

**Planning Permission 11/03129/FUL  
at  
3, 5-7 Cathedral Lane  
Edinburgh**

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

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**1 Purpose of report**

To consider application 11/03129/FUL, submitted by Tie Ltd. The application is for: **Demolition of existing toilet block. Proposed 2 no substations and rebuilding of existing retaining wall.**

It is recommended that this application be **GRANTED** subject to the conditions below.

**2 The Site and the Proposal**

**Site description**

The application site comprises an area of land extending to approximately 0.05 hectares currently occupied by a public toilet, located at the junction of Cathedral Lane and St James Place, to the west of the Picardy Place roundabout. The site slopes down towards the north by approximately two metres.

To the south east are St Andrew's Hall and St Mary's Cathedral (Cat B listed - 27449). To the south west are a multi storey car park and the St James Centre. To the north is the rear elevation of 47-71 York Place (Cat A listed - 29970-3).

The site is presently occupied by a single storey public toilet block constructed c1970. The demolition of this structure is under consideration as an application for Conservation Area Consent (11/03129/CON).

The site is within the New Town Conservation Area and the World Heritage Site.

This property is located within the New Town Conservation Area.

### **Site History**

29 October 2007 - planning permission granted for conversion of existing building to substation (07/03853/FUL). This consent has not been taken up.

18 October 2011 - application for Conservation Area Consent for the demolition of public toilet validated. This application is currently under consideration (11/03129/CON).

### **Pre-Application Process**

The proposals have been the subject of informal pre-application advice.

### **Description Of The Proposal**

The application is for the erection of two electricity substations, one for the Edinburgh Tram, the other for Scottish Power, and associated hardstanding. The application also includes the replacement of an existing retaining wall on the northern boundary, and two new entrance gates to the site.

The tram substation is to be located on the northern edge of the site. It comprises a hipped roof building measuring 6.8 metres by 8.3 metres, and 6.4 metres in height to the apex of the roof.

The Scottish Power substation is located along the south east boundary of the site. This comprises two hipped roof buildings linked by a narrower section. This building is a total of 24.6 metres in length and has a maximum width of 9 metres. The maximum height above ground level is 7.6 metres.

The proposals include the maintenance of access to the rear of the buildings in York Place. Specific details of the mechanism for this have not been supplied.

Principal materials are reclaimed random rubble walls with stone quoins and lintels, reclaimed slate roofs, grey steel doors. The gates are to be steel and the hardstanding to be asphalt.

An existing public toilet is to be demolished (refer to Site History - 11/03129/CON).

## **Supporting Statement**

A design and access statement has been submitted, outlining the design context of the proposals. A sustainability assessment has also been submitted. These are available on the Planning and Building Standards Portal.

## **3. Officer's Assessment and Recommendation**

### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it either in its existing state or subject 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 these determining issues, the Committee needs to consider whether:

- (a) the proposals are acceptable in principle;
- (b) the proposals will harm the character or appearance of the conservation area, the universal values of the World Heritage Site, or the setting of the adjacent listed buildings;
- (c) there are any archaeological implications;
- (d) the proposals will harm neighbouring residential amenity; and
- (e) there are any transportation implications.

(a) The proposed substations are necessary for the tram line, and to meet increased demand for electricity in this part of central Edinburgh. The loss of the toilet as a public facility is outweighed by the operational requirement for the substations, and by the enhancement of the character and appearance of the conservation area (refer to section (b)). The proposed buildings and use do not conflict with the proposed regeneration of this area, and are acceptable in principle.

(b) New Town Conservation Area Character Appraisal.

The site is within the First New Town. The site is however not typical of the geometric street pattern or architectural style that comprises the conservation area's essential character in terms of spatial structure, townscape or building form.

The character appraisal states that new developments should fit within and complement the urban grain and massing characteristics of the area they are located in, and make use of the existing historic palette of building materials, particularly natural stone.

The proposed buildings are sympathetic in terms of design and use of materials (natural stone) to their location within this part of the conservation area and their proximity to adjacent listed buildings, and result in a considerable improvement in these respects over the existing structure. The height is subservient, and the form and building layout successfully assimilates with the existing street pattern. The ground coverage of the proposed buildings is less than that of the existing structure.

The proposals enhance the character and appearance of the conservation area, and do not harm the universal values of the World Heritage Site, or the setting of the adjacent listed buildings.

(c) The proposals raise no issues in connection with archaeological heritage.

(d) The north elevation of the tram substation facing the rear of York Place has the same eaves height as the existing structure, and thus has no additional impact in terms of daylight or sunlight loss. All other proposed buildings are further away from the northern boundary than the existing structure, and thus do not result in any additional daylight or sunlight loss to adjacent buildings. There are no significant daylighting or sunlight issues elsewhere. There are no privacy issues.

The attached condition relating to noise escape will ensure that neighbouring amenity is preserved in this respect. Noise from construction would be controlled through environmental health legislation. An informative is attached requiring details of the access arrangements to the rear of the buildings on York Place to be submitted.

The proposals do not harm neighbouring amenity.

(e) The proposals do not raise any significant transportation issues. Transport Planning has no objections, subject to a condition requiring a two metre wide footway strip across the vehicular access to aid pedestrian movement.

In conclusion, the proposals comply with the relevant Local Plan Policies and Non-statutory guidelines, are acceptable in principle, and enhance the character and appearance of the conservation area. The proposals do not harm the universal values of the World Heritage Site or the setting of the adjacent listed buildings, neighbouring amenity, subject to compliance with the attached conditions, and raise no transportation or archaeological issues.

There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to conditions relating to noise escape and pedestrian safety.

The proposals cannot be considered under the Tram Prior Approval arrangements as the site is outwith the limits of deviation. Committee consideration is required as the Council has an interest in the applicants (tie).

## REASON FOR DECISION

The proposals comply with the development plan and relevant non-statutory guidelines, enhance the character and appearance of the conservation area, do not harm the universal values of the World heritage Site, or harm neighbouring amenity.

**John Bury**  
Head of Planning

<b>Contact/tel</b>	Michael Paton on 0131 529 3902
<b>Ward affected</b>	A11 - City Centre
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Central Area Ca1 – St James Quarter
<b>Date registered</b>	22 September 2011
<b>Drawing numbers/ Scheme</b>	01-05 Scheme 1

### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517.  
Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

**Application Type** Planning Permission  
**Application Address:** 3, 5-7 Cathedral Lane  
Edinburgh

**Proposal:** Demolition of existing toilet block. Proposed 2 no substations  
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## **Consultations, Representations and Planning Policy**

### **Consultations**

#### **Historic Scotland**

*No comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.*

#### **Transport Planning 6 October 2011**

*Continuation requested.*

*Applicant's agent to consider footway improvement around perimeter of development site.*

#### **Transport Planning 8 November 2011**

*No objections to the application subject to the following condition being applied.*

*A 2 metre footway strip be identified through the development access road off Cathedral Lane (Reason to aid the pedestrian desire line of Cathedral Lane).*

#### **Services for Communities - Environmental Assessment**

*The application proposes the demolition of the existing toilet block and proposed substations in the city centre. There are residential properties and a hotel situated adjacent on York Place which may be affected by the noise from the operation of these substations.*

*Environmental Assessment has no objections to this proposed development subject to the following conditions:*

*1. The design, installation and operation of the substation shall be such that any associated noise complies with NR20 when measured within any nearby living apartment with the windows open.*

## **Archaeologist**

*The site lies within the area of James Craig's Plan for Edinburgh's Georgian New Town, part of Edinburgh's UNESCO world Heritage site and an area of archaeological significance. The 1st Edition OS map of the area shows the site as occupying part of the site of a probable tenement. However it is likely that as a result of the 1960's demolition of the area and the construction of the toilet block the prospect of significant buried archaeological remains surviving is low.*

*Accordingly I have concluded that this proposal is unlikely to have any significant archaeological impact and that there are therefore no known archaeological constraints upon this particular planning application.*

## **Representations**

The application was advertised on 7 October 2011.

One objection has been received. The material grounds relate to the loss of the public toilet facility. This issue is addressed in Assessment (a).

One general comment has been received, relating to the control of noise escape. This issue is addressed in Assessment (d).

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## **Planning Policy**

Edinburgh City Local Plan - Central Area Proposals CA 1 (St James Quarter).

### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 7 (New Pedestrian Routes in the City Centre) relates to the creation of new pedestrian routes in the City Centre.



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

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.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

### **Relevant Non-Statutory Guidelines**

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

**Non-statutory guidelines** Non-statutory guidelines THE OLD AND NEW TOWNS OF EDINBURGH WORLD HERITAGE SITE MANAGEMENT PLAN supplements Edinburgh City Local Plan policies relating to conservation and design and seeks to assist in preserving the Outstanding Universal Values of Edinburgh's World Heritage Site and to ensure that changes complement and enhance those Outstanding Universal Values.

**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.

**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.

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### **Conditions/Reasons associated with the Recommendation**

#### **Recommendation**

It is recommended that this application be **GRANTED** subject to the conditions below.

#### **Conditions**

1. The design, installation and operation of the substation shall be such that any associated noise complies with NR20 when measured within any nearby living apartment with the windows open.
2. Notwithstanding the approved drawings, details of a two metre wide strip across the vehicular access constructed in a differing surface material from the remainder of the access, shall be submitted to and approved by the Head of Planning prior to construction commencing. The approved arrangements shall be installed prior to the development hereby approved becoming operational.

#### **Reasons**

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the interests of road safety.

## **INFORMATIVES**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
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. Full details of the means of access to buildings to the rear of the development in York Place shall be submitted to the Head of Planning prior to construction commencing.

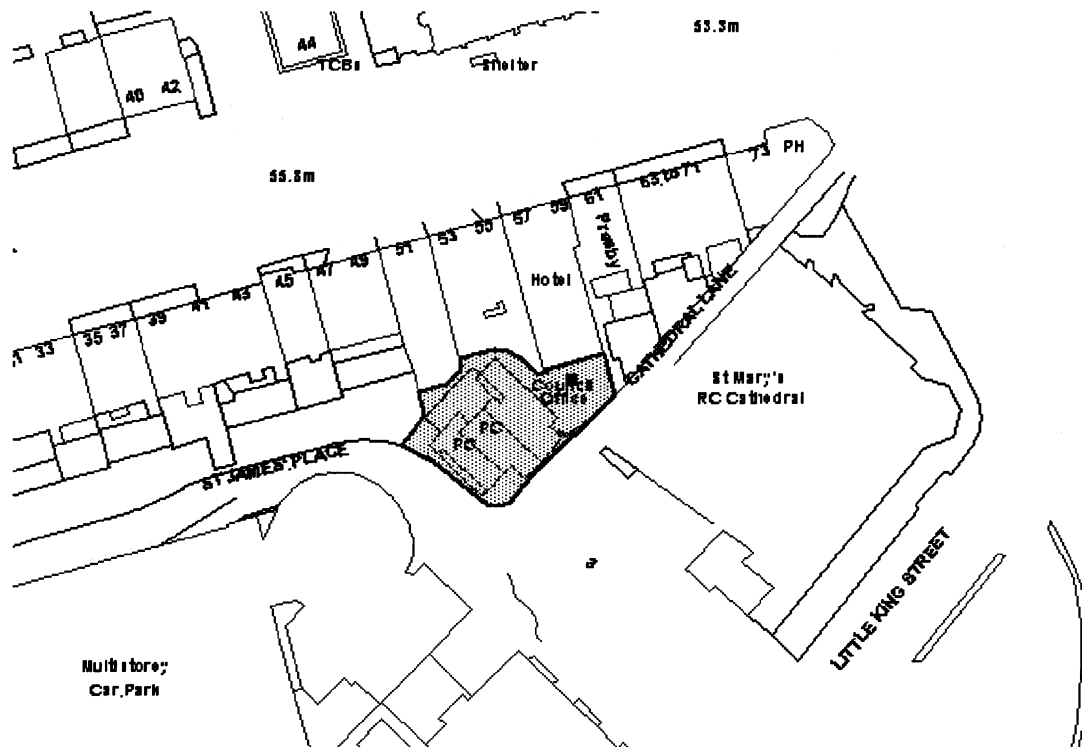
**End**

## Appendix C

**Application Type** Planning Permission

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### Location Plan

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