

**Full Planning Application**  
**at**  
**1- 5 Baxter's Place**  
**Edinburgh**  
**EH1 3AF**

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**Development Quality Sub-Committee**  
**of the Planning Committee**

**Proposal:** Refurbishment of existing offices (1-3 Baxter's Place), demolition of rear office extension, construction of new offices to rear of site, new outshot to No5 to create restaurant + bar

**Applicant:** Royal London Mutual Insurance Society Ltd.

**Reference No:** 03/02635/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.
3. The use of 5 Baxter's Place shall be restricted to restaurant (Class 3) only.

4. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.
5. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
6. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
7. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning & Strategy.
8. The approved ventilation system shall be installed and tested for the escape of odours to the satisfaction of the Head of Planning & Strategy, prior to the use hereby approved being taken up.
9. Sample/s of the proposed materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work commences on site.
10. The repairs required to the external masonry as a result of the removal of the existing link building to the rear shall be carried out in natural stone to match the existing stonework in both colour and coursing.
11. Prior to commencement of work on site, details of the new and replacement windows proposed on the rear elevation of 1-5 Baxter's Place shall be submitted to and agreed in writing by the Head of Planning and Strategy.
12. The footways surrounding the office development hereby approved shall be no narrower than the existing footways and at least 1.4m in width along Marshall Court.
13. Any carriageway repairs on Marshall's Court and Greenside Lane shall be carried out using traditional sets.
14. Prior to the issue of this consent, the applicant shall enter into a suitable legal agreement with regards to:
  - A. The production and implementation of a Travel Plan, with particular regard to the control of parking spaces
  - B. The provision of a financial contribution of up to £10,000 towards the proposed Tram 1.

## **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.
3. In order to protect the amenity of neighbouring occupants.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
10. In order to safeguard the character of the statutorily listed building.
11. In order to safeguard the character of the statutorily listed building.
12. In order to safeguard the interests of road safety.
13. In order to safeguard the character of the conservation area.
14. In order to achieve community benefits in the form of infrastructure improvements and to ensure that the parking proposed is managed in a sustainable manner.

## **2 Main report**

### **Site description**

The application site lies on the east side of Baxter's Place and to the north of Greenside Lane. It consists of a row of Georgian townhouses dating from around 1798, and includes the land originally used for their gardens. To the rear of 1-2 Baxter's Place is a four storey 1970's office building that was developed at around the same time that the townhouse properties on Baxter's Place were converted to office use. The site slopes from Baxter's Place to Marshall's Court to the east, a fall of approximately 8.5m. Vehicular access to the modern office building to the rear is via Greenside Lane.

Directly to the east of the modern office building is a three storey tenement building. To the south is the service yard for the Playhouse Theatre. To the north, and rear of 3 - 4 and 5 Baxter's Place, is currently undeveloped ground with informal parking areas onto Marshall's Court. 4 Baxter's Place is in residential use.

The site lies within the New Town Conservation Area and World Heritage Site. Numbers 1 - 5 Baxter's Place are Category B listed.

### **Site history**

#### 5 Baxter's Place

06.09.1993 - Planning permission for change of use and alterations from office to form restaurant granted (A 02010 92).

01.03.1994 - Planning permission for alterations to form restaurant (as amended) granted (A 02396 93).

27.11.1997 - Planning permission for alterations and extension to form restaurant (A 00721 97).

17.09.1998 - Variation to planning consent to create restaurant (A 00292 98).

#### 1 - 5 Baxter's Place

18.02.2003 - Application for planning permission for refurbishment of existing offices (1 - 3 Baxter's Place), formation of public house/restaurant (5 Baxter's Place), demolition of offices to rear, construction of new offices to rear, and other alterations withdrawn (02/04037/FUL).

18.02.2003 - Application for conservation area consent for the demolition of the modern office building to the rear withdrawn (02/04037/CON).

06.03.2003 - Application for listed building consent for refurbishment alterations and extension of existing buildings withdrawn (02/04037/LBC).

16.07.2003 - Application for listed building consent received for refurbishment of existing offices (1-3 Baxter's Place), demolition of rear office extension, construction of new offices to rear of site, reinstatement of outshot to 5 Baxter's Place to create bar/restaurant (03/02635/LBC).

16.07.2003 - Application for conservation area consent received for demolition of office building to rear (03/02635/CON).

## **Development**

It is proposed to demolish the existing 1970's office block at the rear of 1-3 Baxter's Place and to construct a new office development with an additional 1750sq m floor area. The existing office accommodation at 1-3 Baxter's Place will be re-planned and a new link with the office building to the rear will be formed. A new main entrance to the whole building will be created from an existing entrance at 3 Baxter's Place. The front garden area will be re-landscaped.

In addition, it is proposed to form a restaurant/bar at 5 Baxter's Place. The existing stone outshot to the front of the building is to be removed and replaced with a modern structure that will re-use the existing flank walls. To the rear new windows are to be added to the existing openings.

The new office building will be finished in a variety of materials. The elevations will be finished in a combination of clear and screen printed glass with a basecourse constructed from stack-bonded and louvered pre-cast 'planks.' The roof will be of flat construction and will be partially planted with a sedum roof. Other sections of roof, those over stairs and link buildings in particular, will be clad in tern-coated stainless steel standing seam roof.

The external landscaping to the front of 1-3 Baxter's Place will be a combination of Caithness slab and York stone. A ramped access will be formed within the front garden area to comply with the Disability Discrimination Act. This ramp will have a glass balustrade. Existing railings to the street will be retained.

The new facade to 5 Baxter's Place will be predominantly glazed set within a profiled Caithness stone frame. The entrance door will be profiled timber. The roof will be sloped back in order to clear the existing windows on the facade behind.

## **Consultations**

### **Culture and Leisure - Archaeology Service**

The existing evidence indicates that the site has potential for containing archaeological remains associated with three 15-16th Century religious establishments, with also the further possibility of having as yet unrecorded human burials. Such remains must be considered as being potentially of national significance and as such the primary aim must be to preserve these remains insitu. An assessment of the recent development history of the site would suggest that the potential impact of the development is considered, on current information, not sufficient to justify refusal of consent on archaeological grounds. It is essential that the site is investigated prior to development and any archaeological remains excavated and recorded by a professional archaeologist where preservation in situ is not possible.

A condition must be applied to any consent granted to secure this programme of archaeological works (excavation).

### **Environmental and Consumer Services**

No objection subject to the bar use being ancillary to the restaurant use, and conditions regarding sound insulation, inaudibility of music and vocals within neighbouring premises, and ventilation.

### **Transport**

No objection subject to conditions and legal agreement relating to footway widths, cycle parking, a travel plan and Tram 1 contribution.

### **Historic Scotland**

The scheme for the treatment of the hard landscaping has now been simplified and the present proposal appears appropriate. The Historic Buildings Inspectorate would prefer the ramp edge to be protected by a kerb rather than a glass balustrade if this was acceptable in terms of building regulations. This work should be carried out to a high quality of finish, detailing and materials. The new building to the rear of Baxter's Place is a very elegant modern design which will impact as little as it can, given the accommodation brief, on the World Heritage Site. Nevertheless, the Historic Buildings Inspectorate would prefer to see development in this area scaled down to a much greater extent and taken off the existing buildings so that an independent, mews type structure would be created. With some little improvement the immediate environment is potentially attractive for a mix of studio-office use and residential. A building on the scale proposed will tend, in use terms, to perpetuate the existing situation rather than promote a more sustainable balance between residential and office use.

### **Scottish Natural Heritage**

Scottish Natural Heritage do not object to this application as submitted. We would like to express support for the use of sedum roofing, both in landscape and biodiversity terms and for contributing to sustainable urban drainage. We would also support the provision of cycle facilities to promote the use of more sustainable transport methods in the city.

### **Royal Fine Arts Commission for Scotland**

The underlying architectural concept remains as in the earlier application. The scale and massing has changed, so that the overall form now responds more sensitively to the substantial change in scale between adjacent developments to the north and south. The higher buildings to the south might provide an appropriate precedent in terms of height for future development on the other side of Greenside Lane. In the northern part of the site the height of the proposed building would drop down to become no higher than the existing houses on Blenheim Place, responding to the more domestic scale and character of nearby buildings. It could act as a model for the two potential development sites in the vicinity.

The new building would be clad in screen printed glass, with base course of pre-cast concrete planks, with gardens, either planted or timber boarded or stainless steel to roofs. The relationship of the new building to the rear of the Georgian terrace appears comfortable. Because of the attention that has been given to the design of the roofs, it would not appear out of place or ill considered when viewed from above. More consideration might be given as to how the building would be experienced from the streets that immediately surround it. Pre-cast concrete, provided that it is carefully chosen and of high quality, may constitute an acceptable alternative to natural stone, but unrelieved concrete at pavement level can appear forbidding.

The current application represents a considerable improvement on that previously submitted. A building of contemporary design and yet sensitive to its historic surroundings is promised provided that the architects retain sufficient control over the detailing and the construction process for the high quality architecture anticipated at this stage to be realised.

### **Representations**

The application was advertised on 01.08.2003. Eight letters of representation have been received from The Gayfield Square Association, three commercial neighbours and two from neighbouring residents. One letter of comment has been received from The Cockburn Association. The principal issues relate to anticipated problems during construction but are also as follows:

1. Increased traffic on Greenside Lane
2. Increased pressure on on-street parking
3. Projection on 5 Baxter's Place should be removed and the facade returned to original form

### **Policy**

The site lies within an area identified as Housing and Compatible Uses in the Central Edinburgh Local Plan.

#### Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD8 (ARCHAEOLOGICAL EVALUATION) sets out procedural requirements for applications for development or redevelopment of sites of known or suspected archaeological significance.

Policy CD9 (PROTECTION OF ARCHAEOLOGICAL REMAINS) requires where possible the "in situ" protection of important archaeological remains and sets out procedural requirements if this cannot be achieved.

Policy CD10 (NEW DEVELOPMENT - OBJECTIVE) encourages new development of the highest possible architectural and urban quality.

Policy CD11 (NEW DEVELOPMENT - GENERAL) sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre.

Policy CD15 (INFILL DEVELOPMENT) sets out design requirements for new infill development.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD18 (SAFETY, SUSTAINABILITY AND ACCESSIBILITY) requires the design and layout of development proposals to meet safety, sustainability and accessibility objectives.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Policy CD20 (WINDOW ALTERATIONS) sets out different levels of control for window alterations for listed buildings, non listed buildings in conservation areas and non listed buildings in defined areas of window control.

Policy ED5 (BUSINESS DEVELOPMENT - INNER HOUSING AREAS) sets out criteria for assessing business and industrial development in defined Housing and Compatible Uses policy areas.

Policy L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

Policy L5 (LICENSED PREMISES) states that the change of use of premises under or in the midst of housing to a public house (or similar) will not be allowed

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.



Policy T15 (PRIVATE CAR PARKING) requires all new development to comply with car parking standards set out in the Development Control Handbook, including provision for people with disabilities, and requires car parking to be designed to minimise visual intrusion.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

Non-statutory guidelines 'RESTAURANTS, CAFES AND HOT FOOD SHOPS' provide guidance on the location of such uses and set out conditions to control their impact.

### **3 Conclusions and Recommendations**

#### **Determining Issues**

The determining issues are:

- do the proposals preserve the building or its setting or any features of special architectural or historic interest? If they do not there is a presumption against the granting of planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;
- do the proposals enhance or preserve the character and appearance of the Conservation Area? there being a strong presumption against the granting of planning permission if this is not the case.
- do the proposals comply with the development plan?
- if the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- if the proposals do not comply with the development plan, are there any compelling reasons for approving them?

#### **Assessment**

In order to address the determining issues, Committee must consider whether a) office development and a restaurant/bar is acceptable in this location, b) the development respects the constraints of the site, and preserves the character and appearance of the New Town Conservation Area, c) the proposed development would have any adverse effect upon the character and setting of the listed building, d) there would be any adverse effect upon neighbouring amenity, or the development would

prejudice the development of the adjacent sites, and e) there would be any adverse impact on road safety.

a) The site does not lie within the Office Core but does lie immediately adjacent to it. The surrounding area is characterised by a mix of uses including major business development and commercial leisure uses. The site lies on a public transport corridor and main thoroughfare into and out of the city and vehicular access to the site will be unchanged. The site is already in use as office accommodation and the proposal will ensure the continued use of a listed building. The applicant has stated that the intention is to either lease the building to the existing tenants or, alternatively, to rationalise their own existing office requirements in Edinburgh. Given the proximity of the site to public transport, proposed car parking spaces will be kept to a minimum. Subject to the protection of the amenity of neighbouring occupiers therefore, the major office development proposed accords with development plan policy and is acceptable in principle.

The use of 5 Baxter's Place as a restaurant has already been accepted. There are no significant policy implications to indicate that a restaurant should not be accepted in this location. However, this application seeks a public bar use in addition to a restaurant. Development plan policy does not support a public bar under residential premises. The applicant has been made aware of this. A condition restricting the use to restaurant only would be appropriate.

b) The character of the New Town Conservation Area is characterised as:

*A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.*

As it offers little visual interest, the removal of the existing 1970's office building to the rear of 1-3 Baxter's Place will have no adverse effect upon the character and appearance of the conservation area. An application for Conservation Area Consent has been submitted for the demolition of these buildings.

The site has been identified as occurring within an area of potentially high archaeological significance but to-date no excavation works have taken place on this site. Due to the historical importance of the area, and that the site lies either on or close to the site of the late medieval Carmelite Friary at Greenside, there is a likelihood that there will be archaeological remains on site. Culture and Leisure has no objections

subject to a condition that will ensure that no development takes place until site investigations have been carried out.

The site sits in a valley between Calton Hill and Leith Walk/Baxter's Place. It can be seen clearly from Calton Hill. The proposed development has taken this into consideration and the height respects the topography of the area. Whilst building heights along Leith Street/Walk are variable, the incline in the street means that buildings are stepped. The new office building proposed will be lower than the existing building on Baxter's Place and the adjacent Playhouse Theatre and will continue stepping down in height to three storeys towards the Playfair Buildings on Blenheim Place responding to the more domestic scale and character of nearby buildings. In this regard, the proposed development will respect the site context and historic townscape. There will be no adverse effect upon important views to and from Calton Hill. The perspectives submitted in support of this application illustrate this.

In terms of the detailed design, the proposed office development is modern and consists of two main blocks linked by a central circulation and courtyard area. Each block will be stepped on both plan and elevation giving an illusion that the building is constructed from a number of interlocking 'fingers.' This produces a design that has a strong three dimensional modelled quality resulting in an attractive proposal. The external envelope of the building will be constructed using glass curtain walling. Large sections of the roof will be sedum planted. The articulation and use of materials in this way assists the building to integrate with the surrounding landscape and reduce its visual impact.

The alterations to the shop front and rear elevation on 5 Baxter's Place will be modern, using traditional materials in a contemporary way. The original form of the shop front, including side walls will be retained.

The proposed development will respect the character of the area in terms of its spacing, height and massing. As it will be of high quality, using a combination of quality traditional and modern materials, the development will preserve the character of the New Town Conservation Area and will have no adverse effect upon its appearance.

c) Although Historic Scotland have indicated a preference for the new office block to be scaled down further, they are of the view that the new building to the rear of Baxter's Place will impact as little as it can, given the accommodation brief, on the listed building and World Heritage Site.

The setting of 1-3 Baxter's Place is already compromised by the existing 1970's office building. The new office building will be separated from the rear of the building on Baxter's Place. This separation will ensure that a large proportion of the rear elevation of this building will remain visible from Calton Hill. The new link proposed, which will adjoin the listed tenement further to the east than the existing link, has been designed to minimise disruption to the existing rear elevation. Although the flanking windows to the left of the link will be filled with render panels, these will not be clearly visible as they will be masked by the new building. The eight window openings that are currently blocked up will be re-opened and fitted with new windows to match the existing. Although larger than

the existing office development, the positioning and design of the proposed office block will respect the setting of adjacent listed structures.

The retention of the projection to the front of 5 Baxter's Place respects the 1853 plan form and the existing flank walls will be retained. The existing stone walls and railings to the street to the front of 1-3 Baxter's Place will also be retained. Behind these, the existing neglected gardens will be landscaped and a new disabled access ramp in stone with a glass wall and balustrade is to be constructed. The use of glass will avoid the need to introduce more railings as there are already railings to the front and the basement area. The landscaping will be of high quality and appropriate for use adjacent to this listed building.

There will be no adverse impact upon the character or setting of the adjacent listed buildings. Indeed, the proposal will result in an improvement over the existing situation.

d) The applicant has submitted a daylight impact analysis with the application. This concludes that, whilst the proposed office development will result in some additional loss in daylight to neighbouring occupiers, this will be marginal. In general the reductions in daylighting will be between 5-10%. This complies with the non-statutory guidelines on 'Daylight, Sunlight and Privacy.'

5 Baxter's Place already has consent for use as a restaurant. On the basis that the unit is not used as a public house, and subject to conditions, Environmental and Consumer Services has no objection. Due to the uncertainty of the intended occupier at this stage, and the fact that the buildings are listed, a scheme for ventilation has yet to be agreed. However, this can be controlled by condition. There have been no objections from neighbouring occupiers regarding the use of the premises.

Although located directly onto the boundary, the proposals will ensure that the potential for any development at the rear of 7 Baxter's Place onto Marshall's Court will be protected. In addition, by stepping down to three storeys on the north boundary, the proposals will ensure that any future development of this site will respect the height of buildings on Blenheim Place and thereby existing garden amenity. Other vacant sites to the south and east where potential exists for development are identified in the application. These will be unaffected.

e) Existing access arrangements will be maintained. As only 9 parking spaces are included within the development, the proposals will result in a reduction of vehicular movements. Subject to conditions, Transport Planning (Development Control) has no objection. There will be no adverse impact upon road safety.

In conclusion, the proposal is for a high quality modern building, which respects the urban grain, topography and historical importance of the site. There will be no adverse impact upon the character or appearance of the conservation area. The proposals will improve the existing fabric of the listed buildings on site and ensure their continued use. Subject to conditions, the amenity of neighbouring occupiers will not be

compromised. There will be no adverse impact upon road safety or the potential for redevelopment of adjacent sites.

It is recommended that the Committee approves this application, subject to the conditions stated.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

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**Ward affected** 20 -Calton

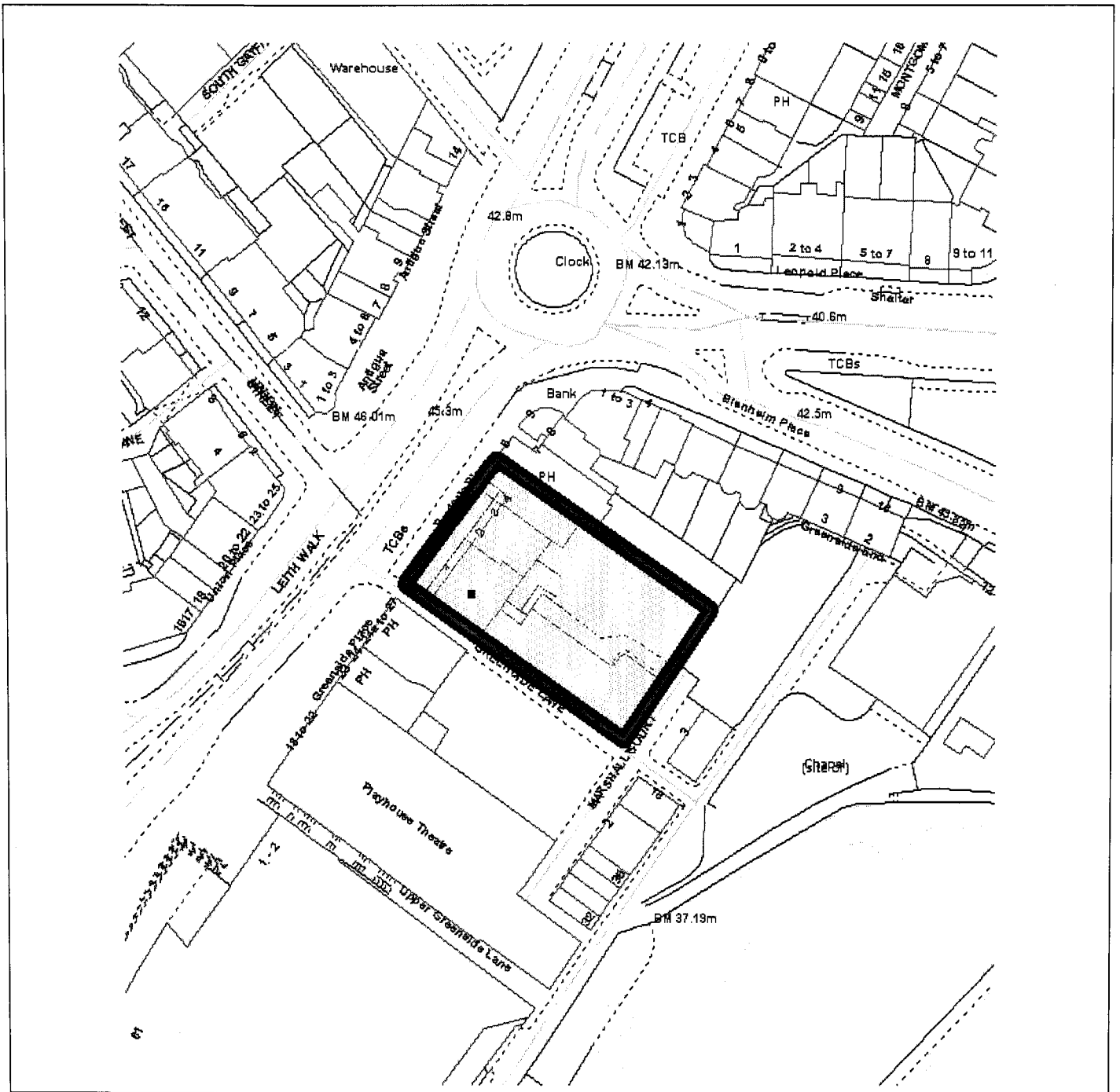
**Local Plan** Central Edinburgh

**Statutory Development  
Plan Provision** Housing and Compatible Uses

**File** AF

**Date registered** 16 July 2003

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# **PLANNING APPLICATION**

<b>Address</b>	<b>1 - 5 Baxter's Place, Edinburgh, EH1 3BD</b>		
<b>Proposal</b>	<b>Demolition of rear extension to Greenside Lane and of derelict outshot + front of No5 Baxter's Place</b>		
<b>Application number:</b>	<b>03/02635/CON</b>	<b>WARD</b>	<b>20- Calton</b>

THE CITY OF EDINBURGH COUNCIL  
 THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY