

Development Management Sub Committee

Wednesday 8 December 2021

**Application for Planning Permission 21/04326/FUL
At 7 Henderson Place Lane, Edinburgh, EH3 5DG
Proposed demolition of existing building and erection of a
residential development comprising 42x flats with amenity
space, landscaping, cycle, parking and other associated
infrastructure.**

Item number

Report number

Wards

B05 - Inverleith

Summary

Compliance with Listed Buildings and Conservation Areas Requirements

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

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

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

Compliance with Development Plan

The proposed residential use is acceptable at this location and is supported by LDP policy Hou 1.

The proposal is of appropriate, sustainable design and will contribute to a sense of place.

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

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

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

Report

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Recommendations

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

Background

2.1 Site description

The application relates to a level site measuring approximately 0.20 hectares in area, located on the south side of Henderson Place Lane and bounded on the south and west sides by Henderson Place which leads off Henderson Row.

The existing building on site comprises an unoccupied office block constructed in 1989, with gross internal floor area of 1284sqm. The building comprises a two storey, L-plan, red brick finished structure with reconstituted blonde stone dressings, harled panels and a grey slate pitched roof.

There are 29 on-site parking bays in the south and east areas of the site accessed off Henderson Lane and the main entrance to the building is via the south elevation. The site is bounded by dwarf brick walls with steel railings. The courtyard and the car park to the east are paved in concrete pavements. There is some planting in the east car park, including silver birch trees on the south-east corner of Henderson Place.

The site was formerly part of a larger site occupied by the Edinburgh Tramway depot in the later 19th century. All depot buildings were demolished in the 1980s and the frontage of the 1888 offices on Henderson Row were incorporated into a new office development for Scottish Life (subsequently Royal London).

The nearest listed buildings lie to the north of the site at 2-28 Henderson Row, 162-168 Dundas Street & 2-4 Perth Street and 32-34a Henderson Row & 1, 1a Perth Street (all category B listed, date of listing: 14 December 1970, references LB29021 and LB29022).

The surrounding area is predominantly residential in use with mainly late 20th century flatted blocks and terraces of between four and five stories and there is a two/three-storey mews-style terrace to the south of the site. Mixed commercial uses, including retail and cafes, occupy premises at ground floor level within the tenement at the south-east corner of Henderson Row and Dundas Street.

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 the demolition of the existing building on the site and erection of a residential development comprising 42 flats, including 10 affordable units with private and communal amenity space, landscaping and cycle parking. No private car parking is proposed.

The residential accommodation is as follows:

- market price - studio x 2, one-bedroom x 3, two-bedroom x 15, 3-bedroom x 9 and four-bedroom x 3 = 32
- affordable - one-bedroom x 8 and three-bedroom x 2 = 10

An associated application for conservation area consent has been submitted for the demolition of the existing buildings on the site (application number 21/04327/CON).

Building

The proposed building is an irregular U-shape in plan with angled 'legs' which steps down from five storeys at the north end facing Henderson Place Lane to two storeys at the south end fronting Henderson Place. The fifth storey is set back from the north building line and there is a partial central recess in this elevation.

The architectural style of the proposed building is contemporary with industrial style detailing featuring red-brick elevations, concrete string courses, dark-grey 'Crittall' style windows and upper sections finished in dark-grey cladding. External terraces enclosed with PPC metal balustrades are proposed on the flat roofs of each stepped section and at fourth floor level. Biodiverse brown roofs will form the main surfaces of the fifth floor roofs, and two lift overruns and two smoke vent rooflights will be located at this level.

Landscaping/Amenity

The existing trees on the site will be removed and a series of open spaces will be formed around the building, including small private terraces for the ground floor flats, a communal green area with play equipment on the west side, a green landscaped area between access paths in the central courtyard and a third green area on the east side of the building facing Henderson Place. These communal areas will contain several specimen and feature trees, including silver birch, Scots pine, rowan and apple and hornbeam hedging will form soft boundaries.

The proposed hard surfaces comprise grey clay-brick permeable pavements laid in stretcher bond and herringbone patterns and gravel strips are specified at various points along the building edge.

Some of the market price flats will have access to private roof terraces and there is a shared roof terrace two of these flats. Fixed planters, containing a mix of grasses and herbs, will be installed around the edges of the roof terraces on the lower levels.

Access

The market price flats will be accessed via two stair/lift cores entered from the central courtyard off Henderson Place, except for the three maisonette flats which will have individual entrances at ground floor level. The affordable flats will be accessed via a stair core from Henderson Place Lane. Two of the three cycle parking stores will be entered from the south section of Henderson Place and the third store will be accessed from Henderson Place Lane.

Services

A communal Air Source Heat Pump (ASHP) system is specified for the development with a bank of ASHP units housed on the flat roof of the north section of the building at fourth floor level.

Three below-surface water filter trenches will be incorporated in the development and a cellular water storage system will be installed under the free-standing cycle store. Three waste stores will be provided at ground floor level: two accessed from Henderson Place Lane and the third accessed via the south section of Henderson Place.

Cycle Parking

A total of 97 cycle parking spaces are proposed within the three cycle stores and no car parking spaces are proposed, apart from two City Car Club spaces on Henderson Place Lane.

Supporting Documents

- Planning Statement;
- Design and Access Statement;
- Heritage Assessment;
- Noise Impact Assessment;
- Solar Shading and Daylight Study;
- Air Quality Report;
- Affordable Housing Statement;
- Transport Statement;
- Drainage Strategy and Flood Risk Assessment;
- Sustainability Statement and S1 Form;
- Landscape Management and Maintenance Plan;
- Tree Report; and
- Bat Roost Survey.

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

3.2 Determining Issues

Due to its proximity to listed buildings and being within a conservation area, the proposed development requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"). This report will first consider:

a) In terms of Section 59 there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme in the proposed location are sufficient to outweigh that strong presumption.

b) In terms of Section 64 there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme in the proposed location are sufficient to outweigh that strong presumption.

If the Development complies with Sections 59 and 64 of the 1997 Heritage Act, this report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act).

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

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

In the assessment of material considerations this report will consider:

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

3.3 Assessment

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

- a) the proposals preserve the setting of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the proposals create a sense of place, are acceptable in design and are sustainable;
- e) the proposals have an adverse impact on significant archaeological remains;
- f) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- g) the level of affordable housing provision is acceptable;
- h) the proposals have a detrimental impact on road safety or infrastructure;

- i) the proposals have an adverse impact on trees or biodiversity;
- j) the proposals comply with the 13 principles of the Scottish Planning Policy (SPP);
- k) any impacts on equalities or human rights are acceptable; and
- l) public comments have been addressed.

a) Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *"• identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

The only listed buildings affected to any significant extent by this development in terms of setting form the east, south and west edges of the block on the opposite side of Henderson Row. These comprise two adjoining, category B listed, classical style terraces by William Burn, dating from 1825-6 (listed as 2-28 Henderson Row, 162-168 Dundas Street & 2-4 Perth Street and 32-34a Henderson Row & 1, 1a Perth Street, date of listing: 14 December 1970, references LB29021 and LB29022). The combined terraces form an originally symmetrical three storey and basement block with four storey and basement flatted end blocks, although a later additional storey was added to the lower blocks on the west side of the Henderson Row elevation.

The immediate setting of these listed buildings comprises the four storey Edwardian tenement opposite forming the corner block of Henderson Row and Dundas Street and the six storey Royal London office on Henderson Row to the west of the Edwardian tenement. The proposed development will be tucked behind this substantial office building on Henderson Row opposite the listed terraces and enclosed on the east side by the Edwardian tenement and modern flatted blocks on Henderson Place.

These buildings are the most conspicuous in views from the listed terraces on the opposite side of Henderson Row. The existing office structure on the site is not visually prominent in these views, so it is not a significant element of the historic buildings' setting.

The highest point of the new development will sit just below the mansard roof height of the former tram depot office on Henderson Place Lane which forms a lower part of the modern Royal London office building. The top floor of the proposed building is set back and the height steps down to four then two storeys on the eastern 'leg' which will be the most conspicuous part of the new building from Henderson Row. Whilst the development will be visible from Henderson Row, its height which is substantially below that of the six storey Royal London office block and stepping down design will ensure that the new building has no adverse impact on the setting of the B listed buildings on the opposite side of Henderson Row.

In terms of appearance, the buildings surrounding the site are of mixed age, architectural style and construction, including grey/buff sandstone, white render, reconstituted stone and red brick (as per the existing building on the site and contemporary office building adjacent to the west). The proposed predominantly red brick finished structure in an industrial architectural style will therefore have no adverse impact on the immediate or wider setting of the listed buildings on Henderson Row.

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

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The New Town Conservation Area Character Appraisal identifies the key characteristics of the Second New Town as:

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

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The key aspects that are assessed below are the impacts of the proposed development on the formal planned layout, architectural hierarchy and height, skyline and views, design quality, materials palette, and land use of the New Town. Whilst this site is within the New Town Conservation Area, there is no specific mention of it in the Character Appraisal, so a separate analysis of the site and immediate surrounding area is necessary to gauge the acceptability of the proposed development.

The assessment of the existing building in terms of its contribution to the character and appearance of the conservation area is assessed thoroughly in the associated application for conservation area consent (application reference 21/04327/CON).

Formal Planned Layout

A brief history of the site and block of which it forms part is required to understand the effect of the proposed development on the grid-pattern layout of the Second New Town. This specific block at the northern edge of the conservation area, which once formed the west side of Canonmills Meadow, has never been developed as part of a planned scheme. Historic plans from the early 19th century suggest that a formal, neo-classical residential development was intended for the area between the north-west side of Fettes Row, west side of Dundas Street and south side of Henderson Row. However, no part of this scheme was built and the area became occupied by irregularly sited, light industrial buildings during the second half of 19th century until the Edinburgh Northern Tramways Company acquired the northern part of the area in the late 1880s and constructed a depot and powerhouse on Henderson Row for the city's first tram system. These tram company buildings were not formally arranged, except for the office building on Henderson Row.

Only the perimeter blocks enclosing the site to the north and east are generally aligned with the formal layout of frontage buildings within the conservation area, including the four-storey tenements on the corner of Henderson Row and Dundas Street, dating from circa 1900. The 1980's office block (Centrum House) marking the south-east corner of the block is set back several metres from the Georgian building line of Dundas Street.

On this basis, the proposed alignment of the new development is acceptable in principle. The northern building line respectfully follows that of the former tram office on Henderson Row, the latter street forming part of the grid pattern of the Second New Town and the west 'leg' aligns logically with the existing 'sister' office building on the adjacent site to the west. The seemingly random alignment of the east 'leg' is based on an earlier historic context. This projection follows the same alignment as East Silvermills Lane which is a remnant of Gabriel's Road - one of the oldest thoroughfares in Edinburgh. The acknowledgement of this historic street provides a rationale for the alignment of the eastern section of the development which is not in accordance with the perpendicular street pattern of the Second New Town.

Architectural Hierarchy and Height

The two-storey height of the existing building on the site approximates that of historic mews buildings within the original service lanes of the New Town, but this site and inner block is completely atypical, without any formal layout or building design. There is scant hierarchy, apart from the two/three storey mews-type terrace to the rear of the modern neo-classical development on the north side of Fettes Row, dating from the

late 1990s. The terraced flats on Henderson Place to the rear of the Edwardian tenements on Dundas Street range from three to five storeys and the Royal London office building on Henderson Row is six storeys high with a mansard roof. The modern flatted blocks to the west of the site, which sit behind a four storey Victorian tenement on Henderson Row are also four storeys high.

The proposed height of the development which ranges from one to five storeys is acceptable and the stepped down design towards the south end of the site respects the two/three storey height of the modern terraced dwellings to the rear of Fettes Row which were designed to reflect the proportions of a typical mews lane of the Second New Town. The air source heat pumps will be located on the fourth floor roof behind a screen which will be well below the height of the fifth floor roof.

Skyline and Views

Even at its highest point, the proposed building will sit well below the heights of the lowest periphery buildings of this block bounded by Henderson Row, Dundas Street and Fettes Row. The general height is compatible with the modern developments within the inner block on Henderson Place and Silvermills. The height along the western edge of the new development will be significantly higher than that of the adjacent office building to the west for the most part, but this is acceptable given that the neighbouring building is part of the 1980's Scottish Life development which is not an important element of the New Town Conservation Area.

The development will not impact on any significant views of or within the conservation area. The site is imperceptible from any distant, elevated viewpoints and the proposed building will not alter this level of visibility. At present, only the top level of the office building to the north of the site (containing the former North Tramways office) is visible from the south section of Henderson Place. Although the proposed structure will obscure this view from the same position, the office building will remain the dominant structure from more significant viewpoints.

Design Quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context.

The proposed design references the development of this uncharacteristic section of the Second New Town as a pocket of utilitarian industrial units, rather than a planned neoclassical residential development. The design has evolved through considering the integration of a more appropriate building type for this site in terms of use, density and layout, taking advantage of the varied spatial pattern of the existing buildings within this inner block. A level of free architectural expression is appropriate in this specific context to allow for good levels of residential amenity. The redevelopment of this existing 1980's group of buildings as a whole is not viable in this case given that the application site is now in different ownership.

The geometric forms and elevational treatment references 19th century industrial development and the appearance is not dissimilar to the category B Jenners Depository building in west Edinburgh. The impact of the building's mass within the urban context is reduced by the stepped design of the two 'legs', inclusion of a set back at fifth floor level, lower recessed section in the centre of the north elevation and the use of dark grey metal cladding on these two latter elements and sections of the east, south and west elevation to reduce the visual solidity of the building at its most imposing points.

Whilst roof terraces are not traditional elements of the New Town Conservation Area, more of these features are being incorporated into new developments where appropriate within the historic context to take advantage of city views and provide amenity space where not possible or not of adequate quality at street level. In this case, the formal industrial character of the site and inner block can accommodate flat roofs with terraces without having any detrimental impact on the character of the surrounding area.

Materials Palette

The prevailing materials within the Second New Town are natural sandstone, slate and timber and the palette is limited. However, in this atypical area of the conservation area, which was never developed in the characteristic style, the use of alternative materials is appropriate.

Whilst brick is not characteristic of the frontage buildings within this area, at least some of the industrial buildings that occupied the inner block between Henderson, Dundas Street and Fettes Row by the late 19th century are likely to have been constructed in brick, although there is no definitive photographic evidence. The use of red brick in the smaller 1980s Scottish Life offices, including the existing building on this site apparently references the historic light industrial buildings and workers' housing of the Silvermills area, so the use of red brick as the principal elevation material in the proposed development is appropriate in this specific context. Also, the specified brick is more likely to produce a higher quality finish than render, which is the predominant finish of modern developments within this inner block and will break up the visual monotony and white tone of these neighbouring buildings.

The other proposed materials of dark-grey cladding and dark-grey metal framing for window openings is consistent with other modern developments within the New Town Conservation Area, including elements of those on the east side of Dundas Street. The dark-grey tone at the highest roof level will ensure that the more conspicuous roofscape elements blend in visually with the historic slate roofs of the surrounding terraces. The contrasting concrete string courses will add definition to the red brick elevations and reference the detailing of the existing building on site.

The proposed brown roof will not be visible from street level, nor be highly conspicuous from elevated views. This is a suitable location to incorporate such a roof to assist with rainwater attenuation and encourage biodiversity, without it having a detrimental impact on the historic environment.

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

Land Use

The proposed residential flats are in keeping with the predominantly residential character of the Second New Town and will contribute to the vitality of the conservation area.

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

c) Principle of Development

The site lies within an Urban Area as defined in the Edinburgh Local Development Plan (LDP).

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

The existing office has been vacant for a significant period and office use is no longer viable on this site, given that there is now greater demand for office locations within the city centre core where all public transport networks converge. The loss of the existing office use complies with Policy Emp 9 as the proposed residential development will contribute to the regeneration and improvement of the site and will provide of significant number of residential units which will contribute to sustaining employment uses within the immediate vicinity and wider area.

The development is therefore acceptable in principle.

d) Sense of Place, Design and Sustainability

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

Sense of Place

The proposed scheme will contribute to a sense of place by regenerating an underused site within this former industrial block between Henderson Row, Dundas Street and Fettes Row with a residential development of appropriate scale, density and appearance. The proposed red brick elevations and roof terraces with planters and green outdoor amenity areas will add visual softness and life to the development.

Design

The design concept - a broadly U-shaped block - takes advantage of the utilitarian former industrial buildings that once stood on this site and elsewhere within the inner block between Henderson Row, Dundas Street and Fettes Row, whilst at the same time creating a building of dynamic form that compliments its surroundings in terms of spatial pattern, height, scale and massing, proportions, building lines and materials. The proposed geometric forms and façade treatments using high quality appropriate materials provide dynamism and variety to the development.

At present, the percentage of building on the site is relatively low and the site is dominated by hard standing and car parking with limited greenery and trees. The proposed building will increase structural density on the site without having a detrimental impact on the surrounding environment in terms of visual impact and residential amenity. This condition is achieved through the stepped design of the east and west 'legs' which respect the adjacent residential developments and at the same time create an appropriate form for the occupants of the development in terms of raised and courtyard amenity space with acceptable levels of sunlight.

The proposed building lines provide the opportunity to improve the visual character of the site, particularly along the west and south sides of Henderson Place, through the creation of green landscaping.

The importance of the development's wider setting within the townscape of the Second New Town has been taken into consideration and there is no impact on any key views of the area, including from elevated positions.

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

The site is in a central city location within a short distance of local bus stops and within easy walking distance of other modes of public transport, including tram and bus and rail links. Also, secure off-street cycle parking will be provided to encourage active travel and no car parking is proposed which will further encourage the use of sustainable transport modes. These distances are compatible with the Council's 20 Minute Neighbourhoods' in terms of travel time by walking, using public transport, wheeling or cycling.

LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole. There is no historic pattern of landscaping within this backland area, given its industrial past, so the proposed landscaping concept, which includes green street edges, is appropriate. The

landscaped spaces at ground level will provide a high quality visual setting to the development, including boundary treatments and the entrance area.

The proposed landscaping layout is designed to provide as much green space as possible whilst, at the same time, be suited to the specific site conditions given that sunlight will be restricted within the northern and eastern areas. The use of silver and grey coloured clay pavements for the hard surface areas is appropriate in this inner block location where setts would be the historic material, rather than sandstone flags. The pavements will be porous to assist with rainwater attenuation and public safety. The proposed hard and soft landscaping materials specified are suited in type and durability to the various conditions which will affect this site, including a level of damp and shade in specific areas. The proposed hedging, trees and planting, including on the periphery of the roof terraces, will provide shelter for users of the outdoor amenity spaces.

Density

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

The proposed density is 140 dwellings/ha when measured in accordance with the Edinburgh Design Guidance which takes the site area up to the middle of the street (or lanes in this case). This is not particularly high as flats in areas like Gorgie measure up around 300 flats per ha. The proposed 42 units is comparable in terms of density to the recent flat developments in the immediate vicinity. Although this is higher than that of the historic tenements in the wider area, such a density is acceptable in this urban environment which is close to the city centre. Also, the number of units proposed is linked to the viability of the scheme with an affordable element included.

Housing Mix and Sizes

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

The flats for sale on the open market are predominantly two- and three-bedroom with a couple of studio flats, three one-bedroom flats and three four-bedroom units. This means that twelve of these units (38%) are designed for growing families, which meets the requirements of the Edinburgh Design Guidance (EDG). The affordable units are mainly one-bedroom, but two three-bedroom flats are also proposed so this mix also complies with the relevant EDG standards.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the units for open market sale and affordable flats all comply with these recommended minimum sizes, ranging from 39sqm for the studios, 52-64sqm for the one-bedroom, 67-78sqm for the two-bedroom, 87-110sqm for the three-bedroom and 109-135sqm for the four-bedroom flats.

The number of dual aspect dwellings make up 60% of the market price units and 66% of the affordable flats and this complies with the criterion of the Edinburgh Design Guidance.

Sustainability

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

The existing building is supported by a primary steel frame with wall and floor constructions built in between. Whilst the building's structural condition is reasonable, the existing frame would not have the capacity to support additional loading from added building storeys, which would be required to achieve a viable number and size of residential units, including a 25% affordable element.

The issue of whether conversion to residential use could be achieved within the existing envelope has not been detailed in this report as the resulting number of units would not be economically viable, nor maximise the redevelopment potential of this under-used site for housing in a sustainable location.

The proposed development is appropriate in terms of use and in a sustainably accessible brownfield location. The existing building is poor in terms of current environmental standards. In conforming to current standards, the new building will be more energy efficient.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of a low and zero carbon communal air source heat pump system for heating and hot water for the residential properties and no fossil fuel use is proposed on site. High-efficiency boilers will be installed and all lighting systems will be low-energy. The materials condition applied includes a requirement for the use of sustainable materials including in terms of source. This is a local development and has been scored against Part B of the standards, although this is only a requirement for major developments. The proposal meets the essential criteria with additional desirable measures including rainwater harvesting, dedicated recycling waste stores within the development, zero car parking and the provision of two City Car Club spaces.

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes permeable paving and gravel strips within the landscaping, a brown roof, below-surface filter trenches and cellular attenuation tanks below the free-standing cycle store.

As regards surface water management, there will be no increase in the volume of surface water discharged from the site and Scottish Water has accepted this approach.

The proposals satisfy the Council's Flood Prevention requirements.

In conclusion, the development will create a sense of place, with its design based on a strong sustainable concept which draws upon the positive characteristics of the site

and surrounding area, in compliance with LDP Policy Des 1, Des 6, Des 3, Des 4, Des 6, Des 7 and Des 8.

e) Archaeological Remains

The site lies within an area of archaeological importance in terms of its 19th century industrial heritage and forming part of the earlier Canon Mills Haugh which ran between the important medieval milling sites of Silvermills and Canonmills. Pre-historic remains could also be present on this site.

As the associated ground works could disturb archaeological remains in the area, a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing. The works will require a phased mitigation response with the demolition of the buildings to ground level to allow for the evaluation (max 10%) of the site. The results of this work, including the assessment of any ground investigation boreholes will determine the scope of further phases of archaeological works.

A programme of public/community engagement is also required to be undertaken during development as part of the overall programme of archaeological works, which may include site open days, viewing points, temporary interpretation boards and social media.

On this basis, the proposals will have no adverse impact on significant archaeological remains, in compliance with LDP Policy Env 9.

f) Residential Amenity

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

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

Communal/Private Outdoor Space

Approximately 57% of the total site area will be provided as usable green space, in three separate areas to the east, south and west of the site, exceeding the 20% target set out in LDP Policy Hou 3. Excluding the flats with a private patio or terrace, each remaining flat will have a communal provision of 20sqm per flat and overall the development will meet the minimum 10sqm of open space per flat required under Policy Hou 3.

The private patios at ground floor level range in depth, the majority ranging between two and three metres deep, which falls short of the 3-metre minimum specified in the Edinburgh Design Guidance. However, the private roof terraces at second and fourth floor level are significantly larger than these ground floor patios and residents can use the communal outdoor amenity spaces, one of which will contain play equipment.

In terms of the Edinburgh Open Space Strategy 2021, the site is 480 metres walking distance away from King George V Park which has a play area and is identified in the Strategy as a large greenspace meeting the standard. The new dwellings will also be within easy walking/bus distance of the Royal Botanic Garden, Inverleith Park and Princes Street Gardens.

Daylighting and Sunlight

A Solar Shading and Daylight Study has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats.

The study shows that daylighting level to the majority of windows in the surrounding residences will meet the requirements of the EDG using the vertical skyline method. Those windows that failed using this methodology will still receive adequate daylighting, as any increase in solar shading will be minimal in terms of material impact.

Daylighting levels to the proposed flats has been tested using the no skyline method as specified in the EDG and the majority of windows will meet this requirement. Any windows that will fall below this standard have been assessed in terms of average daylighting level and all spaces will have adequate levels of daylighting in this urban context.

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

The site is adjacent to an existing six storey building on Henderson Place Lane and three to five storey flatted blocks on Henderson Place. A degree of overshadowing to the proposed amenity areas is therefore inevitable. The solar study shows that the majority of the amenity space will comply with the sunlight levels under the criteria set out in the EDG. However, some space in the northern and eastern areas will fall below this standard, but this level of failure is justified given the urban context of the development and the site is in close proximity to a public park.

Privacy/Overlooking/Outlook

No windows in the proposed development will directly face the windows of neighbouring residences and the separation distance to the nearest residential building is 13.5 metres at the closest point.

There are no overlooking concerns regarding the proposed roof terraces, given the distances to the nearest residences and provision of screening in the form of fixed peripheral planters.

Private views are not protected and the development will not impact on the immediate outlook any neighbouring dwelling.

Noise

The nearest residential properties are at 7-15 and 42-54 Henderson Place. A revised Noise Impact Assessment (NIA) has been submitted which assessed noise from the

development's air source heat pumps as well as the heating, cooling and ventilation plant of the neighbouring office to the north. The target criterion for acceptable internal and external amenity noise levels were met. In accordance with the recommendation of Environmental Protection, a condition has been applied to protect residents' bedrooms from lift noise.

As regards any noise generated from the proposed rooftop terraces, noise can be generated at present from existing external amenity spaces within the block and planning legislation has no control over the behaviour of future occupiers of the development using the new spaces. Any noise levels from bikes being chained/parked will not be significant.

Ground Contamination

The site and the surrounding area have a long history of industrial use, including the existing building on the site which was used originally for printing operations. For this reason, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Air Quality

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

An Air Quality Impact Assessment has been submitted in support of the application which concludes that the development will not have a detrimental impact on air quality. No private car parking spaces are proposed and the low carbon energy and ventilation systems for the development will assist with air quality management. An informative has been added recommending that the two city car club spaces are provided with electric vehicle (EV) charging points or, as a minimum, suitable ducting is installed to facilitate the easy installation of EV charging points.

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

g) Affordable Housing

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

The applicant has engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution and has submitted an Affordable Housing Statement which proposes the delivery of 10 affordable homes on-site. This meets the minimum 25% requirement. An RSL has submitted a letter of support confirming its aspiration to deliver this affordable housing on site.

The affordable units will comprise eight one-bedroom flats and two three-bedroom flats within a contained stairwell. The homes will be well integrated into the development, tenure blind and close to regular public transport links and local amenities.

Planning guidance on 'Affordable Housing' requires the proportion of housing suitable for families with children included within the affordable element to match the proportion of such housing on the wider site and the representative mix of house types and sizes should reflect the market homes.

In this case, the affordable housing element is not representative of the market homes which comprise a mix of studios, one, two, three and four-bedroom flats, with nearly half being two-bedroom units. However, the specified mix is acceptable given that two three-bedroom family flats are proposed, including one on the ground floor. Also, the RSL requires the affordable homes to be accessed from a contained stairwell and other possible layouts within the space available would involve studio flats which would not suit the RSL.

The Council's expectation is that at least 70% of the affordable homes should be delivered for social rent. The applicant and RSL have confirmed that their aspiration is to deliver the 10 affordable homes for social rent. The model legal agreement requires an applicant to confirm and agree the affordable housing tenure with the Council prior to the commencement of works.

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

The provision of 10 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement.

h) Road Safety and Infrastructure

Access and Traffic Generation

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

The Council's parking standards contain no minimum levels for car parking in this zone and zero car parking is appropriate in this location in order to encourage and promote sustainable travel. A draft Travel Plan has been provided to further support the proposed car-free scheme assisting residents to travel sustainably and avoid the requirement for privately-owned vehicles. Two City Car Club spaces are also proposed to discourage private car ownership. An informative has been applied requiring a contribution of £12,500 towards the provision of these spaces and requiring an on-street location for both.

The site is in an accessible location within easy walking distance of a range of local services and city centre amenities (approximately 0.5 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are on Henderson Row, Dundas Street and Brandon Street.

The main existing pedestrian routes to the site are safe and there is level access into each proposed residential stair.

Cycle Parking

LDP Policy Tra 3 requires that developments make provision for cycle parking levels that comply with the levels set out in the Edinburgh Design Guidance.

A total of 97 cycle parking spaces will be provided in three separate secure stores, in compliance with the numbers of required spaces set out in the Council's parking standards and all stores will have level access.

The Design and Access statement specifies a stackable system. The updated "Cycling by Design" publication states: *"two-tier stands offer an effective solution for high-capacity medium and long stay cycle parking in areas where space may be constrained.* This is a restricted site in terms of the area available for the provision of a viable number of units with the required affordable element. On this basis, the proposed stackable system is acceptable and a condition has been applied requiring further details of the proposed specification to ensure that it meets the standards.

Waste/Serviceing

Waste will be collected via Henderson Place and Henderson Place Lane. A Swept Path Analysis has been provided to demonstrate that appropriately sized vehicles can access the site. The applicant engaged with Waste Management at the pre-application stage to ensure that the Council's requirements can be incorporated satisfactorily within the design. The path leading to the main bin store off Henderson Place Lane has been designed to provide as direct a route as possible without losing an excessive area of green space.

Education Infrastructure

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

The proposed development is required to make a financial contribution of £41,160 towards the delivery of the identified education infrastructure actions and current delivery programme within this zone based on the established 'per house' and 'per flat' rates for the appropriate section. This sum is calculated on the basis of 42 proposed flats.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure. Informatives have been added requiring the conclusion of a legal agreement to secure the financial contributions identified above.

i) Trees and Biodiversity

Trees

LDP Policy Env 12 states that development will not be permitted if it is likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree

or woodland worthy of retention, unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The loss of the existing three existing early mature silver birch trees in the southeast corner of the site is acceptable as the tree survey submitted ascribes a life expectancy of only 20 years, in part due to the constrained rooting environment between areas of hardstanding.

Several specimen and feature trees, including silver birch, Scots pine, rowan and apple will be planted around the periphery of the development, including on Henderson Place. The species proposed are of appropriate scale and type to provide visual interest and shelter within the landscaped areas without having the capability of growing to a height and spread where heavy pruning would be required.

Biodiversity

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

A bat roost survey was carried out between May and September 2021 and the findings of the report confirms that bats are not a constraint to this development.

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

j) Scottish Planning Policy (SPP)

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development proposes an appropriate and sustainable land use which will support the local economy and protect the historic environment. The scheme makes good use of the land available and the design will create a sense of place, including landscaped amenity space. The site is in close proximity to a public park and within walking distance or a short bus journey of another public park with sports facilities. The proposals include measures to assist with climate change mitigation, including zero car parking, ample cycle parking, a low and zero carbon heating/hot water system and recycling facilities.

The proposed development therefore complies with the 13 SPP principles.

k) Equalities and Human Rights

The proposed scheme provides accessible access to all the market price flats within the development. The affordable flats on the upper floors do not have lift access, but these are one-bedroom units which will not house families. Furthermore, the interested RSL has stipulated that no lifts should be provided within the stairwell which will serve the affordable units and there is no requirement in the building regulations for lifts to flats of up to four storeys in height.

Zero car parking spaces are acceptable as two City Car Club spaces will be provided for the use of any of the future occupiers who are sufficiently able and there are good public transport links in close proximity to the site.

l) Public Comments

General Comments

New Town and Broughton Community Council (NTBCC)

NTBCC is overall supportive of the design and architectural approach, including the landscape proposals and extent of tree planting. The Community Council regrets the demolition of the existing building on the site, which is pleasant, modest and domestic in scale, but accepts that it is out-scaled by almost all the surrounding buildings, including the density of build on the site footprint and agrees with Historic Environment Scotland's conclusion that the existing building makes a "neutral contribution" to the character and appearance of the conservation area. NTBCC takes a neutral stance on the application, whilst not supporting some key elements and make the following points:

- the proposal would sit better within the context of the surrounding buildings if the uppermost storey was removed, as it will obscure to a degree the good modern 'interpretation' of the Edinburgh North Tramways Company depot to the north;
- question whether the lack of any private vehicle parking would impede the use of the flats by disabled people;
- is 400m a reasonable walking distance to the nearest bus stop and is 1.6 km to the nearest local amenities consistent with the Council's longer term aspirations of '20 Minute Neighbourhoods', especially for those less able, mobility-restricted residents? and
- the proposed City Car Club spaces should be equipped with suitable electric vehicle charging points.

These points have been addressed in sections 3.3 b), d), f) and j) and in the associated report for the accompanying application for conservation area consent (reference 21/04327/CON).

Individual

- swift brick should be incorporated within the building - addressed in section 3.3 i).

Objection Comments

Architectural Heritage Society of Scotland

- the proposed building does not meet the high standard expected for new development within the New Town Conservation Area in terms of sympathetic design and response to the history and architectural character of the surrounding Silvermills area;
- in particular, the scale and five-storey height is inappropriate for this backlands site historically characterised by low-rise industrial buildings.

These points have been addressed in sections 3.3 b) and d).

Individuals

- the demolition of the existing building is not sustainable - addressed in sections 3.3 b) and d);
- the proposed development is out of scale, over dense and too high - addressed in sections 3.3 a), b) and d);
- the scheme should consider the group of existing similar buildings as a whole - addressed in section 3.3 b);
- there is no evidence of the former tram depot in the design - addressed in sections 3.3 b) and d);

- the 33.1m "waterline" on the diagram does not show the true impact of the five-storey height - this diagram is accurate and the height impact is addressed in sections 3.3 b and d);
- the air source heat pumps could increase the height, depending on location - addressed in section 3.3 b);
- red brick, dark grey cladding and metal windows do not respect the surrounding buildings - addressed in section 3.3 b);
- the new building does not seem to be net zero ready - addressed in section 3.3 d);
- more three or four-bedroom units for families should be provided - addressed in section 3.3 d);
- daylight and views for neighbouring residences will be restricted - addressed in section 3.3 f);
- the sun path diagram is wrong as it shows the sun rising from west and ignores the impact of overshadowing on 9 Henderson Place - the solar study has been updated to show the correct sun direction and impact of the development;
- the proposed balconies and terraces will result in overlooking and loss of privacy - addressed in section 3.3 f);
- there will be noise from bikes being chained/parked - addressed in section 3.3 f);
- the mitigation planting for the loss of the three silver birch trees is not convincing - addressed in section 3.3 i);
- zero car parking spaces will increase pressure on on-street parking problems in the area - addressed in section 3.3 h);
- there are no parking spaces for electric vehicles - addressed in section 3.3 d and h);
- the local infrastructure (schools, health services) can't cope with increase demand - addressed in section 3.3 h).

Support Comments

Living Streets Edinburgh Group

- the proposals involve zero parking which is highly appropriate for this city centre location and accords with Scottish Planning Policy.

Individuals

- the proposed building will make a positive contribution to the townscape, being lower and smaller in scale than many buildings within the area;
- the siting, scale, design and external appearance is appropriate in this context;
- the design will help elevate the surrounding buildings which are of poor design;
- the proposal addresses the housing shortage within Edinburgh, including affordable;
- good quality housing is proposed with a high quality environment for residents;
- this is a sustainable development on a brownfield site;
- the location is accessible by public transport, walking or cycling to the facilities and amenities of Edinburgh;
- there will be no adverse impact on any existing residential property.

Non-Material Comments

- demolishing existing buildings can lead to large carbon emissions;
- the works would cause noise, dirt, dust and disruption and could hinder access to property.

Conclusion

Compliance with Listed Buildings and Conservation Areas Requirements

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

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

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

Compliance with Development Plan

The proposed residential use is acceptable at this location and is supported by LDP policy Hou 1.

The proposal is of appropriate, sustainable design and will contribute to a sense of place.

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

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. The bedrooms adjacent to the lift shafts, shall have an independent lining installed on the shaft side of the bedroom wall of the following or similar specification:
 - a) one layer of 42mm triline board fixed to the lift side of bedroom wall (insulation layer facing shaft wall) or one layer of 12.5mm wallboard on an independent metal stud, 25mm mineral fibre insulation in the cavity;
 - b) guide rails for the lift shall be isolated from the structure.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. Further details of the proposed stackable cycle racks shall be submitted to and approved in writing by the Council as Planning Authority and installed prior to occupation of the development hereby approved.

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

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to protect the amenity of the occupiers of the development.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to protect the amenity of the occupiers of the development.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that the standard of cycle parking provision is appropriate.
7. In order to safeguard protected species.

Informatives

It should be noted that:

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

Affordable Housing

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

Education

The sum of £41,160 towards education infrastructure for Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

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

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

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. i) It is recommended that an Electric Vehicle charging point is installed for the City Car Club vehicles that can charge at a minimum of 22kW. The DC charge should be delivered via both JEVS G105 and 62196-3 connectors and the AC supply by a 62196-2 connector. The charging point should have the ability to be de-rated and supply to the AC and either of the DC outlets simultaneously.

ii) If no EV chargers are installed, then as a minimum, it is recommended that all the necessary ductwork and infrastructure to facilitate the installation of EV charging points are installed.

iii) Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

6. i) The proposed City Car Club spaces will require a contribution of the sum of £12,500 (£1,500 per order plus £5,500 per car). This does not require to be the subject of a legal agreement.

ii) The applicant should note that the proposed off-street location of the car club vehicles is not considered acceptable. Such spaces should be provided on-street and will require further discussion and agreement.

iii) The applicant should note that the proposed works to Henderson Place Lane are considered generally acceptable but will require further detail and agreement as part of separate application for road construction consent and work permits. In addition, a stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1997 and a redetermination order will be required prior to works commencing to amend the footways and carriageways on Henderson Place Lane. The applicant should be aware that these orders are subject to statutory process and cannot be guaranteed. The cost of each order is likely to be approximately £2,000 and will be required to be covered by the applicant.

iv) The applicant should satisfy themselves that they have the necessary ownership rights to any land subject to stopping up;

v) The applicant should be aware that further application and submission of appropriate details and drawings will be required to progress the orders.

vi) The applicant should be advised that, as the development is located in Zones 1 to 8, residents of the development 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 and Environment Committee/20130604/Agenda/item_77__controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf](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).

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 3 September 2021. A total of 37 representations were received: 16 objections, two general comments and 21 in support.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within an Urban Area as defined in the Edinburgh Local Development Plan (LDP).

Date registered

18 August 2021

Drawing numbers/Scheme

01-24, 25A-27A + 28,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the

Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

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

Relevant Government Guidance on Historic Environment.

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

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

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 21/04326/FUL At 7 Henderson Place Lane, Edinburgh, EH3 5DG Proposed demolition of existing building and erection of a residential development comprising 42x flats with amenity space, landscaping, cycle, parking and other associated infrastructure.

Consultations

Archaeology

The site is currently occupied by a range of office buildings constructed in 1988 as the printing works for the Scottish Life Assurance Co. These replaced a range of buildings which, based upon map evidence, dated back to the third quarter of the 19th century when the site of the Canon Mills Haugh was developed for light industry. Prior to this the site formed part of the Canon Mills Haugh which ran between the important medieval milling sites of Silvermills and Canonmills, the latter founded in the 12th century by Holy Rood Abbey. Historic maps show later mill lades in this area running eastwards to feed the mill dam for Canonmills to the east. As the 'haugh' name suggest and early 19th century plans show historically the site was possibly a water meadow with extensive works needed to drain this site. The latter may suggest that it may overly the site of an earlier post-glacial loch.

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

Buried Archaeology

Although redeveloped in the 1980's, the site occurs within an area of archaeological potential concerning its Victorian industrial heritage and also earlier relating to the areas medieval and post-medieval milling heritage associated with both Canon and Silver Mills and potentially also earlier paleoenvironmental evidence.

The proposals will require significant ground-breaking works associated both with the demolition of the 1988 former Scottish Life Assurance buildings occupying the site and the construction of the new development. Such works will have significant impacts upon any surviving archaeological remains, dating back potentially to the medieval period and possibly earlier. However, given the potential significant impacts of the

1980's development I concur with the general conclusions on Nick Haynes Heritage Statement accompanying this application that such impacts are likely to moderate and not significant enough to warrant refusal.

However, it is considered essential that a programme of archaeological work is carried out across the site as part of any demolition works and prior to development to fully excavate, record, analysis and publish the results from the excavation of any surviving archaeological remains affected by development. Given the potential this will be more than the Nick Haynes's suggested watching brief. The works will require a phased mitigation response with the demolition of the buildings to ground level to allow for the evaluation (max 10%) of the site. The results of this work, including the assessment of any GI boreholes will determine the scope of further phases of archaeological works.

Public Engagement

As stated, the site may contain significant archaeological remains dating back to the medieval period. It is therefore considered important that a programme of public/community engagement is undertaken during development as part of the overall programme of archaeological works. The full the scope of which will be agreed with CECAS but may include site open days, viewing points, temporary interpretation boards, social media.

In granted permission it is recommended that the following condition, based upon the following CEC condition, is attached to secure this programme of archaeological work;

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

The work must 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.

Environmental Protection

Conditions

1. 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

2. The bedrooms adjacent to the lift shafts, shall have an independent lining installed on the shaft side of the bedroom wall of the following or similar specification:

a) One layer of 42mm triline board fixed to the lift side of bedroom wall (insulation layer facing shaft wall) or one layer of 12.5mm wallboard on an independent metal stud, 25mm mineral fibre insulation in the cavity.

b) Guide rails for the lift shall be isolated from the structure.

Informatives

1. It is recommended that an Electric Vehicle charging point is installed that can charge at a minimum of 22kW. DC charge delivered via both JEVS G105 and 62196-3 connectors, the AC supply by a 62196-2 connector. The charging point should have the ability to be de-rated and supply to the AC and either of the DC outlets simultaneously.

2. If no EV chargers are installed, then as a minimum it is recommended that all the necessary ductwork and infrastructure to facilitate the installation of an EV charging point is installed.

3. Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

Assessment

The planning application is for the demolition of an existing office building and redevelopment as a residential development. The current building is a two-storey office dating from the 1980s, which was originally used for printing and later converted to an office.

The application site is surrounded to the east and south by residential buildings between two and six storeys in height. Immediately to the west there is two storey office accommodation and to north there is a located a five-storey office building. Further to the east lies Dundas Street which is characterised by commercial ground floor uses and upper floor residential accommodation.

The site and the surrounding area have a long history of industrial use. Therefore, a ground investigation condition has been recommended to ensure ground contamination is investigated and if necessary, suitably remediated.

An Air Quality Impact Assessment (AQIA) was submitted in support of the application. The development will not include any residential parking spaces but will have two city car club spaces. The energy source for the development will be by a communal bank of Air Source Heat Pumps (ASHPs) located on the fourth floor which will provide heating and hot water to each apartment. The development shall also utilise

Mechanical Ventilation with Heat Recovery (MVHR). The screening stage of the AQIA determined that a detailed AQIA was not required as the operational phase of the development had a negligible impact on air quality.

An informative has been recommended that the two city car club spaces are provided with Electric Vehicle (EV) charging points. If this is not undertaken then as a minimum, suitable ducting shall be installed to facilitate the easy installation of an EV charging point.

As the development utilises a zero/low carbon source for heating and hot water the development contributes to the City of Edinburgh Council's targets of becoming a net zero city by 2030.

A Noise Impact Assessment (NIA) was submitted in support of the application. The NIA assessed noise from the developments ASHPs as well as the neighbouring office to the north, which has heating, cooling and ventilation plant. The target criterion for acceptable internal and external amenity space noise levels from ambient noise, commercial noise and the development's ASHP's were met. To protect resident's bedrooms from lift noise, the NIA recommended mitigation measures which have been included as a condition. The agent advised that the MVHR would be for a system per dwelling, rather than a centralised system. Therefore, as the occupants will be in control of the system, it was decided that it was not necessary to include it as part of the NIA.

In summary, Environmental Protection has no objections to the application subject to the attached conditions.

Transport

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

- 1. The proposed two car club spaces will require a contribution of the sum of £12,500 (£1,500 per order plus £5,500 per car). This does not require to be the subject of a legal agreement;*
- 2. The applicant should note that the proposed off-street location of the car club vehicles is not considered acceptable. Such spaces should be provided on-street and will require further discussion and agreement;*
- 3. The applicant should note that the proposed works to Henderson Place Lane are considered generally acceptable but will require further detail and agreement as part of separate application for road construction consent and work permits. In addition, a stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1997 and a redetermination order will be required prior to works commencing to amend the footways and carriageways on Henderson Place Lane. The applicant should be aware that these orders are subject to statutory process and cannot be guaranteed. The cost of each order is likely to be approximately £2,000 and will be required to be covered by the applicant;*
- 4. The applicant should satisfy themselves that they have the necessary ownership rights to any land subject to stopping up;*
- 5. The applicant should be aware that further application and submission of appropriate details and drawings will be required to progress the orders;*

6. 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 and Environment Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf](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:

- A draft travel plan has been submitted;
- The proposed zero car parking and 97 cycle parking spaces for the 42 flats is considered acceptable.

Communities and Families

Assessment and Contribution Requirements

This site falls within Sub-Area CB-3 of the 'Craigroyston/Broughton Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

*Total infrastructure contribution required (assessment based on 42 flats).
£41,160*

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.

Affordable Housing

This application is for a development consisting of 42 homes and as such the Affordable Housing Policy (AHP) will apply. There will be an AHP requirement for a minimum of 25% (10) homes of approved affordable tenures.

The affordable housing will be comprised of eight one-bedroom flats and two three-bedroom flats. The homes will be well integrated into the development and tenure blind.

The planning guidance on 'Affordable Housing' states that 'the proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided'.

The mix of affordable housing sizes is not representative of the market homes. The market homes comprise a mix of studios, one, two, three and four bedroom flats, with nearly half being two-bedroom units. It is disappointing that the applicant did not include some two-bedroom units in the affordable provision when designing the scheme. However, the inclusion of two three-bedroom family flats, including one on the ground floor, is welcome.

The less than representative mix of affordable housing was raised with the applicant. The applicant responded to say it is because of the need to have the affordable homes accessed from a contained stairwell and to avoid studio flats.

The Council's expectation is that at least 70% of the affordable homes should be delivered for social rent. Social rent is the Council's highest priority affordable housing tenure. The applicant has engaged with an RSL who has provided a letter of support, although they have not yet entered into a contract. The applicant and RSL have confirmed that their aspiration is to deliver the 10 affordable homes for social rent. The model legal agreement requires an applicant to confirm and agree the affordable housing tenure with the Council prior to the commencement of works.

The delivery of homes for social rent in this part of the city would be extremely welcome. Housing Management and Development will do what it can to support this. The proposal will meet a range of local housing needs in a part of the city where delivery of new affordable housing has been limited.

On balance, Housing Management and Development does not object to the proposal as it is an opportunity to deliver affordable homes for social rent, including some family housing, in a location close to the city centre.

The affordable homes are required to be fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this. The applicant should work with the RSL to ensure that the provision of cycle parking and internal storage is appropriate.

Summary

The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach will assist in the delivery of a mixed sustainable community.

The affordable housing will comprise of eight one-bedroom flats and two three-bedroom flats. The proposed mix of affordable housing is not representative of the market homes and therefore the scheme does not meet the expectations of the planning guidance on 'Affordable Housing'.

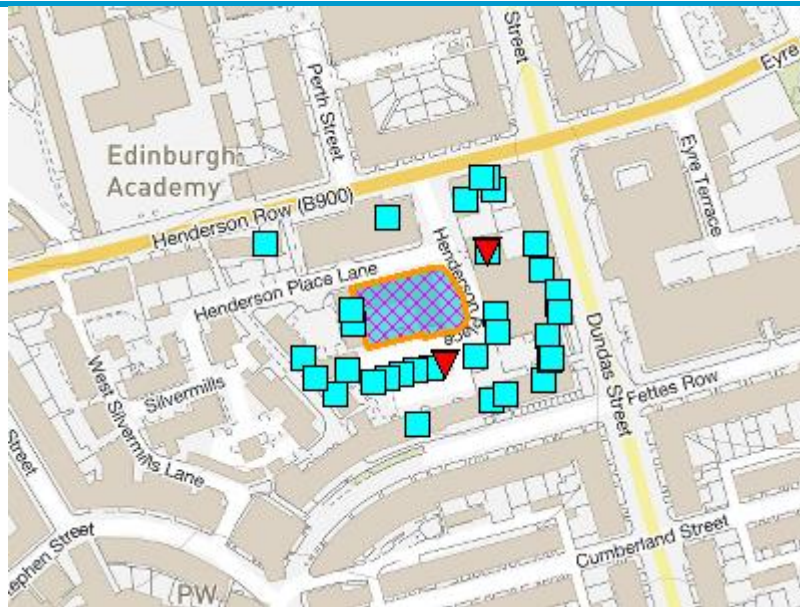
The applicant has engaged with an RSL who has provided a letter of support. The applicant and RSL have confirmed that their aspiration is to deliver the affordable homes for social rent.

On balance, Housing Management and Development does not object to the proposed provision of affordable housing as it provides an opportunity to deliver affordable homes for social rent, including some family housing, in a location close to the city centre.

Flood Prevention

The applicant has provided additional information and responses to satisfy our previous consultation comments. This application can proceed to determination, with no further comments from CEC Flood Prevention.

Location Plan



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