

## REPORT BY THE DIRECTOR OF CITY DEVELOPMENT TO THE DEVELOPMENT QUALITY SUB-COMMITTEE

**Reference No:** 03/00216/E33

**Site Address:** 4-14 Constitution Street Edinburgh EH6 7BT

**Owner/ Leaseholder:** Bellway Homes (Scotland) and individual flat owners

**Occupier:** Individual flat owners

**Ward:** 22 Lorne

### **Breach of Control**

The construction of a block of flats which were not in compliance with the approved plans.

### **Statutory Development Plan Provision**

Mixed Activities Zone: Emphasis on promoting an appropriate mix of activities, which contribute to the area's character and vitality, including offices, housing, shopping, general and light industry and appropriate leisure uses. It is also identified as a site with development potential.

### **Recommendation**

That no further action be taken following a negotiated agreement between officers and the developer for works to be carried out to the building to bring it closer to the approved plans.

## **REPORT**

### **Site Description**

The property is a block of new flats on the corner of Constitution Street and Tower Street. It rises from four stories to the south to seven stories at the north end. The ground floor frontage is of commercial units.

To the north and west lie further blocks of modern flats. To the east, screened by a high wall, is a scrap yard, with small industrial units to the north of it and Leith Docks beyond this. To the south is Bernard Street, and a mix of commercial and residential uses.

The site is in the Leith Conservation Area.

### **History**

1 March 2000 – Planning permission was granted for a development of 71 flats with commercial premises on the ground floor. (Ref: 99/03090/FUL).

4 September 2002 – Following the identification of discrepancies between the approved and built development, a retrospective application for a number of changes to the approved scheme at the north end of Constitution Street was refused by Committee and authorisation given for enforcement action to be taken.

### **Consultations**

No consultations have been undertaken.

### **Representations**

None.

### **Policy**

In the North East Edinburgh Local Plan, the property is in a mixed activities zone.

Policy E22 of the plan requires that “all new development in a conservation area should take into account the area’s special interest and how its character and appearance may be preserved or enhanced”.

Policy E25 (Design of New Development – General) states that:

“The Council will encourage and promote high standards of design for all development and its careful integration with its surroundings as regards scale, form, siting, alignment and materials”.

Policy E26 (Quality of New Development) states that:

“New development will be expected to make a positive contribution to the overall quality, accessibility and safety of the environment and the street scene, creating new public spaces and points of interest where appropriate, and incorporating to full effect any architectural or landscape feature present on the site. Particular attention will be paid to the need to enhance main or important thoroughfares and frontages, to protect city wide views and vistas from intrusion and to enhance important features of the local plan area, notably its seafront and waterfront locations and the Water of Leith”.

### **Assessment**

The determining issues are:

- Whether the development harms the character or appearance of the conservation area; and
- Whether the development and the proposed changes to the block meets the requirements set out in the previous report to Committee approved on the 4 September 2002.

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

- (a) The scale, form and design of the revised building and its effect on the character and appearance of the conservation area.
- (b) Whether the alterations already carried out to the building and the proposed changes constitute an acceptable scheme.

The alterations to the plans only involve the appearance of the building.

The report to Committee on the 4<sup>th</sup> of September 2002, sought rectification as follows:

- The window proportion and fenestration on all upper floors be restored to that form and design approved.
- The coping level be wholly replaced with a larger and suitably detailed reconstructed stone profile.
- The upper level string course be reinstated in a suitably detailed reconstructed stone profile.
- The dentil detail be re-added as offered.
- The parapet upstand to the south be lowered as offered.
- The canopies at entrance points be added as offered.
- The detailing of the rooftop terrace, south of the tower, be amended to the approved form.
- The window proportion on the circular tower be amended to its approved proportion.
- The whole frontage be treated, or coated, to improve the appearance of the blockwork.
- Details be added at the head of the glazed stair towers to substitute for the lack of recess.

Officers negotiating with the developer have agreed the following works to bring the building more closely into alignment with the original approval:

- Upper level windows to have the addition of a metal panel and mock balcony beneath to enlarge and improve proportions, and add visual interest at this level.
- The coping to be re-executed to a larger profile (almost complete).
- String course detail re-added (almost complete)
- Dentil detail re-added (begun)
- The parapet upstand to be brought down (approximately 1m) at the south end to match other profiles.
- Canopies added at all entrances (complete).
- Rooftop terrace left unaltered (it has been agreed that this cannot be seen from street level).
- Metal panel and mock balcony offered on the fourth and fifth floor of the circular tower.
- The top floor of the circular tower to be smooth rendered to match the colour of the roofing. Blockwork elsewhere has now “weathered down” in appearance and is agreed to be acceptable.
- Canopy details (matching those on the ground floor) to be added at the head of each glazed stair tower.

Cumulatively it is now considered that the executed and agreed remedial works together constitute an acceptable scheme

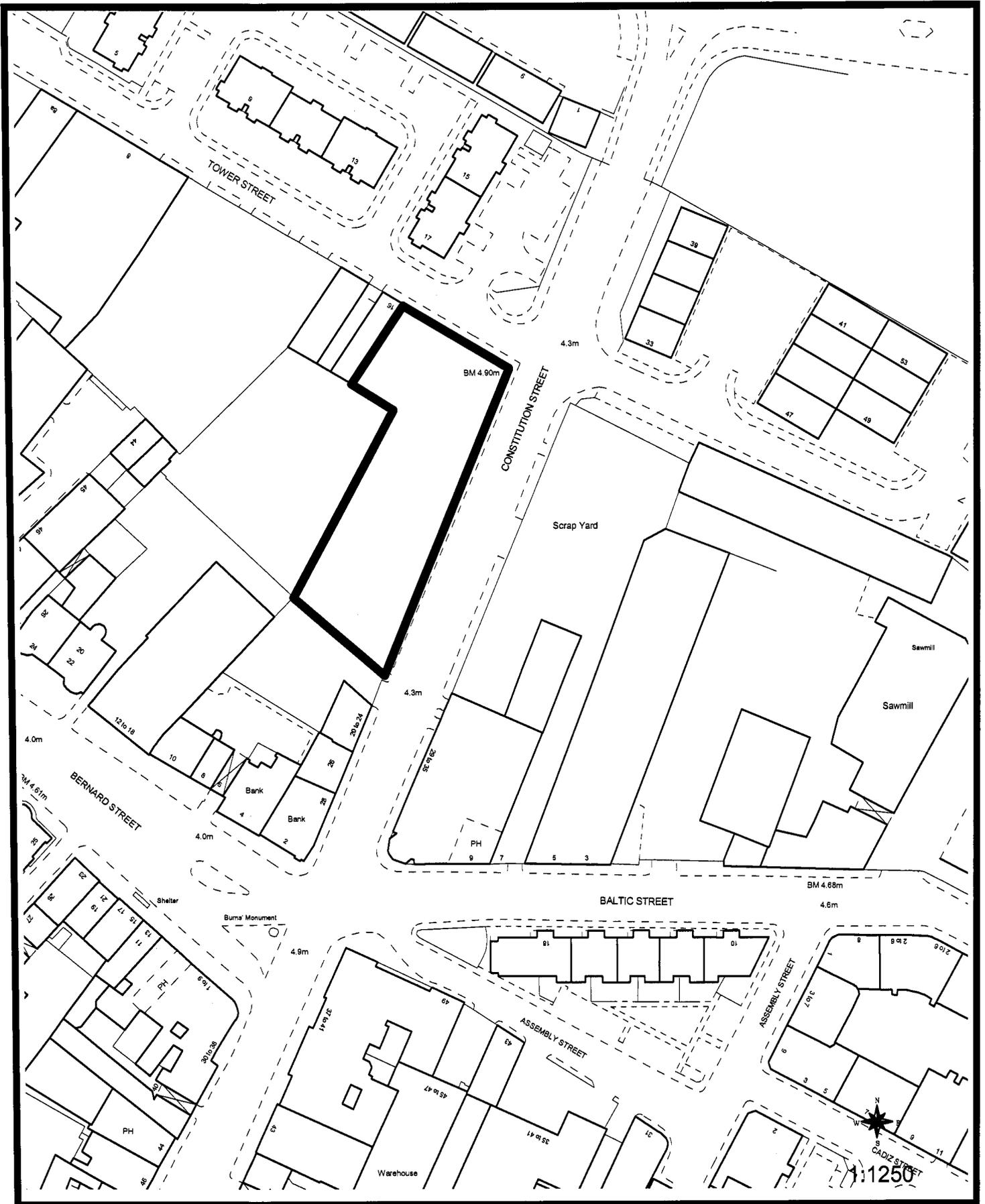
It is recommended that Committee resolves that no further enforcement action be taken provided that these amended works are completed. If Committee agree to these amendments, a further application would be required if the work is to be authorised.

Signed



pp Head of Planning

<b>File:</b>			
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ADDRESS : 4-14 Constitution Street

REF No

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