

Full Planning Application 05/03765/FUL
at
89 Duke Street
Edinburgh
EH6 8HF

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

1 Purpose of report

To consider application 05/03765/FUL, submitted by Sundial Properties. The application is for: **Conversion to 39 flats and office accommodation (as amended)**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The application site is located on the corner of Duke Street and Duncan Place, and the east elevation of the property faces onto Leith Links. The site is partially bounded with a stone boundary wall, gatepiers and railings to the W, SE and S elevation.

The application property is a monumental 3- storey symmetrical classical detail building by G Reid and J Smith Forbes dating from 1930-31. The building is a classically detailed hollow pentagon-plan with hall cutting across a central courtyard. The internal courtyard is a 2-storey 10-bay flat roofed hall cutting across the courtyard with a flat roof. The building is category B listed

(Ward 22) and situated within the Leith Conservation Area. The building was listed on 05.03.91, L.B reference 27432.

Site history

There is an associated application for Listed Building Consent pending consideration (05/03765/LBC).

Description of the Proposal

The amended proposals involve the change of use from a college to form 39 residential units. There will be 10 one-bedroom flats, 16 two-bedroom flats and 13 three-bedroom flats. The central courtyard block will be used for office use. The proposed alterations to the existing building include:

- Removing various non-original single storey brick extensions to internal elevations.
- Creating 6 new sash and case windows to the external north elevations to match an existing one.
- Creating conservation rooflights to the internal roof planes.
- Reconfiguration of existing car parking, 44 spaces for residential use, a minimum of 8 for office use, along with cycle parking, and refuse storage areas.
- Addition of two new 1.4m wide private footpaths
- Forming new openings in the boundary wall to allow vehicular and pedestrian access.
- The felling and replacement of existing trees to the front elevation, new hard and soft landscaping improvements including laying new paving and planting of more trees and shrubs.

3 Officer's Assessment and Recommendations

The determining issues are:

- Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means

preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;

- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) Whether the proposed use is acceptable in this location;
- b) Whether the proposals have an adverse impact on the character or appearance of the conservation area;
- c) Whether the proposals adversely affect the listed building or its setting;
- d) Whether the proposals are detrimental to residential amenity or road safety.

a) The proposed office and residential use is in accordance with the relevant local plan designation of the site, within an area of Mixed Activities. The change of use of suitable buildings in non residential use, to housing is encouraged under local plan policy H3 providing that satisfactory standards of accommodation are achieved and on street parking difficulties are not worsened. The application site has adequate off street parking for both residential and office use and the proposed residential use is compatible with the surrounding area and local plan policies. The proposed use will create a sustainable use for the building and is acceptable.

The site is within ward 22, Leith, where the threshold for affordable housing provision is 40 units, with a 15% provision required. The number of flats proposed is 39 and so this development does not have any requirement for an affordable housing provision.

The proposed mixed use is acceptable in this location.

b) The character of the Leith Conservation Area is described in the North East Edinburgh Local Plan as follows:

"The character of the Conservation Area derives from Leith's history both as a port and an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use; in many cases these were initially built to hold wine and dry goods, although

many were converted in the late 19th century to serve the whisky industry. A rich mixture of civic buildings and mercantile architecture survives particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninian's Manse (both early 17th century); although many more recent buildings have been built, the present street pattern of The Shore area closely follows that of the historic town.

The Inner Harbour of the Water of Leith provides a vibrant focus for the Conservation Area, with buildings along The Shore forming an impressive waterfront townscape. The Conservation Area also covers the older parts of Leith Docks, containing many early features including listed dock buildings and the Victoria Bridge, a scheduled Ancient Monument.

The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights. Many of the roads are setted, the main exception being Prince Regent Street; stone garden walls are a feature of the area. North Leith Parish Church provides a visual focus to this mainly residential area, which also includes major public buildings such as Leith Library and Town Hall.

Leith Walk remains the main artery linking the centre of Edinburgh to the old burgh of Leith. It is characterised mainly by Victorian tenements with shops and pubs at the ground floor level. There are a number of Georgian survivals, most notably Smith's Place dating from 1814. Between Smith's Place and Albert Street lies a series of tenemental streets, mainly designed by John Chesser.

Building types within the Conservation Area vary but are traditionally of stone, with slate roofs; however, more recently building has generally used block or render and traditional brick where previously found. Pockets of public housing development of the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area. Open space is concentrated at Leith Links, which provides a spacious contrast to the relatively dense settlement of the remainder of the Conservation Area."

To the north of the building 5 small traditional windows are proposed, three to the north-west and two to the north-east elevations. The new windows take a precedent from an existing window on the north east-elevation at ground floor level. The new windows will maintain the same vertical axis as the existing window and will not detract from the character or appearance of the conservation area. On the inner roof planes at the south of the building, Conservation rooflights are proposed, and will not be visible outwith the building and are not visually obtrusive. The removal of later brick lean-to buildings within the courtyard area will enhance the original design of the building. The external doorways are to be pinned shut which will retain the external character and appearance of the building.

At present there is little in the way of greenery other than four trees to the front elevation of the property, which are to be taken away and replaced. The

extensive use of cherry trees in scheme one has now been reduced. The landscape proposals will increase the amount of greenery into the area which will help soften the appearance of the site particularly within the large car parking areas. A small selection of high quality paving materials, shrub and tree planting around the site and on the existing rooftop garden will enhance the character and appearance of the conservation area.

The proposed alterations to the boundary wall onto Duke Street will see a new opening created for additional access. New gatepiers to match existing will fill the new entrances and retain the sense of enclosure within the conservation area. Details of the new gatepiers are conditioned.

The proposals also include the refurbishment and retention of smaller auxiliary buildings associated with the main building into bin stores and bike sheds. Refurbishing these buildings will contribute to the character of the area.

The character and appearance of the conservation area is preserved.

c) The current proposal will retain the existing character and appearance of the building. The five traditional windows proposed to the north-west and north-east elevations will match existing and will not detract from the architectural integrity of the building. The general external appearance and shape of the building shall remain unaltered and the removal of later brick lean-to buildings within the courtyard area will enhance the original design of the building. The proposed conservation rooflights on the inner roof planes will not be visually obtrusive. Existing buildings within the curtilage of the property are to be refurbished and reused and the proposed landscape improvements will enhance the setting of the listed building.

d) All the proposed units are dual aspect, are of a reasonable size and have adequate fenestration and amenity space. Due to the internal configuration of this building some privacy issues between the individual flats are unavoidable. The few flats that fall short of the recommended privacy distances have windows that face into communal corridors and will not impinge on the privacy of the residents. These flats that face onto other flats are angled with secondary windows that will have a marginal infringement on privacy; acceptable in a change of use application.

The lower ground floor property at the west of the building faces onto the car park area. To protect the privacy and amenity of the property 2m of landscaped defensible space has been created between the windows and the car park. The lower floor flat is level with the car park so their view is not obscured by the vehicles. The property is of a reasonable size, has plenty of windows and has access into a private patio area which enhances the amenity and privacy of this flat.

On the ground floor the bike sheds and cleaner stores that jut out into the courtyard act as a buffer between the adjacent properties maintaining the privacy of these flats. The central courtyard block is to be used for office use

and has obscured glass which will not impinge on the privacy of the opposite residential properties.

The windows of the properties on the first floor are below the level of the roof garden and the proposed bridge to the garden will also act as a visual barrier to protect the privacy and amenity of opposite properties. The design of the bridge and extension of the parapet are conditioned. The roof garden and courtyard spaces are communal and will enhance the amenity of the residents living there.

The properties on the second floor have clerestory windows that overlook the courtyard. The window types will restrict any overlooking and respect the privacy of neighbours.

Access to the site is via a two way system for entering and exiting. The access and manoeuvring space within the site are acceptable, there is ample car parking for residents and office workers and there is a private footpath from the street to the flat entrances to ensure the safety of the residents living there.

Transport financial contributions include: £90,000 contributions to Tram Line 1 in accordance with the approved Tram Developer Contributions report and £15,000 contribution to allow the Traffic Signals Section to carry out upgrading works to the existing pedestrian crossing adjacent to the site on Duke Street

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

In conclusion, the proposals comply with the development plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or the listed building and its setting, and have no detrimental impact on residential amenity or road safety. There are no material planning considerations, which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions requiring details of the proposed gatepiers, roof bridge and parapets, noise, secondary glazing, parking, archaeological works, and subject to legal agreements for financial contributions for transport matters.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Grainne Lennon on 0131 529 3543
Ward affected	22 - Lorne
Local Plan	North East Edinburgh
Statutory Development Plan Provision	Mixed Activities Zone
Date registered	29 November 2005
Drawing numbers/ Scheme	01,02A,03- 12,13A,14A,15A,16A,17B,18B,19,20,21B,22,23A,24A Scheme 3

Advice to Committee Members and Ward Councillors

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

If you require further information about this application you should contact the following Principal Planner,

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 89 Duke Street
Edinburgh
EH6 8HF

Proposal: Conversion to 39 flats and office accommodation (as amended)

Reference No: 05/03765/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental & Consumer Services

Offer no objections subject to the following conditions: AM12C and that 'all living apartments shall be fitted with acoustic standard secondary glazing to protect the dwelling occupants from traffic noise from Duke Street to the satisfaction of the Head of Planning'.

Archaeologist

The historic maps of Leith, in particular Naish's 1709 Survey of Leith and Alexander Wood's 1777 Plan of the Town of Leith, demonstrate that the proposed development site is located just outwith (to the east) of the post-medieval town fortifications, along one of the main historic routes (Duke Street) leading into the medieval and post-medieval town. However the site does lie adjacent to the possible siege artillery mount known as Somerset Battery/ Giants Mount in Leith Links. This scheduled monument, one of a pair, is presumed to have been constructed as part of the English siege works relating to The Earl of Hertford's attack of 1560. A 1573 engraving of this siege shows Leith surrounded buy a series of siege works and it is possible that such remains may occur across this development site

Based on the historical and archaeological evidence the site has been identified as occurring within an area of potential archaeological significance. Accordingly this application should be considered under following planning polices issued by the Secretary of State for Scotland; National Planning Policy Guidance 18: Planning and the Historic environment (NPPG 18), 1999, and National Planning Policy Guidance 5: Planning and Archaeology (NPPG 5) and it's the accompanying Planning Advice Note 42 (PAN 42), 1994. 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.

Although there has been no archaeological investigation at the site, the existing evidence indicates that the site has the potential for containing archaeological remains associated with the mid-16th century sieges of Leith and the post-medieval development of the town. It is considered however that the impact of any proposed development, on current information, would not be considered sufficient to justify refusal of consent on archaeological grounds. Therefore it is recommended that a suitable programme of archaeological works should be carried out at the site by a professional archaeologist to record any remains that may be uncovered during any ground moving operations, such as new service trenches and relaying of car-parks.

It is recommended that this programme of works is secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site 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 by the applicant and approved by the Planning Authority.'

The work must 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.

Historic Scotland

On the whole Historic Scotland are largely content and supportive of the proposals and offer the following advice:

- The new rooflights should be of a conservation style as they would be less conspicuous.*
- Retention of the corner window seats.*
- Existing timber doors to be retained and adapted where possible should fire protection be necessary.*
- There are also a number of awkwardly sited partitions that could be revisited.*

TIE

TIE has no objection to the proposed development. We note that the proposal lies within a 500m radius of the tram route and therefore planning permission should not be granted until a developer contribution towards tram is secured through a s75 agreement. The contribution required would be £90,000.

Education Department

No Objections

Transport

No objections to the application subject to the following conditions being applied:

1. A minimum of 6 car parking spaces must be left unallocated and will be clearly marked for use by visitors to the residential element of the development.

Reason. In order to ensure off street visitor parking is available for visitors and thereby reduce the demand for the already congested on street provision.

2. Contributions.

Additional to the above will be the requirement to contribute to the tram scheme. From the tables in the approved report I can advise that a contribution of £90,000 is required (£60,000 from the residential element and £30,000 from the office element).

Representations

This application was advertised 09.12.05. Two letters of comment were received observing that the roof garden over the existing library building has not been shown on architectural drawings and what detail will there be for extending the roof parapets.

Another letter expressed concern that the development would create more on street parking.

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

Planning Policy

The site is located within the North East Edinburgh Local Plan, in a Mixed Activities Zone.

Relevant Policies:

Policy E15 (TREE PROTECTION): requires development proposals to show consideration for trees and to ensure their protection and retention.

Policy E16 (Tree Planting): encourages tree planting by both the public and private sectors.

Policy E18 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting a listed building and its setting, including alterations, extensions and changes of use.

Policy E19 (LISTED BUILDINGS - USES): establishes a qualified presumption in favour of retaining a listed building in, or its restoration to, its original use.

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

Policy E28 (WINDOW ALTERATIONS): sets out criteria for assessing window alteration and replacement proposals to listed and non-listed buildings in defined areas (with examples).

Policy ED1 (MIXED ACTIVITIES ZONE) supports in principle a range of uses within a defined 'Mixed Activities Zone' and encourages an appropriate mix of uses within it that could contribute positively to its character and vitality.

Policy H2 (HOUSING DEVELOPMENT - MIXED ACTIVITIES ZONE) encourages, and sets out criteria for assessing, proposals for housing development within the Mixed Activities Zone.

Policy H3 (HOUSING - CONVERSION OF NON-RESIDENTIAL BUILDINGS) encourages, and sets out criteria for assessing, the change of use of suitable non-residential buildings to housing.

Policy T7 (CYCLE PARKING) requires new development to provide secure cycle parking in conformity with approved standards and in appropriate public locations where it contributes to greater cycle use.

Policy T10 (PRIVATE CAR PARKING) requires all new development to comply with approved car parking standards as set out in the Development Control Handbook Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations.

Policy E7 (OPEN SPACE PROVISION): specifies minimum standards of open space provision in new housing developments to meet both recreational and amenity needs.

Policy H7 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or the reasonable prospects of further residential development where this is an objective of the Local Plan.

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

Non-statutory guidelines on 'SUB-DIVISION OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance on sub-division with the aim of protecting the character and appearance of listed buildings.

Non-statutory guidelines on 'OPEN SPACE REQUIREMENTS IN NEW DEVELOPMENT' set the required standards for open space provision.

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

Non-statutory guidelines - Tram Developer Contributions sets out the criteria where new development should make a contribution towards the construction of the tram system and associated public realm.

Non-statutory guidelines on 'TREE PROTECTION' supplement local plan green environment policies, and support the retention of healthy trees of landscape or amenity significance, encourage new tree planting wherever appropriate within new development and promote a substantial renewal of the city's woodland resource.

Non-statutory guidelines on 'REPLACEMENT WINDOWS AND DOORS' supplement local plan conservation and design policies, providing additional guidance on window and door alterations.

Application Type Full Planning Application
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EH6 8HF

Proposal: Conversion to 39 flats and office accommodation (as amended)

Reference No: 05/03765/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
3. All living apartments facing onto Duke Street shall be fitted with acoustic standard secondary glazing to protect the dwelling occupants from traffic noise from Duke Street, the design of which shall be submitted and approved in writing by the Head of Planning and Strategy before work commences on site
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.
5. That further information be provided regarding the materials, colour, design and construction of the proposed car park entrance and gatepiers, which shall be approved in writing by the Head of Planning and Strategy before work commences on site

6. A minimum of 6 car parking spaces must be left unallocated and will be clearly marked for use by visitors to the residential element of the development, details of which shall be approved in writing by the Head of Planning and Strategy before work commences on site
7. Further information to be provided regarding the design and construction of the roof bridge and parapets which shall be approved in writing by the Head of Planning and Strategy before work commences on site
8. The waste management facilities, as shown on the approved plans, shall be implemented prior to the occupation of the development to the satisfaction of the Head of Planning and Strategy.
9. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

Reasons

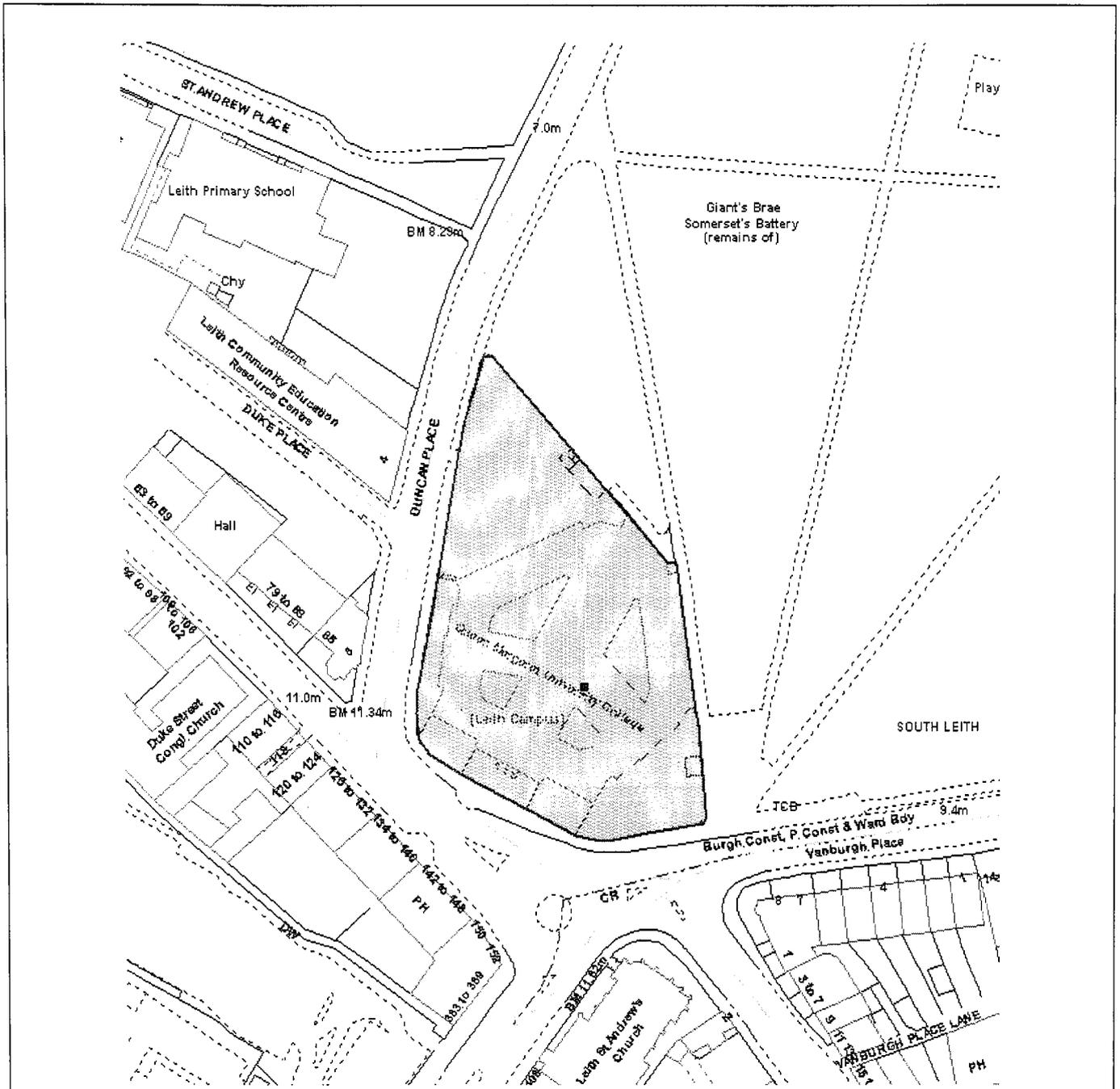
1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.
4. In order to safeguard the interests of archaeological heritage.
5. In order to safeguard the character of the conservation area.
6. In order to ensure off-street visitor parking is available for visitors and thereby reduce the demand for the already congested on street provision.
7. In order to safeguard the character of the conservation area.
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
9. In order to ensure that the approved landscaping works are properly established on site.

INFORMATIVES

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
2. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
3. All accesses must be open for use by the public in terms of the statutory definition of 'road', and require to be the subject of applications for road construction consent.

End



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PLANNING APPLICATION

Address	89 Duke Street, Edinburgh, EH6 8HF,		
Proposal	Conversion to 39 flats and office accommodation (as amended)		
Application number:	05/03765/FUL	WARD	22- Lorne
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			