

# Development Management Sub Committee

Wednesday 23 May 2018

**Application for Planning Permission 18/00563/FUL  
At 42 Henderson Row, Edinburgh, EH3 5BL  
Extensions to existing science centre and library buildings  
to provide linked additional teaching and learning space and  
a multi-purpose hall.**

<b>Item number</b>	7.2(a)
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposal is acceptable in scale, form and design and will not adversely affect the character or setting of the listed buildings or the character of the conservation area. It will not have a detrimental impact on residential amenity. The proposal complies with the policies in the Edinburgh Local Development Plan and the Edinburgh Design Guidance. There are no material considerations that would outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES01, LDES04, LDES05, LDES12, LEN03, LEN04, LEN06, LEN12, LEN21, LEN22, LTRA02, LTRA03, NSG, NSGD02, OTH, CRPNEW,
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# Report

## **Application for Planning Permission 18/00563/FUL At 42 Henderson Row, Edinburgh, EH3 5BL Extensions to existing science centre and library buildings to provide linked additional teaching and learning space and a multi-purpose hall.**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is the school grounds of Edinburgh Academy, located on the north side of Henderson Row. The main hall building to the centre of the site is category A listed (date of listing: 14/12/1970, reference: LB27973). The site is enclosed by a number of historic buildings to the north, east and west. A contemporary, two storey addition, comprising the Maxwell science building and science garden was opened in 2006 and is situated north east of the site.

The area to the east wing of the site comprises staff parking, a redundant area of garden space with access to a disused wash house and an area of garden/decking. The redundant garden space was formerly communal to the corner pavilion block of flats at the corner of Henderson Row and Perth Street, and the space is enclosed by category B listed walls (listed 14/12/1970, reference LB29022). The east section of the site is bounded by the rear gardens of the four storey tenement buildings on Perth Street which are not listed.

Number 32-42A Henderson Row and 1-1A Perth Street are category B listed tenement buildings (listed on 14/12/1970, reference: LB29022) with commercial uses located on the ground floor and residential uses above.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

16 May 2014- Planning permission refused to remove a wall bounding land to rear of library building (application reference, 14/00803/FUL).

16 June 2017 - Temporary planning permission granted for the erection and installation of new modular upper classroom (application reference, 17/00500/FUL).

07 February 2018 - Planning application submitted for external alterations to existing science centre building (application reference, 18/00564/FUL).

07 February 2018 - Application for Listed Building Consent submitted for alterations to north garden boundary wall (application reference, 18/00569/LBC).

07 February 2018 - Application for Listed Building Consent submitted for external alterations to the existing library and east perimeter wall (application reference, 18/00568/LBC).

## **Main report**

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### **3.1 Description Of The Proposal**

#### **Proposal**

The application seeks to extend and link the existing school library and science building to the east of the site by infilling the space to the rear. The ground floor footprint of the extension will be approximately 638 square metres (sqm) and it will include new library space, science laboratories, lecture theatre facilities, a maker studio and a breakout space. The extension is to comprise three roof sections, situated on a stone plinth with an approximate roof height between 6.2 m to 6.6 m high. The ground is to be excavated to install an underfloor vent (plenum).

Proposals at the south section of the existing library involve the removal of a section of existing wall to form a new garden gateway and fire escape. The existing decking/paving is to be removed and replaced with soft landscaping to the rear of Henderson Row.

The proposal will involve the removal of 10 trees and two listed walls within the redundant garden. The stone from the wall is to be retained and reused to incorporate the new plenum air intake louvres. The existing staff parking and science garden are also to be removed. The existing wash house is to be made secure to facilitate the development.

Materials include standing seam zinc for the roof with a number of rooflights, sandstone for the walls and aluminium louvre for the chimney extract and plenum. The main fire escape and area of glazing will be located on the south and east elevation of the proposal. The proposal includes a two metre high flue, terminated via the new chemistry lab.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

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 principle of the development is acceptable;
- b) the proposal will affect the setting and character of the listed buildings;
- c) the proposal will detract from the character or appearance of the conservation area;
- d) the proposal will impact on neighbouring amenity;
- e) the proposal will impact on traffic or road safety issues;
- f) the proposal will impact on existing trees;
- g) the proposal will impact on flooding issues;
- h) any impacts of equalities and human rights have been addressed;
- i) any other material considerations; and
- j) any comments raised have been addressed.

#### **a) Principle**

The proposal is to extend the accommodation of an existing school. The principle of this use in this area is already established by the existing school. The school currently offers venues for hire and this is incidental to the operational use of the school. The proposal does not involve a material change of use and any hire of the new multi-purpose hall would be incidental to the use of the school. The proposal is to enhance the existing facilities and, as the site is in the 'urban area' the principle of an additional school building is acceptable, subject to compliance with other policies in the plan.

## b) Setting and Listed Buildings

Policy Env 3 Listed Buildings- Setting in the LDP states that development within the curtilage or affecting the setting of a listed building will be permitted if not detrimental to the architectural character, appearance or historic interests of the building, or to its setting.

Policy Env 4 Listed buildings- Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The scale and positioning of the proposal within the east wing section of the site will not have an unacceptable impact on the character or setting of the listed school buildings.

Drawing No. 02 is clear on the extent of the proposed downtakings. The proposed alterations to the east elevation of the existing library is for a justifiable alteration to facilitate the proposed extension and will not result in diminution of the buildings interest.

The urbanised setting of the listed buildings on Henderson Row and Perth Street does not significantly relate to the topography or designed vistas to any significant effect from views within and out of the site.

The walls proposed for removal were originally built as a garden wall delineating the northern and southern boundary of a communal garden area belonging to the corner pavilion block of flats at the corner of Henderson Row and Perth Street. The garden was previously accessed from the flatted properties via a long and narrow path leading from the communal stairwell. The garden is redundant and is no longer communal. The removal of the north wall was refused planning permission (reference, 14/00803/FUL) on grounds that the wall represented a formal component of the original design and its removal would impact on the character and setting of the listed buildings. However, each planning applications are assessed on their own merits and the current proposal is to extend the existing school.

The proposal to remove sections of the wall in connection to the former communal garden is required to facilitate the proposed school extension which is to occupy an underutilised part of the site. Edinburgh Design Guidance does not preclude the introduction of new buildings within sensitive sites. The stone from the southern section of the wall is to be reused to incorporate the new plenum air intake louvres and this is acceptable. The development will occupy half of the former communal garden and it will be set back from the existing wash house and, it will be subordinate in scale against the four storey and basement tenement on Henderson Row/Perth Street. In these circumstances, it would be unreasonable to refuse the removal of the walls when the proposal in replacement is for a justifiable alteration. The proposal will not adversely impact on the character or setting of the listed buildings on Henderson Row and Perth Street.

The existing wash house is to be retained and made secure with minor alterations.

The proposal complies with Policy Env 3 and Env 4 in the LDP.

### c) Development Design and Conservation Area

Policy Des 1 Design Quality and Context requires development proposals to create or contribute towards a sense of place.

Policy Des 12 Alterations and Extensions states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the New Town Conservation Area and the character appraisal states the following:

*The development of the New Town has resulted in a building stock of extraordinary quality which has proved to be both durable and capable of adaptation, both to the needs of changing residential standards and to different uses... The Conservation Area is typified by formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance. The majority of buildings are of a standard type that expresses Georgian ideals of urban living... The standard building form is three main storeys over a sunken basement, normally three bays wide and three to four storeys high, including steps from street to basement and cellars under the pavement with a slate covered pitched roof... the street elevations of the majority of buildings were built of finely dressed squared ashlar of the durable local Craigleith sandstone....*

The existing redundant garden contributes to the character of the conservation area. However, it would be unreasonable to exclude the development of the site in what is already an underutilised part of the conservation area.

The extension of the existing educational use will be in-keeping with the character in this part of the conservation area.

The proposal comprises of three roof sections and will sit on a linear stone plinth. The height of the extension will relate to the eaves of the existing library and the proposal has been designed to read as a single storey extension with an occupied attic. The roof ridgeline height of the southernmost section of the extension is to match the height of the library wings. The northernmost section of the extension will closely relate to the ridgeline height of the existing science building. The flat roof central section of the extension, housing the proposed multi-purpose hall, helps the transition in scale between the smaller southern and the larger northern section of the extension. The proposed scale is appropriate for its immediate site context and the occupation of the space will not represent an inappropriate infill or result in an overdevelopment of the school campus.

The proposed 2m high flue will be concealed behind the existing science building and it will not be visible from public views. The visibility of the flue will not affect the ability of nearby residents to look out from their windows. The design of the aluminium louvre for the chimney and plenum relates to the proposed natural ventilation system and it will have a neutral impact on the visual amenity of the area. It is intended that planting will be arranged in shallow terraces leading down from, and to partially screen the proposed vent to the southernmost section of the extension.

The proposal is distinctive in character and appearance due to the limited palette of materials proposed. The materials are appropriate in terms of contrasting and complementing the historic setting of the site and its quality will help to secure long term visual success. A condition, requiring details of the sandstone to match the existing library is required. This is to safeguard the visual amenity and character of the site.

The proposal will have limited impact on the appearance of the conservation area when publicly viewing from Henderson Row and it will not result in unreasonable harm to the character of the conservation area.

#### d) Neighbouring Amenity

Policy Des 12 Alterations and Extensions states that planning permission will be granted for alterations and extensions to existing buildings which will not be detrimental to neighbourhood amenity.

The south facing glazed elevation of the proposal will face directly towards the rear of the lower and ground floor windows of premises belonging to Edinburgh Academy on Henderson Row and will have an approximate privacy distance of 18.5m. Commercial businesses on Henderson Row are not protected for privacy. The windows, together with the break out garden space will not look directly into residential properties and will not result in overlooking.

The positioning of the development will not result in adverse overshadowing.

The applicant has included drawings of the ground floor additions to the rear of Perth Street, which extends approximately 3.5m in depth. The proposal will not result in loss of sunlight to the residential windows on Perth Street.

Residents of the nearby tenements currently face onto the school campus and will be able to view the proposed buildings. However, there are no rights to a particular view and the proposal will not affect residents ability to look outside their windows.

The proposal will not result in adverse noise, air quality and odour issues. Environmental Protection has no objection to the proposal, subject to a condition requiring the extract flue and ventilation system to be capable of a minimum of 15m/s velocity as shown on Drawing No. 18 to be implemented. The proposal is ancillary to the operational use of the existing school and does not involve a material change of use or a building operation. Therefore, emissions and the introduction of plant machinery cannot be controlled or regulated through planning. However, it is appropriate to require the flue to be erected prior to occupation of the development.

The proposal will not impact on the amenity of neighbouring residents in terms of loss of privacy, sunlight or result in overshadowing.

The proposal complies with Policy Des 12 in the LDP.

e) Traffic and Road Safety

Given the scale and nature of the proposal, there is no requirement to submit a traffic impact assessment for the proposal. The proposal does not include the formation of a new access road and the proposal will not have an impact on traffic levels. In addition, there is no requirement to replace the loss of staff parking on the site. The school is encouraging staff to travel by alternative means.

f) Trees

Policy Env 12 Trees in the LDP states that development will not be permitted if likely to have a damaging impact on a tree that is worthy of retention unless necessary for good arboriculture reasons. Where such permission is granted, replacement planting of appropriate species and number will be required to offset the loss to amenity.

The submitted tree survey was carried out on 8 December 2017 and was found to be an accurate reflection of the conditions of the site. The proposal will result in the loss of trees and whilst having some impact on the immediate character and visual amenity of this site, the net effect on the wider area is negligible.

The submitted Design and Access Statement outlines intentions to revitalise the existing garden area to the rear of Henderson Row to be full of verdant shrubs and small trees. The scale of the replacement trees in this location will be less significant than the existing tree cover, however the replacement of six trees as indicated in the statement would be acceptable to offset the loss to amenity. Therefore, a condition requiring a landscaping scheme, indicating the siting, numbers, species and heights of all trees and shrubs and hedges to be planted is required.

The root ball of the existing neighbouring Ash tree, adjacent to the existing wash house is to be protected during the works. A condition, requiring details and specifications of the protective measures for neighbouring trees is therefore required. This is to safeguard the trees on the site during the works.

The proposal accords with Policy Env 12 in the LDP.

g) Flooding issues

A Surface Water Management Plan was submitted. The proposal will not increase flood risk or be at risk of flooding itself.

The proposal complies with Policy Env 21 in the LDP.

h) Equalities and Human Rights

This application has been assessed and has no impact in terms of equalities or human rights.

## i) Additional Material Considerations

### Environmental Impact Assessment

Given the scale and nature of the proposal, there is no requirement to submit an Environmental Impact Assessment.

### Impact on Wildlife

The existing science garden opened in 2006. The site is not a designated area for species protection in the LDP. Therefore, policies relating to the protection of species is not applicable to the assessment of the proposal.

## j) Comments raised in representation

### Material Representations- Objection

- The proposal is contrary to the policies in the Edinburgh Local Development Plan - Des 4, Des 5, Des 12, Env 4, Env 6 - Addressed in Section 3.3 (b) and (c).
- The proposal is contrary to Edinburgh Design Guidance - Addressed in Section 3.3 (a-i).
- The principle of the proposal- the chemistry lab and the creation of a new 200 person hall/venue for hire within a residential context - Addressed in Section 3.3 (a), (d) and (i).
- The proposal will impact on the setting and outlook of the listed buildings - Addressed in Section 3.3 (b).
- Reference to the previous refused 14/00803/FUL application to demolish the listed walls - Addressed in Section 3.3 (b).
- The removal of listed walls will result unnecessary damage to historic structures and is integral to the visual amenity of the area - Addressed in Section 3.3 (b).
- The proposal will detract from the character and appearance of the conservation area - Addressed in Section 3.3 (c).
- The existing washhouse is a key feature of the conservation area and is part of the architectural heritage - Addressed in Section 3.3 (b).
- The proposal is inappropriate in scale, form, design, positioning and choice of materials and is for an overdevelopment and encroachment of the site and does not respect the urban grain/spatial pattern - Addressed in Section 3.3 (c).
- The proposal is industrial in appearance - the aluminium louvre and the 2m high steel flue will impact on visual amenity in terms of being direct line of sight of second and third floor properties of Perth Street - Addressed in Section 3.3 (c).
- The proposal will impact on neighbouring amenity in terms of outlook, noise, loss of privacy, daylight and will result in overshadowing - Addressed in Section 3.3 (d) and (i).
- Vertical sky component not demonstrated for the ground floor additions to 15, 19 and 23 Perth Street - Addressed in Section 3.3 (d).
- Impact on traffic and parking - Addressed in Section 3.3 (e).
- Loss of trees and inadequate replacement, and impacts on adjacent trees - Addressed in Section 3.3 (f).

- Two mature trees within 12 metres of the site was not included in the Tree Survey - Addressed in Section 3.3 (f).
- Loss of the science garden as a visual buffer and removal of rich wildlife habitat not compensated for - Addressed in Section 3.3 (i).
- Air quality- emissions from the chemistry lab and additional vehicle emissions from social events held - Addressed in Section 3.3 (d) and (i).
- Acoustic impact of proposed naturally ventilated, large-occupancy and multi-purpose hall both in educational and commercial use, noise from the new terraced area and noise from the new condensers - Addressed in Section 3.3 (d) and (i).
- No Environmental Impact Assessment submitted - Addressed in Section 3.3 (i).

### Non Material Representations- Objection

- The proposed 6m x 2m air intake that is to replace the southernmost boundary wall should be covered by a separate application for Listed Building Consent - Does not preclude assessment of the current application.
- Reference to 18/00564/FUL, 18/00569/LBC and 18/00568/LBC - Does not preclude assessment of the current application.
- The removal of the walls require Listed Building Consent - Applications submitted.
- Visual impact assessment from Perth Street and Henderson Row properties is essential - Not required. A three dimensional drawing was submitted with the proposal.
- Ownership issue of the wash house- Issue of landownership is a civil matter not resolved through the planning system.
- Construction will result in the eventual collapse of the wash house- Structural issues are not resolved through planning.
- Construction nuisance and impact on health - privacy, noise, dust, and unable to hang washing - does not prevent assessment of planning proposals or prohibit new developments.
- Parking in front of the A listed main hall inappropriate - Not relevant to the current proposal.
- Would set a precedent for other developments in New Town Conservation Area - Each applications are assessed on their own merits.
- Little precedent for infilling to the full depth of a plot within a defined urban block in this part of city, especially in conservation area- Issue of precedent is not material and each applications are assessed on their own merits.
- Community engagement- feedback to agents not taken into account or addressed - There is no requirement to carry out a pre-application consultation with communities for a local development and the submitted Design and Access Statement demonstrates how the proposal has evolved.
- Reference to fire regulations - Not relevant to the assessment of the proposal.
- Vulnerability of properties to opportunistic thieves- Planning cannot control every eventually or future events.
- Value of properties will be affected- Planning does not control or regulate the property market.

- Requests to view Edinburgh Academy 2014 Masterplan and reference to intentions of previous applications and masterplans- Masterplans are only indicative of future proposals and are subject to change. There is no requirement to provide a copy of the masterplan.
- Loss of view preference- Whilst unfortunate, there is no right to a private view.
- No records of consent for the existing flues found - Does not preclude assessment of the current proposal and planning cannot regulate plant machinery.
- Health and safety of pupils as a result of the premises becoming more congested - Not resolved through planning.
- The interests of staff at school supporting the school extension are different from those affected by the development - Not relevant to the assessment.
- Requests that a public plenary and a site visit to the properties residing at Perth Street and Henderson Row is carried out - A site visit was carried out and this does not preclude assessment of the proposal.
- The new open terraced area will allow smoking for staff and public and this will drift through neighbouring windows - Not controlled or relevant to planning.
- Reference to Environmental Protection Act 1990 - Different legislative regime to planning.
- Daylight and shadowing calculations not provided - This was provided on the drawings submitted.
- Impact on cycle safety as a result of congested roads - Not relevant for the scale and nature of the proposal.
- Edinburgh Academy does not own 40 Perth Street as indicated in the boundary markers - Issues of landownership is a civil matter and number 40 Perth Street was not found.

#### Material Representations- Support

- The proposal will enhance the school and the area - Addressed in Section 3.3 (a-c).
- The proposal is sympathetic in scale, form, design and choice of materials and will relate to existing historic buildings - Addressed in Section 3.3 (b) and (c).
- The proposal will not impact on neighbouring amenity - minimal impact on immediate surroundings - Addressed in Section 3.3 (d).

#### Non Material Representations- Support

- Critical to the educational needs of the school;
- Will provide community uses and additional income for business communities;
- Reference to an article in the Edinburgh Evening News; and
- Would hinder the quality of education if permission is not granted.

#### Community Council

The New Town and Broughton Community Council did not request to be a statutory consultee but it objected on the follow grounds:

## Material

- Contrary to policy Des 4, Des 12, Env 3 and Env 6 in the Edinburgh Local Development Plan - Addressed in Section 3.3 (a-c).
- Contrary to Edinburgh Design Guidance - Addressed in Section 3.3 (b-f).
- Impact on the setting of listed buildings - Addressed in Section 3.3 (b).
- Deconstructing listed boundary wall to install a large aluminium louvre air intake will not preserve the existing wall - Addressed in Section 3.3 (b) and (c).
- Reference to the previous refused 14/00803/FUL application to demolish the listed walls - Addressed in Section 3.3 (b).
- Impact on the New Town Conservation Area - Addressed in Section 3.3 (c).
- Inappropriate scale and density and will overdevelop the site - Addressed in Section 3.3 (c).
- The aluminium louvre is industrial in appearance, inappropriate design and materials for setting of listed buildings and conservation area and visual amenity - Addressed in Section (b) and (c).
- Loss of trees and inadequate replacement, and impacts on adjacent trees - Addressed in Section 3.3 (f).
- Impact on residential amenity - air and noise - Addressed in Section (d).

## Non material

- Reference to Edinburgh Academy masterplan;
- Queried whether the proposed 6m x 2m air intake that is to replace the southernmost boundary wall should be covered by a separate application for Listed Building Consent;
- Impact on residential views;
- No visual assessment from residential properties on Henderson Row and Perth Street; and
- The development would result in the eventual collapse of existing washhouse.

The Stockbridge and Inverleith Community Council also objected to the proposal and the grounds of objections has been summarised in the public representation sections above.

## **Conclusion**

In conclusion, the proposal is acceptable in scale, form and design and will not adversely affect the character or setting of the listed buildings or the conservation area. It will not have a detrimental impact on residential amenity and it will not have significant implications for traffic or road safety. The proposal complies with the policies in the Edinburgh Local Development Plan and the Edinburgh Design Guidance. There are no material considerations that would outweigh this conclusion. It is recommended that the application is approved.

It is recommended that this application be Granted subject to the details below.

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

#### **Conditions:-**

1. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent.
2. All trees existing on site at the date of this report (except those identified for felling as outlined in the submitted Tree Survey Report) shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.
3. Before any works start on site, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. The developer shall notify the Planning Authority in writing on the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
4. The specification of the stone on the proposed extension shall match the stonework of the existing library. Prior to the commencement of the development, details and material samples of the stone specification shall be submitted to and approved in writing by the Planning Authority.
5. Before development hereby approved is occupied, the extract flue and ventilation system shown on Drawing No. 18 shall be erected.

#### **Reasons:-**

1. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
2. In the interests of visual amenity; to ensure that all trees to be retained are satisfactorily protected before and during construction works.
3. In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.
4. In order to safeguard the visual amenity and character of the site.
5. In order to safeguard residential amenity.

## Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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. All planting carried out on site shall be maintained by the developer for a period of 5-years from the date of planting. Within that period any plants, which are dead, damaged, missing, diseased or fail to establish shall be replaced annually. This is to safeguard the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.
5. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year. In order to avoid disturbance during bird breeding seasons.
6. Noise from all plant complies with NR25 within the nearest residential property (with window partially open for ventilation purposes).

### Construction Mitigation

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

h) No bonfires shall be permitted.

## **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:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

## 8.2 Publicity summary of representations and Community Council comments

The application was advertised on 2 March 2018 and the proposal attracted 157 letters of representations. A hundred and eight were valid letters of objections and twenty-one were valid letters of support. The comments made are addressed in the Assessment section of the report.

### **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The site is an urban area as designated in the Edinburgh Local Development Plan and New Town Conservation Area.

### **Date registered**

7 February 2018

### **Drawing numbers/Scheme**

01-20,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP 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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

**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, parking, streets and landscape, in Edinburgh.

### **Other Relevant policy guidance**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 18/00563/FUL At 42 Henderson Row, Edinburgh, EH3 5BL Extensions to existing science centre and library buildings to provide linked additional teaching and learning space and a multi-purpose hall.**

### **Consultations**

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#### Historic Environment Scotland

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

#### **Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

#### Environmental Protection

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

18/00563/FUL | Extensions to existing science centre and library buildings to provide linked additional teaching and learning space and a multi-purpose hall. | 42 Henderson Row

The applicant proposes erecting an extension to the school's science and library buildings.

The proposed site is located to the rear of the Edinburgh Academy library and is currently used as the staff car park. The eastern boundary to the site is delineated by a garden wall, fencing and dense planting. An existing brick wash house forms the boundary to the east of the wooded area. The school science garden currently occupies the northern part of the extension site. Beyond the boundary line to the east is a 4-storey tenement block with private & shared gardens. Beyond the northern boundary wall is a staff carpark belonging to Standard Life.

The applicant has submitted a supporting 'Screening for Potential Noise and Air Quality Impacts' report which has been fully considered by Environmental Protection.

### Noise

The building has been designed so there are no openable windows located on the façade facing the neighbouring residential properties. It is therefore unlikely that there will be any noise breakout from within the building.

The design proposes maximising the use of natural ventilation within the new extension using passive stack ventilation principles. Exhaust louvres at high level will allow vitiated air out of the building. Wind and temperature effects will force air to circulate by entering through the low-level route and exhausting via the high-level louvres. This ventilation strategy reduces the requirements for plant and any required motors are located internally. The applicant has advised that only one piece of plant will be located externally (Air sourced heat pump). The applicants noise impact assessment has provided calculations demonstrating that this unit will meet the required noise criteria at the nearest residential property. Therefore, Environmental Protection would offer no objections with regards noise, however it is recommended an informative is attached.

### Local Air Quality

The applicant has screened out any potential local air quality impacts during the operational phase due to the net decrease in parking numbers the applicant has also confirmed that two small gas boilers will be installed and served by a single flue. There may be adverse impacts during the construction phase mainly in the form of dust emissions, therefore an informative is recommended to ensure these impacts are minimised. Environmental Protection has no concerns regarding any potential local air quality impacts due to the fume cupboard operations.

### Odours

The applicant has provided detail on the proposed fume extraction cupboard with flue in the new laboratory. The existing fume cupboard is used infrequently (less than once per week for 5-15 minutes). The flue extract point is located over 20m from the nearest residential property and will have a higher extract velocity than the existing 3-5 m/s. The applicant has advised that if the velocity is increased then the operating time of the flue can be reduced. To ensure residential amenity is protected with regards possible odours a condition shall be recommended to ensure a minimum of 15m/s upwards velocity is achieved.

Environmental Protection would not offer comments on the safety of a proposed system Building Standards would address this.

Environmental Protection has no objections to this proposed development, subject to the following condition:

### **Condition**

Prior to the use being taken up, the extract flue and ventilation system, capable of a minimum 15m/s velocity, as show on drawing no. 1645 L(PL) 111 (proposed sections A-A and B-B) dated 25 August 2017 shall be implemented.

### **Informative**

Noise from all plant complies with NR25 within the nearest residential property (with window partially open for ventilation purposes).

### Construction Mitigation

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

h) No bonfires shall be permitted.

## Trees

The proposal will result in the loss of a number of trees, there is a comprehensive tree survey relating to the tree stock on the site. When inspected it was found to be an accurate reflection of conditions found on site. The loss of these trees, while having some impact on the immediate character or amenity of this corner of the site, the effect on the wider area is negligible so is acceptable. An expectation of planting in mitigation and positive tree management on the trees remaining on the estate should be accepted by the applicant and that would more than compensate for the losses.

If this is considered acceptable then the following conditions relating to tree protection and landscaping should be applied.

Conditions:

1. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

2. All planting carried out on site shall be maintained by the developer to the satisfaction of this Planning Authority for a period of 5-years from the date of planting. Within that period any plants, which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

3. All trees existing on site at the date of this report (except those identified for felling as outlined in the submitted Tree Survey Report produced by Donald Rodger) shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity; to ensure that all trees to be retained are satisfactorily protected before and during construction works.

4. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year.

Reason: In order to avoid disturbance during bird breeding seasons.

5. Before any works start on site, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. The developer shall notify the Planning Authority in writing on the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.

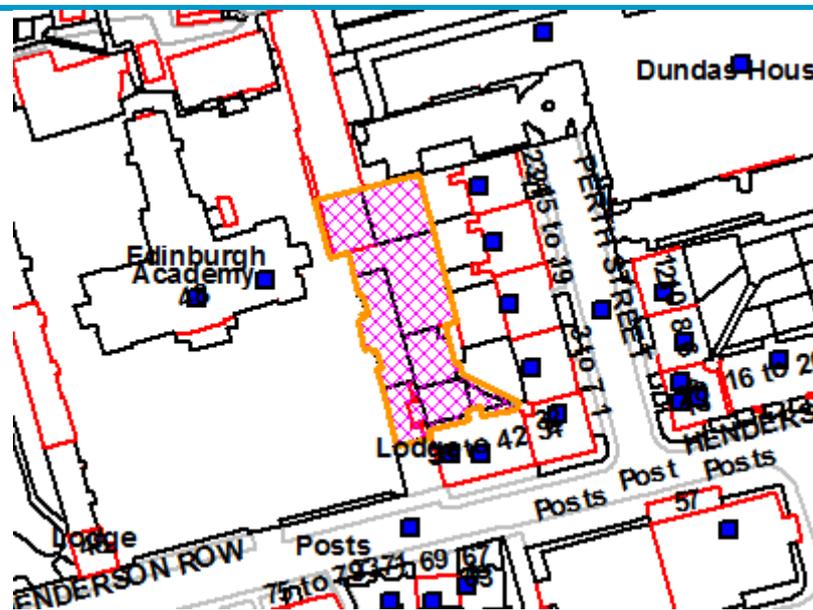
### Flood

This address all of flood prevention's comments on this application and it can proceed to determination with no further comment from our department.

### Transport Planning

No objections to the application.

## Location Plan



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**END**