact on balance of uses in area - Addressed in section 3.3 a);

Listed Building

- Impact on character and historical interest of listed building - Addressed in section 3.3 b);
- Proposal is contrary to LDP policy Env 3 - Addressed in section 3.3 b);

Design

- Development out of character with this area, inappropriate scale - Addressed in section 3.3 c);
- Unbalances city skyline, landscape and creates mismatch of building heights - Addressed in section 3.3 c);
- Proposal is contrary to LDP policies Des 1, Des 4, Des 5, Des 11, Des 12 : Addressed in sections 3.3 b) c) and d);

Neighbouring Amenity

- Impact on sunlight / daylight to neighbouring windows - Addressed in section 3.3 d);
- Loss of privacy and security - Addressed in section 3.3 d);
- Daylight and Sunlight Assessment (inaccuracies, insufficient information and impact on individual properties) calculations dated 24th September - Addressed in section 3.3 d);
- Request for frosted glass to rear windows - The proposal is considered acceptable in terms of impact on residential amenity as submitted as detailed in section 3.3 d);
- Noise impacts - Addressed in section 3.3 d);
- Human Rights and Equalities - Addressed in section 3.3 j);

Sustainability

- Environmental impact from proposal - Addressed in section 3.3 e);
- Adverse impact on the environment - Addressed through section 3.3 e);

Transport

- Suitability of location for offices in regard to public transport and car parking provision - Addressed in section 3.3 f);
- Adverse impact on car parking, additional traffic and pedestrian flow - Addressed in section 3.3 f);

Flooding

- Impact on existing drainage from proposal - Addressed in section 3.3 g);

Waste

- Impact on waste services - This matter would be for separate consideration by the applicant;

Notification

- Original notification of properties, length of publicity period and re-publication of planning application - The planning application was originally advertised for 21 days as per the requirements under legislation. A further publicity period was carried out following receipt of additional daylighting information. The additional documents were publicly viewable on the City Council's planning portal and additional time allowed for comments;

Other Matters

- Proposal incompatible with policy vision for Lothian Road as public space and amenity - These comments are noted. The proposal has been assessed against the relevant policies of the Edinburgh Local Development Plan as detailed in the above report and the proposal is not considered contrary to policy visions for Lothian Road ;
- Impact on World Heritage Site - Addressed in section 3.3 h);
- Planning precedent for scale of future applications - There is no planning precedent and each planning application is assessed on its own individual merits having regard to relevant policy and guidance;

Non-material Comments- Objections

- Adverse impact on city centre housing stock - This is not a material planning consideration in this case.;
- Existing office (viability, usability) - These matters cannot quantifiably be assessed under this planning application.;
- Applicant's competency and understanding of the market - This is not a material planning consideration.;
- Longevity of existing building - This is not a material planning consideration in this case.;

- Existing conservation work to Lothian House - This is not a material planning consideration. Potential impact on the listed building and its setting has been assessed in section 3.3 b);
- Potential alternative locations for office use - This is not a material planning consideration in this case. The acceptability of the use is assessed in section 3.3 a);
- Impact on neighbouring properties (title deeds, value, rental ability) These matters are not material planning considerations;
- General disturbance from construction activities - This matter cannot materially be assessed under this planning application;
- Impact on general well-being - This matter cannot quantifiably be assessed under this planning application. Amenity considerations in regard to neighbouring residential property have been assessed in section 3.3 d);
- Transfer to electric heating achievable without proposed extensions. - This is not a material planning consideration;
- Policy emphasis on housing - This matter cannot be assessed under this planning application;
- Insufficient detail in description of proposal - The description of the proposal is considered to accord with the requirements of the relevant legislation;
- Previous planning application 17/05827/FUL at 142 Lothian Road contrary to LDP policy Des 1, Des 4, Des 5, Des 11, Des 12 and Env 3. There is no precedence in regard to planning decisions.;
- Request for independent review of daylight and sunlight impacts - The submitted information has been assessed against relevant policy and guidance as addressed in section 3.3 d). There is no requirement under this planning application for further review of these aspects;
- Health issues from smoking office workers worsened by proposal - This matter cannot be assessed under this planning application;

Material Comments- Support

Office use

- Add to commercial vitality of city centre (economic growth, office demand, high-quality office space, business infrastructure) in accordance with planning policy including LDP policy Emp 1 - Addressed in section 3.3 a) ;
- Accords with Edinburgh City Plan 2030 - Commercial Needs Study: Office Market' and those now embedded in the City Plan 2030 - These comments are noted. The proposal has been assessed against relevant policy and guidance in the above report;
- Appropriate, sustainable location for offices (public transport, general amenities) - Addressed in section 3.3 a) and f) ;

Design

- Impressive high-quality, design will appearance of Semple Street and Edinburgh's Exchange District - Addressed in section 3.3 c);
- Attractive redevelopment for future use office- Addressed through consideration of policies in sections 3.3 a), c) and e) in the above report;

Sustainability

- Environmental credentials from proposal will enhance surrounding area, aid progress to a net zero city by 2030 - Addressed in section 3.3 e);
- Low energy, sustainable building to highest standards - Addressed in section 3.3 e);
- Environmental benefit from reuse of existing building - Addressed in section 3.3 e);

Non-Material Comments- Support

- Financial benefits to retain existing building - This matter cannot materially be assessed under this planning application;

Conclusion

The proposal complies with the Edinburgh Local Development Plan.

It preserves the character and setting of the adjacent listed building and the design is high quality representing a building that in terms of scale, form and materials is compatible with the character of the local environment.

No unreasonable loss of amenity to neighbouring residents will occur as a result of the development and the proposal minimises environmental resource use and incorporates sustainable features. A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision. No specific road or pedestrian safety issues will occur as a result.

The proposal does not result in an increased flood risk. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. 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. Full details of the terraced areas and glazed screen balustrades shown on approved plans reference 13-14, 16-18 and 21-23 shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

The approved details shall thereafter be fully implemented prior to first use of the terraces and thereafter retained for the lifetime of the development.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In the interests of neighbouring amenity.

Informatives

It should be noted that:

1. a. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - a. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.
 - b. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
 - c. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;
 - d. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
2. The applicant is required to gain Scottish Water's agreement of the proposed surface water discharge rate.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

4. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
5. 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.
6. 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:

There are no financial implications to the Council.

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.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

115 representations have been received in total (90 objection comments and 25 letters of support)

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 - Urban Area

Date registered

1 June 2021

Drawing numbers/Scheme

01-24,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines 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.

Appendix 1

Application for Planning Permission 21/02830/FUL at 30 Semple Street, Edinburgh, EH3 8BL Refurbishment, extensions, new facade treatments and associated works.

Consultations

Flooding:

The proposals seem reasonable and satisfy our criteria. This application can therefore proceed to determination with no further comments from CEC Flood Prevention. We do however recommend the applicant engage with Scottish Water to confirm they accept the proposals.

Environmental Protection:

Environmental Protection welcomes those proposals to improve the building's energy efficiency. It is noted that the gas boilers and existing cooling plant will be replaced with and all electric heat pump system and photovoltaic panels to be mounted on the roof. Fewer car parking spaces will be provided than currently and each will be accessible and provided with fast charging points for electric vehicles and more facilities will be provided for active travel.

It is understood that much of the plant will be relocated to the basement of the building and the building height will increased. Due to the introduction of the heat pump and distribution equipment and the proximity of residential premises and plant associated with other nearby commercial premises a noise impact assessment and supplementary information was provided to demonstrate that the amenity of the nearby residential will not be affected by the proposals.

Environmental Protection expect that the design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

It is recommended that the following conditions are attached to the application should consent be granted:

In order to meet NR 25 in the nearest noise sensitive premises, in accordance with the following recommendations of the Noise Impact Assessment Report 21105-R03-C dated 29 July 2021, Sandy Brown Associates and supplementary memo M001-A dated 19 August 2021 should be implemented:

The proposed MVHR system should not exceed a sound pressure level of LAeq 75 dB at 1 m distance and the AHU should be fitted with atmospheric side attenuators to both the exhaust and outdoor (intake) ducts.

Noise from any future tenant owned plant to be located on the roof should be limited to an A-weighted sound pressure level of no more than LAeq 65 dB at 1 m distance, each.

All new plant will be fitted with suitable anti-vibration mountings to avoid vibration issues within the building or nearby living apartments.

Transport:

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 £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

a. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

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

3. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

4. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Full Response

a) A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of estimated trips generated by the development. The submitted document is generally in line with the published guidelines on transport assessments.

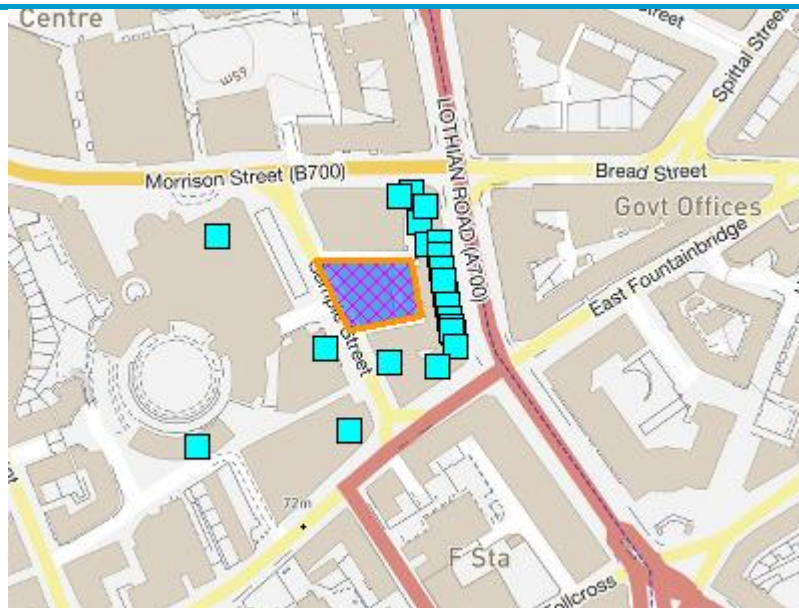
b) The applicant proposes 5 EV charging parking spaces including 3 disabled bays.

c) The proposed 70 cycle parking spaces in the basement accessible by lift complies with the Council parking standards which requires a minimum of 46 employee spaces and 7 visitor spaces;

d) The site is accessible by public transport.

e) The applicant proposes continuous footway on Simple Street footway along the frontage of the development. It is expected that pedestrian will have priority with give way markings for vehicles on side street junctions. Refuse collection per existing arrangement.

Location Plan



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