

# Development Management Sub Committee

**Wednesday 24 September 2014**

**Application for Planning Permission 14/01056/FUL  
At 142 Lothian Road, Edinburgh, EH3 9BQ  
Partial demolition of the existing building, erection of a  
replacement new mixed use extension comprising retail,  
offices, plant, basement parking and associated works.**

<b>Item number</b>	5.3(a)
<b>Report number</b>	
<b>Wards</b>	A09 - Fountainbridge/Craiglockhart

## Summary

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The proposals would have no significantly adverse impact on the character or setting of the remaining listed building and would not be detrimental to the character or amenity of the surrounding area.

## Outcome of previous Committee

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This application was previously considered by Committee on 27.08.2014

Conditions of Approval - This application was recommended for refusal. The Committee decided to approve the application and it is returning to Committee to agree the conditions of consent as set out in the addendum in section 3 of the report.

## Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITCA1, CITD1, CITD2, CITD3, CITD4, CITD6, CITE1, CITE3, CITE4, CITE9, CITE16, CITE17, CITE18, CITEM1, CITR2, CITT1, CITT2, CITT4, CITT5, CITT6, NSG, NSBUS, NSESBB, NSGD02,
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NSGESS, NSLBCA, NSP, NSLBCA,

# Report

## **Application for Planning Permission 14/01056/FUL At 142 Lothian Road, Edinburgh, EH3 9BQ Partial demolition of the existing building, erection of a replacement new mixed use extension comprising retail, offices, plant, basement parking and associated works.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site, which is 0.1355 hectares in area is located at the junction with Semple Street and Fountainbridge and to the west of Lothian Road.

It is currently occupied on the frontage of Fountainbridge and corner of Semple Street by a five storey with basement, 1950's built addition to Lothian House, the main part of which adjoins the site to the east. A further two to three storey building at 9 Semple Street, built in 1936, occupies the western section of the site.

The original Lothian House building fronts on to Lothian Road, with returns on the corners at Morrison Street and Fountainbridge. It was built as an Art Deco style development of offices, retail and cinema with modernist detailing. The architect for this building was Stewart Kaye. Both the original building as well as the 1930's and 1950's additions, are category B listed (19.03.1993) (Item No. 33) and are stone built

The five storey, Semple Street/Fountainbridge addition was designed by in-house architects for F W Woolworths retail company, as an extension to match the original Art Deco design of Lothian House. This extension continues in almost all respects, the design of the original Stewart Kaye building as presented on the principal front elevation of Lothian Road. It extends westwards on the south end of the building along Fountainbridge and continues for 4 bays along Semple Street where it meets 9 Semple Street, the 2-3 storey building, which is also within the application site. The building at 9 Semple Street dates from 1936 with additional storeys and bays added to connect it to the building running along Fountainbridge circa 1955. This lower rise building is much less distinguished in its architectural form.

The 1950's extension to Lothian House is currently occupied by retail units at ground floor level on Fountainbridge. The former offices above have been vacant for some time. The main part of Lothian House is occupied by retail units at ground floor level and residential properties above.

The six storey Excel House, office building lies to the north of the site on Semple Street. The modern office development at Exchange Place is situated to the west, on the opposite side of Semple Street. Directly opposite the site on Fountainbridge is the former Edinburgh Meat Market Building at no. 56-58 Fountainbridge, which is category B listed. A traditional style tenement building is situated to the south of the site on the opposite side of Fountainbridge.

The site does not lie within a conservation area and is immediately outwith the World Heritage Site (WHS). The western boundary of the WHS runs along the front of Lothian House, on Lothian Road, and returns eastwards along east Fountainbridge. The West End Conservation Area is located to the east of the site on the opposite side of Lothian Road from Lothian House.

## **2.2 Site History**

February 2005 - Listed building consent granted for ground floor retail with 5 storey office above, basement plant, parking and alterations to the frontage of Lothian House (Reference 04/04240/LBC).

October 2005 - Development Management Sub-Committee minded to grant consent subject to a legal agreement for the demolition of an existing building, the retention of the Lothian Road elevation and the erection of ground floor retail units (total floorspace 914 square metres) with five storeys of office accommodation above (floorspace 2226 square metres), basement plant and parking (Reference 04/04240/FUL). The proposals included the demolition of the existing building whilst retaining the listed building facade on the south-west corner of Fountainbridge/Semple Street.

March 2009 - Planning decision letter issued in respect of the aforementioned proposal (Reference 04/04240/FUL).

February 2012- Listed building consent granted for ground floor retail with 5 storey office above, basement plant, parking and alterations to the frontage of Lothian House (Reference 11/03480/LBC).

September 2013 - Proposal of Application Notice approved for the demolition of the existing building, erection of replacement new mixed-use building comprising retail, offices, plant, basement parking and associated works (Reference 13/03816/PAN).

22 October 2013 - Planning permission granted for application under section 42 to vary the conditions of planning permission granted under application ref; 04/04240/FUL, to allow for the extension of the period for commencement of development from 5 to 8 years for ground floor retail floorspace with 5 storeys of offices above, basement and parking (Reference 13/03182/FUL).

18 March 2014 - Application for Listed Building Consent submitted for partial demolition of listed building and mixed use development (Reference 14/01051/LBC)

## Main report

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### 3.1 Description Of The Proposal

It is proposed to demolish the existing 1950's built extension to Lothian House and the later two storey elements facing on to Semple Street and replace them with a six storey and basement, mixed use development, with retail space at ground floor level and office space above.

The proposed ground and basement floor levels extend across the rear courtyard, to link with the existing lower floor levels at the opposite part of Lothian House. A sedum roof is proposed above this part of the new building. At ground floor level 987 square metres of retail floor space is to be created, (inclusive of the refurbished space within the retained part of Lothian House\_) . This space will be used to form either a single unit linking Lothian Road and Semple Street or as separate, smaller units.

The five storeys of the proposed office space have a gross floor space of approximately 3975 square metres. The overall area of new build has a net floor area of 4519sq metres(gross 6,302sqm).

The sixth floor level is recessed from both the front and rear elevations and takes the form of a mainly glazed box. An area of plant and equipment, including the lift shaft, which is screened by louvers, is proposed at roof level with the remaining part being occupied by photovoltaic units.

A car park, containing eight vehicle parking spaces is proposed at basement level, with vehicular access proposed via an existing lane off Semple Street. Bin and cycle storage enclosures, as well as an electricity sub-station and retail storage space are also proposed at this level.

The proposed building is contemporary in design, incorporating a grid pattern on its primary elevations, with a projecting section of the grid framework rising above the wall head level on Fountainbridge. A simpler, light weight construction, composed largely of curtain walling, with anodised metal cladding is proposed to the rear. The proposed materials on the frontage are facing stone on the frontage, with the inset parts of the grid structure, surrounding the windows, being faced with bronze. The window frames are in aluminium. The shop fronts are contemporary in form, comprising mostly of glazing. The customer entrance to the shops is positioned at the corner of Fountainbridge and Semple Street, with the access to the existing retail unit on Lothian Road, being retained. The proposed pedestrian access to the offices is via a reception area, located at the northern end of the Semple Street elevation.

#### Previous Plans

The plans originally submitted with this application, included the use of white polished concrete rather than natural stone, on the front elevations. The proposed projecting section of the grid structure at eaves level originally extended across the Fountainbridge elevation as well as on the Semple Street elevation.

## Supporting Documents

- PAC Report - March 2014
- Daylight Study - March 2014 \_ May 2014 and June 2014
- Design and Access Report - March 2014
- Heritage Report - March 2014
- Archaeology Report - March 2014
- Supporting Planning Statement - March 2014
- Noise Impact Assessment - March 2014
- Transport Statement/ Travel Plan - March 2014
- Flood and Drainage Overview - March 2014
- Sustainability Report - March 2014
- Letter from Cushman \_ Wakefield LLP - 30 March 2014
- Letter from Savills - 26 June 2014

### **3.2 Determining Issues**

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the 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?

### **3.3 Assessment**

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

- a) The proposed uses are appropriate in this location;
- b) The scale and design of the proposed development is appropriate to the area and respects the character and setting of adjacent listed building;

- c) There is an economic case for the demolition of the facade;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) There will be any road safety implications;
- f) There are other environmental considerations;
- g) The proposals meet sustainability criteria;
- h) The issues raised in the representations are addressed; and
- i) The proposal has any equalities or human rights impacts.

a) Principle

The application site is identified as being in the Central Area in the Edinburgh City Local Plan, where policy Ca1 requires the provision of comprehensively designed schemes, which maximise a site's potential, in accordance with any relevant guidance and incorporate a mix of uses appropriate to the site's location.

The proposed use of the ground floor for retail use would allow for the retention of the existing retail units at this edge of town centre location and the contribution they make to the Tollcross Shopping Centre. The provision of additional retail space on the Semple Street elevation would contribute towards the mixed use character of the area and enliven the street frontage. The use of the space above for office accommodation accords with development plan policy Emp 1 which permits such uses within the Central Area, where required to form part of mixed use scheme.

The proposed mix of uses is compatible with existing land uses within this part of the city centre, as well as being already established at the site and approved under the existing planning consent for the site's redevelopment.

b) Design of Building and Impact on Setting of Listed Building

An assessment of whether the principle of the proposed demolition of the buildings at 9 Semple Street and the facade of the five storey addition to the listed building is acceptable is provided in the relevant application for listed building consent (ref; 14/01051/LBC).

However, it should be noted that as the proposal does not involve the complete or substantial demolition of this building of architectural interest at Lothian House, the test set out in Scottish Historic Environmental Policy in relation to the demolition of full listed buildings and the associated Edinburgh City Development Plan Env2 is not applicable in this instance. However, the proposed alterations to the listed building, including the replacement building, which constitutes an extension, requires to be assessed under policies Env 3 and Env 4 of the Edinburgh City Local Plan, which relate to the safeguarding of the appearance and character of the remaining listed building and its setting and the requirement for adequate justification.

The previous consent (04/04240/FUL) accepted the retention of the façade with the loss of the floor plates and structures behind. It was accepted that the interior of the building is not of great interest but the retention of the façade would be the most appropriate elevational response to the context and would best preserve the character of the listed building.

Lothian House is a monumental, classically designed building with modernist details. It occupies a large part of the block that is framed by Lothian Road, Fountainbridge and Morrison Street. Lothian House is an iconic and significant presence on Lothian Road and contributes very positively to a streetscape that is in many other respects poor. It is unique in Edinburgh in terms of its scale and design.

The Fountainbridge extension, although built approximately twenty years after the Lothian Road building, forms a strong visual continuation of the original Stewart Kaye design. It is the contention of the applicant that the extension is not part of the original design conception, as it is of an inferior quality and not deserving of retention. However, in the submitted Heritage Report it is admitted that it was likely that Stewart Kaye intended the building to continue along Fountainbridge. The reason why this building was not continued at the same time as the rest of Lothian House was built may have been because the Second World War interrupted its construction (as noted by the Architectural Heritage Society of Scotland in their comments on the relevant listed building application, Ref; 14/01051/LBC). This later timing and its simpler design is not necessarily a reflection of it being an inferior quality addition, as contended by the applicant.

The Fountainbridge elevation is a side elevation and as such played a secondary role to the informal primary elevation on Lothian Road. In that context, the design is a well conceived elevation that is an appropriate response to the Lothian Road section of the building, terminating it sensitively on the Semple Street elevation and presenting an appropriate addition to the urban fabric.

It is important to note that it has only recently come to light that the Fountainbridge elevation was not part of the original Stewart Kaye design. This is an indication of how successful and appropriate the Fountainbridge elevation works. The fact that it so closely follows the design of the Lothian Road elevation is reflective of the close proximity in time of its construction to the date of the original building.

The facade on the Fountainbridge addition represents an appropriate and well executed response to the original building and is a valuable contributor to the street scene and the character of the surrounding area.

The scale and height of the proposed replacement building and its contemporary design is in keeping with that of neighbouring modern office buildings on Semple Street, including those at Exchange Square.

The projecting grid feature above eaves level indicated in the original scheme has been removed from Fountainbridge elevation in the finalised plans, thereby partially addressing concerns regarding the height of the development in relation to the adjoining listed building, as noted by the Design Panel in relation to the relevant pre-application submission.



The eaves level of the proposed facade is now at a similar height to the parapet on the adjoining listed building on this elevation. The proposed building remains higher than the existing, owing to the additional level of accommodation at sixth floor level. The office space at this level is set back from the main façade, though not so much as indicated in the approved façade retention scheme and consists of mainly glazing, thereby slightly reducing its visual impact from the street frontage.

The proposed facing material on the main elevations under the revised scheme is natural stone, which is a more appropriate material for this setting than the stark white concrete proposed under the original plans for this application.

The proposed grid structure has been designed in an attempt to partially reflect the pattern of vertical and horizontal alignment on the façade of the existing listed building at Lothian House. However, its design is out of alignment with the existing pattern of bays and does not successfully integrate with the proportions and architectural rhythm of the existing building. The proposed solid to void ratio, which contains a predominance of glazing, is also incompatible with those on the existing building frontage. The proposed bronze panelling lining the insets of the grid structure is out of context at this location where it is incompatible with the character of the listed building and its setting.

The applicants contend that a 'pastiche' approach is neither desirable nor appropriate. However, the existing extension is a logical and well executed extension of the design set out by the original building. It is also a reflection of the proximity of dates in construction and part of the narrative of the building.

The existing extension represents the best possible design to extend the building and the proposed replacement would dominate the original building and is unsympathetic to it in design, materials and scale. The proposal to replace it with this modern structure would diminish the character and setting of the remaining listed building and detract from the townscape quality of the surrounding area.

#### c) Economic justification

The proposed demolition of a section of the listed building that is Lothian House is not being assessed under the Scottish Historic Environment Policy (SHEP) tests for demolition as the application only relates to part of the listed building as opposed to an entire listed building. Therefore the applicant does not have to meet test d) which requires evidence that the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. However, the applicant has still submitted in the Planning Statement an argument that the financial case for the consented scheme is not as viable as the one that is presented with an entirely new building.

The applicant argues that the consented scheme for a mixed use redevelopment scheme, which retains the Fountainbridge elevation does not provide the kind of modern office space that is required by potential commercial tenants, as constraints on the internal layout would be imposed by the need to retain the façade with its existing window openings, as well as related concerns regarding ongoing maintenance costs.

This argument is contained in the Supporting Planning Statement and in the letters submitted by the property agents. The property owner has stated that the constraints on the development, as a result of facade retention would affect rental values and impact on the investment attractiveness and viability of the scheme, diminishing its prospect of it being built.

The Council's Estates department concur with the applicant that an entirely new building with no element of facade retention would be more desirable for the majority of tenants and would be easier to let, especially in this location, where there would be competition from modern, high specification office accommodation. However, they emphasise that the applicant has only submitted a qualitative argument and has not backed this up with a quantitative assessment and there has been no exploration of alternative uses. It is also the case that applicant has confirmed that the existing consent with the facade retention does provide Grade 'A' office space, although it may not be of the most desirable Grade 'A' office space.

It is the view of the planning authority that the applicant has not provided a sufficient level of quantitative evaluation and exploration of possible alternative uses of a facade retention scheme which would provide a convincing case that there are compelling financial reasons to demolish this part of the listed building which outweigh the loss of this part of a unique and significant listed building and the contribution it makes to the area's character.

There are no material considerations which outweigh the conclusions of sections a) and b) above.

#### d) Residential Amenity

The nearest residential properties to the site are the flats adjacent to the site at Lothian House on Fountainbridge, and to the rear of Lothian Road, as well as the existing tenement block on the opposite side of Fountainbridge.

The submitted Daylighting Study has assessed the impact of the development on the flats at Lothian House, with windows facing onto the rear courtyard which would potentially be the most affected by any overshadowing from the proposed development.

This study used computer generated modelling software to calculate that approximately 70% of the affected windows would continue to comply with the minimum Vertical sky Component (VSC) Standard, as recommended in the Edinburgh Design Guidance, with the VSC value at the remaining rooms failing to meet this standard. However, the Edinburgh Guidance also provides that this standard may be reduced in areas of established townscape, providing that the Average Daylight Factor (ADF) at such rooms meet acceptable standards.

To demonstrate compliance with the ADF requirements, the study includes a fully worked example of the ADF level for the living room window with the lowest VSC measurement (i.e. a first floor level window, close to the corner of the building). The value identified in this calculation is in excess of 2.5%, thereby demonstrating compliance with the Council Guidance.

The report also included a fully worked example of ADF measurement for the bedroom window with the lowest estimated ADF level (i.e. a narrow bedroom window at first floor level, next to the corner of the building). The figure given for the ADF measurement at this window is 0.07% below the minimum recommended level for bedrooms in the Edinburgh Design Guidance. The report states that the ADF for all bedrooms above this room have been modelled and meet relevant Council Guidance.

The report thus concludes that of the windows which failed to meet the VSC Standards, all living room windows and all bedrooms (apart from one bedroom with a slight shortfall) would meet the Average Daylight Factor (ADF) standards, specified within relevant Council Guidance. Although the report does not include individual readings of the ADF for all other windows which fail the VSC test, it is reasonable to conclude that they meet relevant standards, (as those selected for analysis have the lowest VSC values and consequently would be most affected by loss of daylight).

An exception to relevant council guidance is considered justifiable in the case of the one bedroom which marginally fails to meet the minimum recommended daylight standards, given that all other rooms in the existing building meet relevant standards and the proposed development is in keeping with the dense pattern of townscape in existence in this city centre area.

It should be noted that whilst the submitted independent study does refer to the previously approved development scheme, its findings do not rely on the results of that study to demonstrate the impact of the current proposals on neighbouring daylighting standards.

A concern has been raised by a neighbouring resident that the results of this study are misleading and potentially fraudulent, as a column of 8 additional rooms, which were not included in the study on the previous application have been included in the current study, thereby distorted the percentage of rooms which meet the VSC test. It should be noted the inclusion of these additional windows does not affect the report's findings on the overall number of rooms which fail to meet the minimum VSC value and does not impact on its overall conclusions, in terms of compliance with the Council's Guidance.

The large glazed areas on the rear elevation contain panels of obscure glazing. This design would allow light into the office building but also a level of privacy to the residents of Lothian House. Edinburgh Design Guidance accepts that reasonable levels of privacy can be achieved by setting out windows on opposing buildings so that there are not direct views between them, angling windows and erecting screens between ground floor windows. In assessing this, the Council will look at each case individually and weigh up the practicalities of achieving privacy against the need for development. In this case the proposed means of safeguarding privacy is considered an appropriate response, given the proximity of existing buildings and the dense pattern of development in the surrounding area.

The sedum roof over the proposed basement area in the rear courtyard would provide some green space, which although inaccessible for neighbouring occupiers and office users, would provide a break in the outlook for the residential flats. Unlike the courtyard at the previously approved development for this site, this space would be inaccessible by future occupiers, thus protecting the privacy of neighbouring residents.

A Noise Impact Assessment carried out in respect of the development has identified as the main sources of noise resulting from the development as being that from vehicles using the proposed underground car park, from office operations and from plant and machinery operating at roof level and in the basement.

The level of noise from traffic using the underground car park would not have a significant impact on background noise levels as only be eight vehicles would be using this facility. The existing masonry wall between the existing and proposed parts of Lothian House, together with the proposed, insulated partition wall would safeguard neighbouring residents from disturbance due to office operations.

The report indicates that neighbouring occupiers would be protected from any potential disturbance arising from the operation of plant and machinery at the proposed building, providing that the relevant equipment including associated screening devices is installed and operated, in accordance with appropriate specifications. The use of an appropriate planning condition, as recommended by Environmental Assessment, would ensure that appropriate measures are undertaken as agreed, to ensure that the relevant equipment does not result in any significant disturbance to neighbouring occupiers. Any potential disturbance caused by noise from the proposed demolition and construction works does not fall within the remit of the submitted noise assessment and would be controlled under separate regulations (as referred to in section 2.3h).

The proposed development would safeguard the existing standard of amenity for neighbouring occupiers, to a satisfactory extent at this city centre site. A minor relaxation to relevant Council guidance, in relation of the one bedroom window at first floor level, which marginally fails to meet the recommended daylight standard, is considered justifiable in these circumstances, for the reasons identified above.

#### e) Road Safety

The central location of the site, in close proximity of public transport facilities, means that it is well placed to deliver sustainable travel objectives as set out in the local plan and national policy.

However, as the application site is located within walking distance of the new tramline, a contribution would be required towards construction costs, in accordance with the provisions of the Council's guidance on Developer Contributions. The level of provision for this development would be based on the resulting increase in commercial floor space at the site.

The developer would also be expected to contribute towards the upgrading of the public realm in the vicinity of the site, under the relevant Guidance. The applicant has confirmed that they would be willing accept the use of a condition requiring a scheme of enhancement of the public realm, in the immediate vicinity of the site, in accordance with the relevant guidance.

There is no minimum requirement to provide parking within this parking zone, under the Council's parking Standards. The development itself will provide eight car parking spaces at basement level, one of which is for disabled drivers.

The proposed means of access to this car park is via the existing private lane off Fountainbridge, which has been previously used for such purposes. The Council's Transport team has no objections to the proposals in terms of parking or access arrangements.

The proposed parking and access arrangements are satisfactory and there are no objections to the proposals in terms of traffic or transportation issues providing the relevant obligations are met in terms of tram contributions and public realm works.

f) Any other environmental considerations

As Lothian House was constructed over the southern side of the former Hopetoun Canal Basin, which is a national monument, elements of the canal may be present either within the structure of the current buildings foundations or beneath the site. If this application is approved it is recommended that a programme of archaeological works is secured through the use of a planning condition, to ensure that any industrial archaeological remains are fully excavated, recorded and analysed and where possible, preserved.

If permission is granted, the use of a condition is also considered appropriate, to ensure that the two decorative iron panels on the south west elevation (designed by Pilkington Jackson in the 1930's) are preserved and incorporated in the design of the new building, as recommended by the City Archaeologist.

The Council's Flood Prevention Unit initially requested additional information regarding the level of detail submitted under the relevant Flood and Drainage Overview. However, the applicant has since advised that the floor level at the proposed additional basement area will be no lower than the existing basement floor level and has demonstrated to a satisfactory extent that the existing position in terms of flood risk will be maintained on site.

The Flood Prevention Unit has therefore confirmed that the proposal would not result in any undue risk of flooding at the site or the surrounding area. In relation to concerns raised by neighbours about potential flooding at basement level, it has been acknowledged that the proposal may have some impact on the existing ground water regime. However, this impact which would need to be assessed at the time of carrying out excavations on site and is a matter for consideration under the relevant building warrant, rather than the planning application.

The proposal would have no material impact on flood risk in this area.

The site lies close to the City Centre Air Quality Management Area. However, the proposal would have no significant impact on air quality, owing to the low level of onsite parking provision proposed. Should the application be approved, it is considered that an informative should be included, as recommended by Environmental Assessment, recommending that one electric vehicle charging point is provided, in order to encourage the use of more sustainable transport modes at the premises.

A condition would also be recommended in the event that this application is approved, requiring the undertaking of a ground conditions survey before development starts and to ensure that any necessary remedial works are undertaken, to render the site suitable for the proposed use, in accordance with the recommendations of Environmental Assessment.

The proposal raises no further concerns in terms of environmental issues which are material to the consideration of this application.

#### **g) Issues raised in representations**

The material grounds of objection are:

- Concerns regarding loss of this part of listed building and contribution it makes to character of area - this is addressed in section 2.3(b)
- Concerns regarding impact of proposal on character and setting of remaining listed building - this is addressed in section (2.3b)
- Concerns that objectives for regeneration should not override the Council's duty to ensure the preservation of the existing facade - this is addressed in sections (2.3 b and c)
- Inappropriate height, design and height of replacement building - this is addressed in section 2.3b)
- Inappropriate use of facing materials - this is addressed in section 2.3b)
- Loss of natural light to neighbouring properties - this is addressed in section 2.3d)
- Concerns regarding scope and accuracy of daylight study and potentially misleading or false results - this is addressed in section 2.3d)
- Allegations that submitted daylight study is misleading as it takes reference from the study accompanying previous planning permission - this is addressed in section 2.3d)
- Concerns regarding potential loss of privacy - this is addressed in section 2.3d)
- Impact on air quality, owing to traffic fumes - this is addressed in section 2.3f)
- Potential increased risk of flooding - this is addressed in section 2.3f);
- Concerns made that report on public consultation event on pre-application notification does not accurately represent feedback from respondents. The concern raised is that the submitted Pre -application Consultation report did not accurately report the extent of negative comments made in respect of the proposed building design.

A further transcript which provides a summary of responses made in the relevant feedback forms has since been submitted by the applicant. The applicant is not required under pre-application procedures to provide a full transcript of such feedback.

The following non material issues were raised:

- Negative impact of noise, vibration and dust, on the health and safety of existing occupiers, during the demolition and construction phases of works - construction works are an essential part of growth and development and it is understood the noise and any emissions which occur alongside construction sites can cause problems to neighbouring properties. This type of disturbance is regulated under the Control of Pollution Act 1974 and is not a material planning consideration.)
- Detrimental impact of disturbance during demolition and construction works on trade operations at neighbouring retail and commercial premises - this issue would again be dealt with under the Control of Pollution legislation.
- Potential obstruction of right of access and fire escape on private lane, serving existing commercial premises - this lane is a private access route and not a public road. Any issues concerning rights of access is a civil matter for agreement between the parties concerned and not a valid planning consideration. Any proposal which would result in the obstruction of a fire escape would also be considered under the relevant Building Warrant.
- Potential obstruction of access for delivery vehicles serving neighbouring retail and commercial premises - this is also a civil matter to be agreed between the parties concerned.
- Concerns regarding impact of the demolition and construction works on the structural integrity of the remaining part of Lothian House - this is a structural matter for consideration under the relevant Building Warrant.

Tollcross Community Council objected to the proposal on the following grounds:-

- The existing listed building has value and the element in question should be protected - this is addressed in section 2.3b and c)
- Concerns regarding the loss of this local landmark building and the contribution it makes to the area's character - this is addressed in section 2.3b)
- Design and materials used in the proposed new build are unsympathetic to both Lothian House and the surrounding street scene - this is addressed in section 2.3b)
- Detrimental impact of facade removal on character and appearance of remaining listed building - this is addressed in section 2.3b)

- Concerns regarding the accuracy of feedback submitted from the pre-application publicity event, in particular with reference to the unsuitable design, scale and materials used in the proposed building and the it's unsympathetic relationship with the adjoining listed building and surrounding street frontage.
- Impact on the poorer section of the community caused by the potential replacement of an existing discount store with more upmarket retail premises - this is addressed in section 2.3i.

#### h)Sustainability Impact

The applicant has submitted a sustainability statement in support of the application.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water runoff	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
<b>Total points</b>	<b>80</b>	<b>80</b>

The applicant meets the essential requirements in all sections of the Edinburgh Standards for sustainable buildings.

The applicant has provided a commitment to provide further sustainability measures as set out in the desirable elements. Additional measures include the provision of dedicated storage space for compost making, the provision of a sedum roof, the use of zero carbon technologies including photovoltaic cells and the use of air source heat pumps.

The proposal complies in part with the requirements of part B of the Edinburgh Standards for Sustainable Buildings.

#### i)Equalities and Human Rights

##### Impact on Rights

The minor shortfall in terms of the daylighting standards affecting only this one bedroom would not have any significant impact on the rights to health and standard of living of the occupants of this dwelling unit. The proposals safeguard the overall standards of amenity and related impact on health and standard of living at neighbouring residential premises.

The concerns raised by neighbouring occupiers, relating to the potential obstruction of existing fire safety routes, which could potentially impact on rights to personal safety, would be assessed under the application for the relevant Building Warrant.



- Impact on Equalities
- Access for disabled persons

The proposals include a parking space for one disabled driver in accordance with relevant standards. Access to and within the proposed building is all designed to meet the needs of disabled persons.

#### Poverty

Concerns have been raised by a representative that the existing retail units at this building which tend to be frequented by the less well off sections of the community would be replaced by more upmarket shops. The potential for this change and any related impact on the standard of living for this section of the community is recognised. However, the planning regulations cannot be used to control the type of retail units which are provided at a site whether they are existing or new build, or the group of customers which they serve.

The full record of the Equalities and Human Rights Impact Assessment is available to view on the online records for this application.

#### CONCLUSION

In conclusion, the land uses included within the proposed redevelopment scheme are appropriate for this location and in accordance with relevant development plan policies. There is no adverse impact identified in relation to road safety, flood risk or other infrastructural implications, although contributions would be required towards tram infrastructure and public realm improvements. Relevant archaeological investigations would also be required in the event that the application is approved.

The proposals safeguard neighbouring amenity and a minor relaxation to the Edinburgh Design Guidance in relation to daylight, would be justifiable in these circumstances, in respect of the one bedroom window which marginally fails to meet the recommended daylight standards.

The proposals which would result in the loss of this listed façade which is of significant architectural and historic merit and its replacement with an unsympathetically designed building would be detrimental to the character and appearance of the remaining listed building and detract from its setting. The proposals would be contrary to policies Env 3 and Env 4 of the Edinburgh City Local Plan and relevant non statutory guidance.

Furthermore, the replacement of the existing building with the proposed modern development would greatly diminish the contribution the remaining, landmark building makes towards the character and townscape quality of the surrounding area in conflict with local plan design policies Des 1 and Des 3.

The financial arguments presented do not outweigh the detrimental effect that would be caused to the city's heritage and built environment by the loss of the listed building and its replacement with an unsympathetically designed building. Furthermore, to give undue weight to the financial case for the replacement of this part of the building would be setting an unfortunate precedent in the determination of other applications for the demolition of part of, or all of, other listed buildings.

The proposals do not comply with the development plan or non-statutory guidance and would have a considerable adverse impact on the character of the listed building and its setting. There are no material considerations which outweigh this conclusion.

### **Addendum to Assessment**

This application was previously considered by Committee on 27 August 2014.

The application was recommended for refusal. The Committee was of the opinion that the loss of part of the listed building would have no adverse impact on the character of the remaining listed building or its setting, or on the character of the surrounding area.

The Committee indicated that it was minded to approve the application and continued the application for conditions to be drafted.

The suggested conditions and obligations under a relevant legal agreement are:

1. 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.

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

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 Planning Authority, having first been agreed by the City Archaeologist.

Reason: In order to safeguard the interests of archaeological heritage.

3. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.

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

4. A detailed specification, including trade names where appropriate, 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.

Reason: In order to enable the Head of Planning to consider this/this matter/s in detail.

5. A scheme for the re-siting of the two decorative iron panels (designed by Pilkington Jackson in the 1930's) on the south west elevation of the existing building at this site, and their incorporation at the new building, shall be submitted to and approved by the Head of Planning and Building Standards, prior to the commencement of development on site and the approved scheme shall be fully implemented before the building is occupied.

Reason: In order to ensure that a historic link with the listed building is retained.

Informatives:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.
4. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
5. Consent shall not be issued until a suitable legal agreement has been concluded in relation to:
  - i) A contribution of £113,450 towards public tram infrastructure and associated public realm works.
  - ii) The implementation of a scheme to be approved in writing by the Head of Planning and Building Standards, for the reinstatement and enhancement of the public footway on the boundary of the proposed building, which is the subject to this planning consent with the public footway on both Fountainbridge and Semple Street. The approved scheme shall require to be implemented prior to the occupation of the proposed building.

6. It is recommended that consideration is given to the installation of electrical vehicle charge points (EVs) within the internal car park for the use of staff. It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans. Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at <http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

#### **Reasons:-**

1. The proposals are contrary to policies Env 3 and Env 4 of the Edinburgh City Local Plan and to non statutory guidance on Listed Buildings and Conservation Areas as the loss of this prominent part of the listed building at Lothian House and its replacement with an addition which is out of keeping with the design and appearance of the remaining building would seriously detract from the character and appearance of the listed building and its setting and would be unjustified.
2. The proposal is contrary to policy Des1 and Des 3 of the Edinburgh City Local Plan and to the non statutory Edinburgh Design Guidance in respect of Design Quality and Context, as the loss of this part of the listed building and its replacement with an addition which is incompatible in terms of its design and appearance with the remaining listed building and fails to draw upon its positive characteristics, would have a negative impact on the site's setting and wider townscape views.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

9 September 2013 - Proposal of application notice was submitted on 9 September 2013 (ref; 13/03816/PAN).

20 November and 21 November 2013 - A public exhibition was held Exchange Place, Semple Street.

Full details of the pre- application consultation process and relevant findings can be found in Pre-application consultation report. This is available to view on the Planning and Building Standards Online Services.

The PAN was presented to the Planning and Development Sub-Committee on 18 December 2013. The committee agreed to note the key issues as described in the report and requested that examples of previous part demolitions of listed buildings be provided with the application and that clarification of the site description is provided in the consultation process.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 28 March 2014. A total of nine representations, including seven letters of objection and two letters of comment were received in relation to the application. The letters of objection were received from Tollcross Community Council, and from four neighbouring occupiers and two commercial proprietors. The letters of comment were received from the manager of Lothian House Proprietors Association and the Cockburn Association.

The material grounds of objection are:

- Concerns regarding loss of this part of listed building and contribution it makes to character of area;
- Concerns regarding impact of proposal on character and setting of remaining listed building;
- Concerns that objectives for economic growth should not override the requirements for the conservation of the existing listed facade;
- Inappropriate height, design and height of replacement building;
- Inappropriate use of facing materials;

- Loss of natural light to neighbouring properties;
- Concerns regarding scope and accuracy of daylight study;
- Concerns regarding potential loss of privacy;
- Impact on air quality, owing to traffic fumes.
- Potential increased risk of flooding;
- Concerns that report on public consultation event on pre-application notification does not accurately represent feedback from respondents;

The following non material issues were raised:

- Impact of noise, vibration and dust during the demolition and construction phases of works on the health and safety of existing occupiers.
- Detrimental impact of disturbance during demolition and construction works on trade operations at neighbouring retail and commercial premises.
- Obstruction of right of access and fire escape existing commercial premises via private lane.
- Obstruction of access for delivery vehicles serving neighbouring retail and commercial premises
- Concerns regarding the impact of the demolition and construction work on the structural integrity of the remaining part of Lothian House.

Tollcross Community Council objected to the proposal on the following grounds:-

- The existing listed building has value and the element in question should be protected
- Loss of this landmark building would detract from the area's character
- Design and materials used in the proposed new build is unsympathetic to both Lothian House and the surrounding streetscene.
- Detrimental impact of facade removal on character and appearance of remaining listed building.
- Concerns regarding the accuracy of feedback submitted from the pre-application publicity event, in particular with reference to the unsuitable design, scale and materials used in the proposed building and its unsympathetic relationship with the adjoining listed building and surrounding street frontage. .
- Impact on the poorer section of the community caused by the potential replacement of an existing discount store with more upmarket retail premises.

## Background reading / external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)

### Statutory Development Plan Provision

The application site is identified as being in the Central Area in the Edinburgh City Local Plan, where the principal of providing comprehensively designed schemes, which maximise the site's potential in accordance with any relevant guidance and incorporate a mix of uses appropriate to the site's location are required under policy Ca1 of Edinburgh City Local Plan.

The frontage of the site on Fountainbridge lies on the boundary of the West Tollcross Development Brief (approved by Committee in January 2006).

### Date registered

19 March 2014

### Drawing numbers/Scheme

01-06,07a,08,09a,11a,12,13a,14a,15 -18,19a-23a,24-28, 29a,  
31a,32a,

Scheme 2

## David R. Leslie

Acting Head of Planning and Building Standards

Contact: Carla Parkes, Planning Officer

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## **Links - Policies**

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### **Relevant Policies:**

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

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

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

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

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

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

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 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.



Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

**Non-statutory guidelines** 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

**NSESBB Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

**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 and landscape, in Edinburgh.

**Non-statutory guidelines** 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

**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** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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

# Appendix 1

## **Application for Planning Permission 14/01056/FUL At 142 Lothian Road, Edinburgh, EH3 9BQ Partial demolition of the existing building, erection of a replacement new mixed use extension comprising retail, offices, plant, basement parking and associated works.**

### **Consultations**

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#### **Tollcross Community Council**

*Tollcross Community Council would like to object to these two applications. We do not object to a development or the uses proposed. Our main objections involve the demolition of the current listed building and the erection of an ugly building which does not relate to its neighbours.*

*1. There is strong support for maintaining the frontage of the extended Lothian House on Fountainbridge. This 1930s/1950s façade is an important part of Fountainbridge History and contributes to the streetscape in a very positive way. The proposed ugly building neither responds to the existing Lothian House nor the area in general. The strident art deco style of 1939/1950s should not be erased. This building is a notable landmark in Tollcross and indeed in the city. Retaining the older and characterful buildings in the city is important to residents. The façade is entirely at one with the main building and to remove it impoverishes the sight-lines all around. If listed building status means anything, then it should ensure preservation.*

*The report on the pre-application consultation by the developer does not seem to reflect the consultation. They do not mention that there were many who did not want to see the demolition of the existing building. All the community councillors and all but one of the members of the public who fed back information to us expressed this view. This information was passed on to the architects in the pre-application consultation, as was the information about the majority being very unimpressed by the new building. This one-sided selective analysis of a consultation is beginning to be a feature of the planning process.*

*2. All the comments on the proposed new building (except one) have been negative. These comments include:*

- Ugly; unimaginative and rhythmically irrelevant plastic box;*
- Unattractive, severe polished concrete framework;*
- Not linking or addressing any of the adjacent buildings;*

*At least, stone cladding would help it fit in with surrounding buildings;  
Oversized, unsympathetic, big, grey box:*

*The proposal is higher than the current building and so does not continue the building line.*

*3. Both the design and the materials used are at variance with the adjacent streetscape and the design fails to integrate with the historic nature of the site. We think that more effort by the architects to preserve the listed façade whilst producing a suitable design for the proposed uses is warranted.*

*4. A further issue has been raised about the current retail and possible future retail aspects of the proposed development. The current retail facilities cater substantially for low income individuals and families. The demolition would see these facilities disappear with little likelihood of their ever being reinstated. All the recent big developments in the area have been approved with the promise of mixed retail at ground level but it has never come about. We have seen them all incorporate a Tesco Metro or Sainsbury's Local and or a restaurant/bar.*

### **Services for Communities - Flood Prevention - response 8/4/2014**

*The Flood Prevention Unit has reviewed the planning application for this proposed development and would refer to the guidance below. The Flood & Drainage Overview submitted with the application has been reviewed; however, the applicant's attention is drawn to the matter of Flow Paths and more information is requested on this.*

#### *Surface Water Management Plan*

*The surface water management plan should deal with flood risk from surface water, ensuring that flood risk elsewhere is not made worse by runoff from the development. The main elements of the surface water management plan should be analysed up to the 1;200yr (0.5%AEP) event with an allowance for climate change and include as follows:*

#### *Discharge Point*

- 1. Discharge point(s) for the drainage system must be identified, and the approval in principle from the owner, or Scottish Water in the case of a sewer, for the discharge to that point must be demonstrated.*
- 2. If the drainage system discharges to a watercourse, directly or indirectly, it must be served by SUDS in accordance with the SUDS manual, and SUDS for roads where applicable. The treatment methods must be approved by SEPA. Maximum discharge rates should not exceed 4.5l/s/ha or the 2yr greenfield rate, whichever is the lower. Attenuation volume must be designed for the full capacity of the drainage system.*

#### *Flow Paths*

- 1. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*
- 2. New buildings in the development must not be at risk of flooding as a result of these flow paths and depths*

3. *Where runoff from the site could increase flood risk elsewhere, the increased runoff from paved surfaces, relative to greenfield runoff, (up to the 1;200yr event) should be attenuated on site.*
4. *If the development alters existing flow paths in a way which increases flood risk to existing property, additional attenuation or other measures may be required.*

#### **SUDS Maintenance**

1. *Details of the organisation taking on the responsibility of the proposed SUDS (including underground attenuation tanks), the size of SUDS retention ponds along with GIS co-ordinates is required.*

*It is recognised that small, restricted sites may require some relaxation in respect of attenuation volumes on site.*

*Information should be supplied in a report detailing proposed mitigation measures with supporting and appropriate drawings and calculations. Print outs from InfoWorks solely is not considered as a sufficient report.*

*Drainage issues cannot be left as a condition on an FUL or AMC application, since it can have significant impacts on finished floor levels, property locations, location of paths and other hard landscaping aspects. This information is required prior to this department's determination.*

#### **Services for Communities - Flood Prevention - further response dated 16/4/2014**

*There are no outstanding concerns, as the applicant has confirmed that the existing position in terms of flood risk is to be maintained once the proposed development is in place.*

#### **Services for Communities - Flood Prevention - Comments dated 15/5/14 in response to further submissions on drainage**

*Information available suggests there is little risk of flooding at this site or that it will unduly cause flooding elsewhere from pluvial or fluvial sources.*

*There may be some affect on the groundwater regime, but it cannot predict what this may be. It is suggested that the excavation is monitored with regard to ground water and appropriate measures taken if required. Ground investigation on the site prior to development should give some indication of the expected level at which ground water would be encountered.*

*It is suggested that this may be more of an issue for Building Control.*

#### **Services for Communities- Archaeology**

*The former Woolworth Building was constructed in 1955/6 as an extension to the B-listed Lothian House constructed in 1935/6 and its design clearly reflects that of the earlier building designed by Stewart Kaye. Both these important buildings were constructed over the southern side of the former Hopetoun Basin. The Hopetoun Basin formed one of three ports forming the terminus of the nationally important, industrial monument of the Union Canal and was constructed in the 1820s as part of the original design for the canal. The onset of steam railways as a major mode freight transport in the Victorian era quickly made the canal economically redundant, with the Hopetoun Basin finally being filled in around 1922.*

Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV2, 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*

*It is unclear whether or not the Basin's stone quays were removed during its infilling or subsequently at the time of the construction of both the Lothian House and this Woolworth's building. However excavations since 2004 at the site of Lochrin Basin (Headland 2013), Scotmid site 92-98 Fountainbridge (Headland 2006) have indicated that often well preserved remains of the canal have survived in areas where it was suspected that 20th century development had removed all trace. As such it is possible that elements of the canal may either be incorporated within the structure of the current buildings foundations or indeed lie beneath the site. It is essential therefore that a programme of archaeological works are undertaken to ensure that such industrial archaeological remains are fully excavated, recorded and analysed and where possible preserved within any new development given their potential national importance as part of the union canal.*

#### *Historic Building*

*This proposed scheme will clearly have a significant adverse impact as it will result in the demolition of this listed building designed as an annex/extension to the earlier B-listed Lothian House. Although not constructed as part of the original Lothian House design, it does form a purpose built extension to this building and is therefore considered to form part of this building's listing. CEC Policy ENV2 states that the demolition of listed buildings will only be supported in exceptional circumstances and as such this scheme must be considered contra to this policy unless it can satisfy the conditions set out in this policy.*

*If consent is granted however, it is recommended that a programme of historic building survey (level 2-3) is undertaken both prior to and during any demolition works, linked to the above programme of archaeological investigations and Andrew Wright's historic research submitted as part of this application.*

#### *Decorative panels*

*The building contains two decorative Iron Panels on the SW corner elevation of 'Spring' and 'Building' designed by Pilkington Jackson for the 1930's Lothian House. If permission is granted for this building's demolition it is essential that these two panels are preserved and furthermore incorporated within the design of the new building. Accordingly prior to demolition detailed plans must be submitted showing where they will be incorporated within the new development and also how they will be safely removed, stored and if necessary conserved during the development process.*

*It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following CEC condition;*

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

*The work would 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 Assessment**

*The site of the proposed development is bounded to the west by Semple Street, to the south by Fountainbridge and to the east by Lothian Road. The proposed development is to comprise a six-storey new-build construction with retail on the ground floor, with office accommodation above and parking for up to eight vehicles. Some plant will be located on the lower ground level, however, the majority of building services plant is to be located externally at roof level. The nearest existing residential properties are the flats located to the rear of Lothian House (on Lothian Road) and to the southeast of the site on the opposite side of Fountainbridge. The proposed office development will share a party wall with existing residential flats within Lothian House on the Fountainbridge elevation.*

*This development site is located in very close proximity to the City Centre Air Quality Management Area(AQMA) therefore Environmental Assessment have considered the applicants proposals in this regard. The applicant proposes having a very low number of car-parking which is fully supported by Environmental Assessment. However Environmental Assessment still recommends that the applicant considers the installation of electric vehicle (EV) charging points for the use of staff.*

*Environmental Assessment also advised the applicant that all combined heat and power units must comply with the Clean Air Act 1993 and that Environmental Assessment will not support the use of biomass.*

*It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.*

*Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at <http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>*

*The applicant has also submitted a noise impact assessment in support of the application. This has investigated the potential noise impacts that the development may have on the neighbouring residential properties. Environmental Assessment has considered noise impact assessment and concur with it findings. As there are no exact details on the plant we will recommend a condition is attached to ensure plant does no adversely impact on residential amenity when installed.*

*Due to the historic land use in the area Environmental Assessment also recommend that a contaminated land condition is attached.*

*Therefore Environmental Assessment does not object to this application subject to the following conditions;*

1. *Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.*

2. *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

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.

*Informatives:*

The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

## **Transport**

*No objections to the application.*

*Informative*

a) All works that are to be carried out on the existing footways will require a Section 56 permit (Roads (Scotland) Act 1984) from the local Area Roads Manager. Paving materials to be agreed in advance.

b) As per council policy a tram contribution should be applied. The site is within contribution zone 3 (it is located approx 590 metres from the Tram line).

## **Services for Communities, Economic Development**

Economic Development recognises that a well-targeted programme of investment in development and regeneration is critical to ensuring sustainable economic growth. 142 Lothian Road is a prominent development opportunity in the city centre. The site has excellent transport connections, is located within the Exchange District and is in close proximity to forthcoming developments such as Fountainbridge and this proposal will enhance this part of the city.

The size of the existing building is approx 3,000 sqm. The site has an existing consent for 3,932 sqm mixed use development and the current proposal under consideration equates to 4,519 sq.m (NIA) comprising retail on ground floor (987 sq.m) and office floor space on upper floors (3283 sq.m) . The existing retail space is currently fully let with the upper offices floors vacant (due to reported un-lettable condition).

The principle of a mixed use development at this site has been accepted with reference to previous and extant consents.

*Since the purchase of the site in 2012 the new owners have considered how to improve the quality of the accommodation and specifically to address concerns expressed by potential office occupiers about the reduction in the efficiency of the space caused by the retention of the building in its current format. The partial demolition now proposed is required in order to create modern and desirable Grade A offices and retail space to meet occupier demand which will increase jobs and GVA.*

*It is projected that the existing use of the building supports 44 jobs with GVA of £1.3m per annum. In comparison it is estimated that the new development would support 165 years of employment and £12.2 million of GVA during the construction phase. Upon completion it is projected the development would (at full occupation) support 442 jobs and GVA of £13.4 million per annum. The redevelopment would result in a net increase in the site's operational economic impact of 398 jobs and GVA of £12.1 million per annum.*

#### *Requirements for grade A office space in Edinburgh*

*Many companies are due to renew leases which will come to an end in the period 2014-2016. Some businesses will renew or renegotiate these leases; others will be looking for alternative office space. Edinburgh like several other UK cities presently appears to have an excess of supply over demand at a city wide level. However, while there is a relatively good supply of Grade B space, the proportion of Grade A space appears to have reduced.*

*There is a current strong demand for Grade A space in Edinburgh which is attractive to incoming firms. A Ryden-led property agents' study to inform the emerging Edinburgh Local Development Plan and a recent paper by the Edinburgh Development Forum both suggest that known office occupier demand now has a stronger preference for the city centre than has historically been the case. However, there is currently very little new or newly refurbished space of any size available in the city centre. The type and location of office floorspace is not aligned with occupier's requirements. Generally firms are seeking good quality, cost effective space in a central location near good public transport links (80% of office demand is said to be within 15 minutes walk from Haymarket/Waverley Stations) shops and other facilities.*

*In January 2013 Ryden carried out an analysis of the Edinburgh city centre high quality office market which concluded that in the short term there is a reasonable supply of high quality office space to accommodate known and forecast demand. If planned new development is built the office market should not be adversely affected, but could become constrained if new supply is less than is projected or is delayed. In Edinburgh currently all of the current high quality office supply pipeline forms part of complex mixed-use schemes where developers might prefer to build other, more viable uses first which could affect the supply. In a recent news article it was stated "With only 200,000 sq ft of genuine Grade-A office space available right now, and virtually nothing in the development pipeline, the capital is heading for a crisis.*

*In summary, as Grade A supply reduces, the market will come under pressure, particularly from major occupiers with anticipated lease events between 2013- 2018. Very little new office space floorspace has been completed during the last five years and the amount of office space being converted to other uses has increased. There is concern that the projected office supply forms part of a few mixed use schemes and delay to these developments coupled with the lack of high quality space is critical and could constrain economic development.*



*The proposed development would go some way to addressing this potential supply issue to provide Grade A offices in an attractive and accessible city centre location taking full advantage of the proximity to the tram, rail and bus network. It is also crucially capable of immediate redevelopment providing office stock in 2016. It is [projected that the proposed development would result in a net increase in the site's operational economic impact of 398 jobs and GVA of £12.1 million per annum. Economic Development supports this proposal.*

## **SEPA**

### *Advice for the Planning Authority*

#### *1. Flood Risk*

*1.1 We have reviewed the information provided in this consultation and it is noted that the site appears to lie outwith the SEPA Flood Map. It is adjacent to the Surface Water Flood Map but we have no further information regarding this potential flood risk to the site hence we do not object to the development.*

*1.2 We have received information from a neighbouring occupier to the proposed development stating that continued pumping of their building is required and there have been incidents of local flooding.*

*1.3 We are aware of flooding from a canal breach at Fountainbridge in 2002. There are groundwater issues in parts of Edinburgh though we are not aware of any issues at this location. There may be groundwater rebound as changes in industry and abstraction have occurred historically. We are also aware of other places where water mains/ pipes have been ruptured or have been damaged by building foundations in the past. We suggest that contact is made with Scottish Water, the Flood Prevention Authority, and Scottish Canals to see if a cause of the flooding can be established.*

### *Detailed Advice for the Applicant*

#### *2. Flood Risk*

*2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).*

*2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

*2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).*

## **Scottish Water**

*Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections.*

*Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).*

*Scottish Water has no objection to this planning application. However we are unable to reserve capacity at our water and wastewater treatment works in advance of formal agreement made with us. In view of this, the information provided in this letter will need to be reviewed if this proposal progresses to full planning approval.*

*Glencorse Water Treatment Works may have the capacity to service this proposed development.*

*The water network that serves the proposed development may be able to supply the new demand.*

*Edinburgh PFI Wastewater Treatment Works : at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.*

*In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*

*These proposals may involve the discharge of trade effluent to the public sewer and may be subject to control as defined in Part II of the Trade Effluent Control and Charging Scheme. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water's Customers Connections department at the above address.*

*If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

*It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.*

## **Urban Design Panel- Report of Meeting on 27 November 2013**

### *Executive Summary*

*The Panel welcomes being able to review the proposals at this stage. It is important that a case is made and accepted for the demolition of the existing listed building. While what is presented is a bold piece of architecture, in taking the design forward it is essential that more account is taken of context - and in particular the relationship of the proposed new building to Lothian House. The proposed uses will make a welcome improvement to Semple Street. These should be complemented by a reconsideration of the footways / public realm on Semple Street / Fountainbridge to raise the quality for pedestrians.*

### *Main Report*

#### *1 Introduction*

*1.1 This report relates to proposals for office and retail at the corner of Semple Street and Fountainbridge*

*1.2 The brief for the current project envisages the demolition of a category B listed 1950s extension to the listed Lothian House and its replacement with an entirely new building.*

*1.3 This is the first time that the proposals have been reviewed.*

*1.4 No declarations of interest were made by any panel members in relation to this scheme.*

*1.5 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*

*1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the panel forming a differing view about the proposals at a later stage.*

#### *2 The case for demolition of the listed building.*

*2.1 A case does need to be made and accepted for the demolition of the existing listed building.*

*2.2 In assessing the case for demolition it will be important to understand both the history of the building and the background as to why it was listed.*

#### *3 Relationship with Lothian House / Architecture*

*3.1 It is vitally important that a positive relationship is created between the proposed building and Lothian House. The success of this will be influenced by the scale created, the junction between the buildings and architectural detail.*

*3.2 The proposed frame / grid structure creates a striking architectural appearance and, in the way in which it presents frontages onto both Semple Street and Fountainbridge has*

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*the potential with some design development to make a positive architectural contribution to the area.*

*3.3 At its top most level, the proposed frame / grid structure does create the appearance of the building being higher than Lothian House. The corners of Lothian House and its centre (on Lothian Road) are higher elements within the overall architectural composition of that listed building. These would be diminished by the apparent height of the proposed building that results from the frame. It is therefore recommended that this element of the proposal be redesigned ensure the new building is more subservient in scale to Lothian House.*

*3.4 It is noted that modern requirements for office storey heights do not neatly fit with the storey heights of Lothian House. However, it should be possible, with some*

adjustment to better relate the horizontal elements of the proposed grid to the horizontal elements of the Lothian House elevations.

3.5 It is unclear that the proposed glass junction between Lothian House and the new building would create the intended visual separation between the old and new buildings. Some design investigation and refinement of this detail may be needed to ensure an appropriate relationship between the two buildings.

3.6 While, in part, it is recognised that there is some merit in the use of white pre cast concrete and the potentially striking juxtaposition this could create, largely, the Panel considers its use may create too great a contrast to Lothian House and other surrounding buildings. Further consideration of materials and colour should therefore be undertaken.

3.7 The use of bronze within the façade that sits behind the grid is appropriate in terms of its quality. The existing panels on Lothian House may provide cues for the architectural detail of the proposed façade.

#### 4 Use

4.1 The current building addresses the corner of Semple Street and Fountainbridge in an unassuming manner and on Semple Street presents a blank front frontage which is negative in urban design terms.

4.2 The proposal to locate a shop on the ground floor of the development at Semple Street would bring welcome activity to this street - helping it become more vibrant and also improve its community safety.

4.3 Activity could be further intensified (to the improvement of the proposal) by using the first floor for such uses.

#### 5 Engagement with the street

5.1 The detail of how the building engages with the street will influence its success. The proportions of the elevations and the location of entrance(s) will have a bearing on this.

5.2 Entrances should be identified. These provide an opportunity to structure the elevation and may help with refinements to the overall architectural approach.

5.3 The pavement immediately outside the existing building is relatively narrow. Combined with the traffic islands etc, this creates an unattractive pedestrian environment.

5.4 The opportunity to improve the pedestrian experience should be taken. This advice applies both to the architect / developer as well as the Council, which should take into consideration the potential to raise the quality of the pedestrian environment in the immediate vicinity of the development as well as in nearby streets and spaces.

#### 6 Sustainability

6.1 The proposals for achieving BREEAM excellent and for EPC are very laudable. It is important that these intentions are adhered to as the design develops.

Edinburgh.

#### Security

7.1 As noted above, the uses proposed for Semple Street are welcome from a security perspective as these will help provide passive supervision as well as activity.

7.2 Care needs to be taken to avoid spaces with poor overlooking and the gap at the junction between the proposed building and the neighbouring building to the north on Semple Street needs to be considered in this regard.

#### 8 Other matters

8.1 Historically, the area was industrial. Recognising this in the design in some way, may be an opportunity worth exploring.

#### 9 Recommendations

9.1 If the case can be made for demolition of the existing building, in developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:

*The notion of a strong contemporary architecture;*

*The intentions for sustainability; and,*

*The proposed uses particularly in bringing life to Semple Street.*

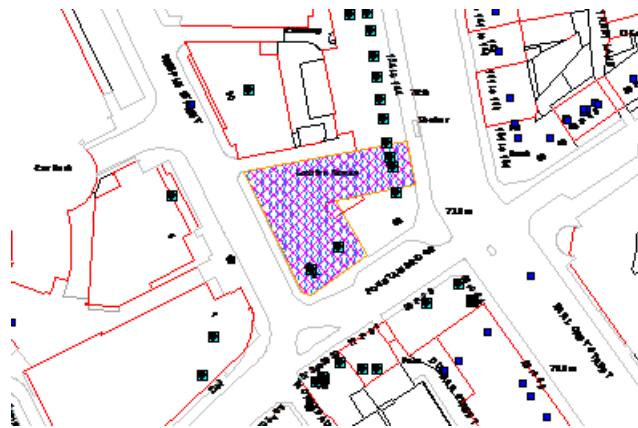
9.2 In developing the proposals the Panel suggests the following matters should be addressed:

*Refinement of the relationship with Lothian House with the objective of ensuring that the new building does not undermine the setting / architecture of Lothian House; and,*

*Consideration of the pedestrian experience and the opportunity to improve footways adjacent to the site.*

## Location Plan

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**END**