

Full Planning Application
at
92 - 98 Fountainbridge
Edinburgh
EH3 9QE

Development Quality Sub-Committee
of the Planning Committee

10 September 2003

Proposal: Proposed office development incorporating the category B listed building with restaurant/public house at ground floor + basement

Applicant: Scotmid/Bett Properties Ltd.

Reference No: 02/03754/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. 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.
3. Details of the species, density of planting and heights of the proposed landscaping scheme shall be submitted to and approved in writing by the Head of Planning and Strategy prior to implementation
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

5. 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.
6. The foundations of the building outwith the area of the basement car park shall be designed so as to allow any sections of the canal structure or associated relics to be preserved in situ.
7. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
8. 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.
9. 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.
10.
 - 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 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 required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.
 - 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 to the satisfaction of the Head of Planning.
11. Deliveries to the development shall be between the hours of 0700 and 2000, Monday to Saturday, and only between 1000 and 1800 on Sundays
12. Cycle parking shall be provided for visitors at the main entrances at the rate of 1 per 100m² gross floor area
13. The proposed cycleway through the site shall be clearly marked with reference to signage and /or demarcation by contrasting paving, to the satisfaction of the Head of Planning and Strategy, prior to first occupation of the site
14. Prior to the issue of this consent, the developer shall enter into a legal agreement with the planning authority in respect of:

a) A contribution of up to £40,000 towards carriageway/pedestrian/cycle improvements at the junction of Gardners Crescent and Fountainbridge. The improvements shall include a new footway treatment along the frontage of the site from no.92 Fountainbridge around to the corner of the Port Hamilton access road. The kerb radius at the aforementioned junction shall be reduced to 10m in accordance with the proposed signal design scheme. The financial contribution shall be paid before the footway works are completed (to allow works for the Toucan Crossing to be incorporated).

b) A Green Travel Plan for the office development

15. The fritted glass screens proposed for the north elevation of the west block, shall be implemented prior to the first occupation of the building and to the satisfaction of the Head of Planning and Strategy

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.

3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. In order to ensure that the approved landscaping works are properly established on site.

5. In order to safeguard the interests of archaeological heritage.

6. In order to minimise any further potential damage to the canal/ancient monument

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 safeguard the amenity of neighbouring residents and other occupiers.

10. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

11. In order to safeguard the amenity of neighbouring residents and other occupiers.

12. In order to provide adequate and convenient parking for green travel purposes

13. In order to ensure the continuation of the national cycle network and for the safety of cycleway users

14. In order to provide infrastructure commensurate with the importance of the site and to comply with the Council's Green Travel policy
 15. In order to protect the privacy of adjoining neighbours.
 16. NB This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
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2 Main report

Site description

The site is an existing listed building and surrounding open space/car parking on the corner of Fountainbridge and Gardners Crescent. The western part of the site is the former Port Hamilton canal route.

The existing building on the site is category 'B' listed, designed by Hippolyte J Blanc, 1880. It was extended westward by T P Marwick, 1904, with a rear brick bakery after the infill of Port Hamilton in 1922.

To the north and west of the site there is a significant office development, the Telephone Exchange, as well as private flats on Port Hamilton. The Chalmers building, that contains a number of flats, is located to the east of the site. To the south across the roundabout is the mixed use Lochrin Basin development and to the south east, a bingo hall, Tollcross School and student flat accommodation.

Site history

The existing listed building on the site is occupied as offices with a funeral parlour on the ground floor. The ground floor was previously used as a public house. It operated as a public house, for up to 100 years, until 1988.

The east block facing Fountainbridge was built in 1880 and comprised shops at ground level, offices at first floor and residential tenement flats on the top two floors until 1926 when they became offices.

The west block facing Fountainbridge was built in several stages between 1880 and 1904, also with shops, offices and residential tenement flats on the top two floors until 1926 when they became offices. The bakery building to the rear of the east block was erected in at least four stages by adding progressively further storeys between 1880 and 1896. With the infilling of the canal in 1922, the bakery operation was transferred elsewhere and a number of changes made to the building in 1926, including the construction of a sandstone extension to the north-west. The function of the building was converted mainly to offices, and the general configuration that it has today was then achieved.

Development

This is an application to convert and extend the listed building and form a new office block on the site to create 11,894 sqm (128,000 sq-ft) floor area of offices with 707.4 sqm of public house/restaurant use. 20 car-parking spaces are proposed in an underground car park with 41 cycle spaces.

The main front facade and the majority of the Baronial side facades of the listed building will be retained. The curved brick facade to the rear of the site will be recorded and dismantled to be rebuilt to match existing. All other existing fabric will be removed. A new contemporary style extension will be attached to the rear, 5 storeys in height, with the top floor set back. It will wrap round the back of the building and round to the east where a formal entrance will be formed onto Fountainbridge. A physically separate office development will be built on the west side of the site to enable a public access corridor to be formed on the designated route. This will match the style of the new extension to the listed building.

Internally, much of the interior has been compromised and there will be a major reconfiguration. The original boardroom will be retained with a lowered ceiling and the lower floor of the stone stair.

In terms of uses, the new build and upper floors of the listed building will be offices. The ground and basement floors of the listed building will be public house/restaurant.

A public open space runs through the site around which the buildings are to be grouped. The public open space runs approximately on the line of the former canal, a cycle route desire line.

Materials (as revised): Natural stone cladding, dark grey powder coated aluminium curtain and rainscreen cladding, solar glazing and Sarnifil polymer roofing. The open space will be finished in Natural Yorkstone paving, hardwood timber decking, granite cubes with specimen trees and shrub planting.

Scheme 1

The initial scheme did not meet daylight standards to the north east boundary and the elevational treatment included larger areas of glazing and reconstituted stone, rather than stone cladding. There were metal louvres on the east block on the front elevation - since deleted.

Scheme 2

This scheme did not comply with privacy standards on the east boundary in relation to Chalmers Buildings, and the fenestration in Scheme 3 has been recessed between the masonry elements in order to make this elevation comply. Changes were also made to the landscape treatment of the open space.

Scheme 4

This scheme has been modified to ensure privacy to the Port Hamilton flats to the north of the west block by obscuring the office windows with 'fritted' glass (partially fused constituents without melting).

Supporting statement

The applicant's revised supporting statement is available in the Party Group Rooms.

Consultations

Archaeology

The aim should be to preserve any Union Canal remains in situ as a first option. In order to achieve this, a programme of archaeological field evaluation should be undertaken to ascertain the extent, quality and significance of any deposits. The applicant should submit a resulting mitigation strategy. The results from the field evaluation and the mitigation strategy will determine any conditions needed to be attached to the consent if granted.

Archaeology - Further comments

An Archaeological Impact Assessment has been received. This shows that the creation of the underground car park will remove a 14m wide section of the canal. However, it is likely that this section of the canal has previously been badly affected. Accordingly, the Archaeology Service is content for development to take place provided that a full programme of archaeological works is undertaken to record any archaeological remains associated with the canal. These works will be based upon the mitigation strategy proposed in Section 6 of Headland's report. A standard model condition based on Pan 42 should apply as previously recommended. But in addition, in order to minimise further potential damage to the canal, it is essential that any section of the this monument located outwith the area affected by the construction of the basement, is preserved in situ, and foundations designed as appropriate to accommodate this aim. A separate condition must be attached to ensure this aim.

Transport

No objections, subject to:

The lay-by fronting the site being removed, cycle parking for visitors being provided at 1/100m², and a 3m wide cycle track being marked through the site. (This may be done in blockwork)

The developer entering a legal agreement to contribute £40,000 towards pedestrian/cycle improvements in the vicinity and provide a Green Travel Plan for the office development.

The kerb radius of Gardners Crescent to be reduced to 10m in accordance with the signal design scheme.

Environmental and Consumer Services

No objections subject to conditions on noise, kitchen ventilation and contaminated land.

Representations

The application was advertised on 1 November 2002. 18 letters have been received in respect of Scheme 1, including those from the Cockburn Association, the Architectural Heritage Society of Scotland, Tollcross Community Council and Councillor Thomas:

The Cockburn Association, whilst welcoming the redevelopment of this corner site, strongly objects to the demolition of part of the building, paying little attention to the integrity of the building, or the history and evolution of the site. It suggests residential use of the rear part of the building in order to retain it. The roofscape should be revisited to reduce the extent of the flat roofing. Reconstituted stone is not acceptable.

The Architectural Heritage Society of Scotland raises concerns over detail - design somewhat bland, requiring better integration of old and new elements. The L plan of the existing building should be kept and the curved side-wall re-emphasised by the new build behind. The mixed use is welcomed, echoing its original function and helping to ensure future sustainability.

Tollcross Community Council objects to the public house provision, citing over provision and impact on residential amenity, despite the mixed use area.

Councillor Thomas has some concerns about the inclusion of a Class 3 Public House/Restaurant use in relation to the amenity of neighbouring residents, particularly late at night. He would not favour any more pubs or restaurants in this area.

Cycle Touring Club of Scotland are pleased to see a statement about transport, the need to reduce access by car and parking for 50 cycles, plus public access through the site. Only reservation is that parking is in the basement exposing users to fumes and not convenient for access. Should also be cycle parking at ground level for visitors etc, close to the main entrances.

Spokes say that the Green Transport Statement does not address the cycle route through the site. A clear route with sight lines should be marked which is not obstructed by trees or changes of surface at least 2.5m wide.

Other objections refer to:

- Excessive massing/overshadowing
- Proximity to Chalmers buildings
- Loss of privacy
- Loss of view
- Direct sunlight and daylight negated to flats to north (single aspect) and Chalmers buildings to the east
- Traffic increase/ already congested area/ access position
- Construction noise and dust
- Pub will increase late night anti-social behaviour, rubbish and noise
- Already plenty of pubs in the area
- Need for CCTV in public space
- No need for more offices

Other comments:

- Box like/monotony of design
- Not compatible with style of listed building
- Landscaping area should be larger
- Public area more a corridor rather than a square
- Hope public house is placed well away from housing

The revised schemes 2 and 3 have not been re-advertised as the major amenity points raised have been addressed by the revisions, or are qualified in the assessment to this report. Scheme 2 assisted the daylight and massing to the Port Hamilton flats to the north west by stepping back the top floor at the closest part, thereby meeting the 27% vertical sky component factor and ameliorating objections on this issue. Scheme 3 addresses the privacy distance of windows in relation to the Chalmers Buildings, to the east, from whence there were objections.

Policy

The site is identified in the Central Edinburgh Local Plan as part of a Mixed Activities Zone. The western part of the site is designated as part of the Semple Street Major Development Opportunity to promote an extension of the prime business core as provided in the West Central Edinburgh Redevelopment Strategy and the significance of the site also lies in its relationship with neighbouring sites such as Lochrin Basin (mixed development) allowing a network of linked traffic free public paths and spaces.

Relevant Policies:

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.

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

Non-statutory guidelines 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Policy ED2 (OFFICE DEVELOPMENT - MIXED ACTIVITIES ZONE) sets out criteria for assessing office development proposals in the Mixed Activities Zone.

Policy ED3 (INDUSTRIAL DEVELOPMENT - MIXED ACTIVITIES ZONE) sets out criteria for assessing new small-scale industrial development proposals in the Mixed Activities Zone.

Policy T6 (CYCLING) supports the expansion of opportunities for safe cycling and the achievement of a comprehensive network of primarily off-road cycle routes as indicated in figure 9.2 of the Local Plan.

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 L1 (CULTURAL AND LEISURE DEVELOPMENTS) supports, and sets out criteria for assessing, cultural and leisure developments, principally within the Mixed Activities Zone.

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

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 CD12 (HEIGHT CONTROL) protects the city's historic skyline and views from adverse high development.

Policy CD14 (MAJOR DEVELOPMENT OPPORTUNITIES) sets out general requirements for the development of major opportunity sites (identified on the Proposals Map) and other large or phased development sites.

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 CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy CD26 (PUBLIC ART) encourages proposals for public art which will enhance buildings and public places and add to Central Edinburgh's visual interest and quality.

Policy GE12 (LANDSCAPING) requires development proposals to include provision for landscaping of high quality and new open spaces where appropriate.

Policy T2 (ROAD NETWORK IMPROVEMENTS) sets out criteria for assessing road network improvements in the context of site development proposals.

Policy T8 (CYCLE PARKING) requires new development to provide cycle parking facilities in accordance with agreed standards and on suitable sites to contribute to the network of safe routes.

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.

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 which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character
- 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

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

- a) whether the proposed offices and pub/restaurant uses are acceptable in principle
- b) whether the proposals have an adverse impact on the existing listed building, or its setting.
- c) whether the design and materials are satisfactory given the setting of the site.
- d) whether the proposals are detrimental to residential amenity or road safety.
- e) whether there is any adverse impact on the canal/ancient monument.

a) The principle of office use on this site is acceptable in accordance with the Mixed Activities Zone designation and the promotion of business type uses in the Major Development Opportunity identified for this site.

The proposed use of the ground floor and basement of the listed building as a restaurant/pub is in conformity with Policy CD3 of the Local Plan as it will ensure the sustainable reuse of the listed building for a purpose which it held for 100 years up until 1988. Such a leisure use conforms with Policy L1 in so far as this type of use will be acceptable in the Mixed Activities Zone if this contributes to the restoration of a listed building and the area's regeneration. The proposal in the main results in the most important part of the listed building being restored and kept in sustainable use. The area including this site, the new offices to the west and the Lochrin Basin (Edinburgh Quay) to the south is part of a regeneration area and is therefore justified in the Local Plan, subject to environmental and amenity safeguards.

Policy L2 indicates that restaurant and public houses/wine bars may be acceptable in Mixed Activities Zones and other areas where commercial uses are present, provided there is no impact on residential amenity and subject to compliance with other policies.

The only other policy which applies in this regard is the Supplementary Guidance on Commercial Leisure Uses which supports Policy L3 of the Local Plan. This seeks to prevent an excessive concentration of Class 3 leisure uses in areas of mixed, but essentially residential, character. It identifies the site frontage on Fountainbridge, as far as the roundabout, as a street or area of sensitivity, where residential amenity should be safeguarded by not allowing late night activity, or by restricting opening hours from 8am to 8pm.

The site for the Class 3 use is the listed building which will be in the centre of the site surrounded by 5 storey offices. The location will therefore be buffered from the Port Hamilton and Chalmers Buildings flats providing a noise barrier and, to a certain extent, distancing the use from the residential neighbours. Furthermore, as the applicant's state, the Class 3 use is primarily intended to be a restaurant with a bar, integrated into the complex and as such this mixed use concept is similar to that recently approved at Edinburgh Quay, only a short distance away on the other side of the road.

The principle of the class 3 use, taking up only 6% of the floor area of the complex, is acceptable in this context and the offices are acceptable in principle.

b) The new build blocks either side of the listed building have been kept away from the existing building so that the front and side elevations can clearly be seen. The west side of the listed building has the benefit of a landscape open space on the line of the original canal/open space, which further gives views of the building and reinforces its dominant setting on the street frontage, but with a sense of enclosure. The building and its setting are safeguarded.

c) The design of the blocks has been modified to obviate concerns about overshadowing and loss of daylight to the flats in Port Hamilton and Chalmers Buildings, by setting the top floor further back and by modelling of parapets. The reconstituted stone panelling has been changed to natural stone cladding and the glazed screening has been re-proportioned. The louvres on the eastern building have been deleted in favour of plain glazing. It has been ascertained that the flat roofs of the building will not be seen from the Castle Esplanade due to the intervention of the much higher Scottish Widows Headquarters building at Port Hamilton. The layout and finish of the open space has been revised in order to take meet the requirements of the cycleway through-route and sustainable materials and planting choice.

The overall effect is that the listed building is left standing dominantly to the street frontage, its elevations clearly visible, with complementary, visually light weight blocks set back either side. The one to the corner is higher to give emphasis/ focal point to the street corner and the one to the east is lower to prevent over-dominance of the Chalmers Buildings. The block to the rear steps up again but is stepped in plan form and incorporates the curved brick wall of the 1922 extension, along the line of the former canal. The glazing gives a lightweight, transparent feel which is complemented by the unifying stone cladding. The design and materials also reflect the modern architectural style which has been employed at Edinburgh Quay and further along the street.

It is considered that the revised design and materials are satisfactory, given the setting of the site.

d) The applicants carried out a comprehensive daylight analysis for the eastern block in relation to the Chalmers Buildings and for the west block in relation to the flats in Port Hamilton across the access road:

West Block

As a result, the top floor has been stepped back further at the north west corner. Whilst the proximity of the proposals to the Port Hamilton flats does not comply with the 25 degree daylighting angle, the applicants have provided a daylighting analysis (see supporting document) which demonstrates that the development achieves the fall-back position of providing the required 27% vertical sky component to all properties within the Port Hamilton flats. This is in accordance with the adopted guidelines.

In terms of privacy, the north west elevation of the proposal is designed to minimise overlooking to the adjacent flats. The crucial elevation is around the service area of the rear stair tower and toilet area which is clad in aluminium curtain walling to prevent direct vision into the flats opposite. However, there is an area on the north west corner and further along this elevation where windows will face across the road and which will only be 12 m from facing windows belonging to flats. To obviate the privacy problem, critical windows on this elevation will be glazed in obscured, 'fritted' glass (partially fused without melting).

East Block

The windows of the Chalmers Buildings also achieve a satisfactory level of light. The privacy distance to the Chalmers Buildings to the east, as revised, is 9 metres from directly facing windows to the boundary, with an overall distance varying between 16m and 18m between the buildings due to the variation in rear garden depths of Chalmers Buildings.

The proposals therefore comply with the spirit of the privacy and daylighting standards.

The restaurant/pub use is sufficiently contained within the existing building and surrounded by 5 storey offices, not to be a direct nuisance to the surrounding flats. It is therefore considered that a condition limiting the opening times of the leisure use to 8am to 8pm in accordance with the 'sensitive areas' policy is not warranted in this case. The site is on the periphery of the sensitive area and the area is changing mainly to commercial use.

The underground parking for 20 cars meets Council standards. Conditions and a legal agreement are recommended to achieve a workable cycleway through the site, cycle parking and carriageway improvements by financial contribution and a Green Travel plan for the office use. The underground car parking access drops below the gardens of Chalmers Buildings and will be screened by planting, thus ameliorating noise and loss of amenity. The transport proposals are satisfactory.

The proposals will not be detrimental to residential amenity or road safety.

e) The proposals will remove a 14m wide section of the former canal. However, given the modern development and infilling of the area, it is likely that the canal structure has previously been disturbed and badly affected. The mitigation strategy that will follow the on-site programme of archaeological investigation should minimise disturbance to the canal structure and any associated relics outwith the blanket removal area for the basement car park. This is covered by the conditions recommended.

It is considered that damage to the buried canal structure, if indeed it survives intact, will be minimised as far as possible.

The proposals comply with the development plan, and generally comply with non-statutory policies; have no adverse impact on the character or appearance of the conservation area or the building and its setting, and have no detrimental impact on residential amenity or road safety. Exceptions to the guidelines on the location of commercial leisure uses and on privacy are justified in this case.

There are no other material planning considerations which outweigh this conclusion.

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 31 - Fountainbridge

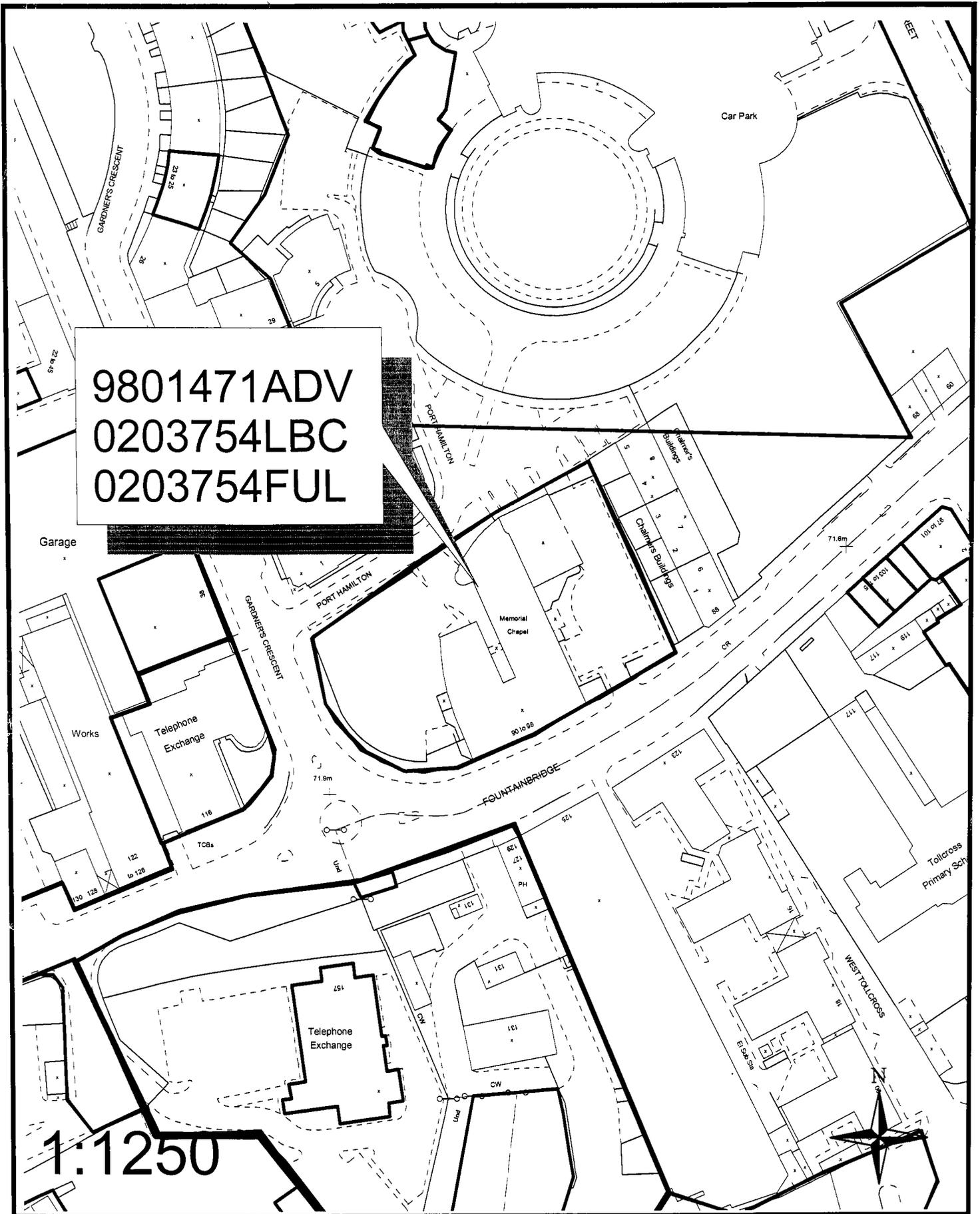
Local Plan Central Edinburgh Local Plan

**Statutory Development
Plan Provision** Mixed Activities Zone/Major Development Opportunity

File A/F

Date registered 25 October 2002

**Drawing numbers/
Scheme** 013150/69; 7852/54/60-62/65/68/70-71/74-75/79-82; 31285; +
Scheme 4



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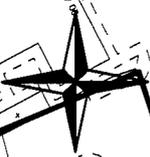
Garage

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Telephone Exchange

Telephone Exchange

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PLANNING APPLICATION

The City Development Department - Planning