



The Community Council represents the views of local residents to Edinburgh City Council

From : Richard Price – NTBCC Planning Convenor
2 Bellevue Terrace
Edinburgh
EH7 4DU

19th October 2020

Kenneth Bowes,
Planning Officer,
The City of Edinburgh Council,
Waverley Court,
East Market Street,
Edinburgh, EH8 8BG

Dear Mr. Bowes,

20/03034/FUL Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements. 34 Fettes Row Edinburgh EH3 6RH

The New Town & Broughton Community Council (NTBCC) had requested an extension to the main applications (20/03034/FUL & 20/03661/CON) – which was accepted, in order to finalise the community council's position on the above applications at their recent virtual monthly meeting on 12th October. From that discussion, it was evident that there remained a divergence of views within the community but a number of residents who had expended considerable time and effort looking in more detail at the large volume of documents lodged with this application becoming increasingly concerned at what was proposed.

As stated above, there is also a concurrent application (20/03661/CON) specifically covering Conservation Area Consent (CAC) for demolition of the existing buildings on the site. NTBCC has submitted a separate representation covering this.

NTBCC also notes with interest the response from Historic Environment Scotland (HES) which has now been lodged on the Edinburgh Planning portal. Whilst HES have not formally lodged an objection, their response raises many concerns shared both by NTBCC, other local interest groups as well as residents.

The proposed site, given its size, central location and adjoining a precious open space within the New Town, does offer a unique opportunity to add real value to the area whilst allowing the site to be developed such that the current owners can achieve sufficient value from the site. As such,

NTBCC, along with many residents, are not against appropriate development for the site which directly abuts the Edinburgh World Heritage site and sits within the New Town Conservation Area – including replacement of some of the buildings that clearly have little or no architectural merit.

NTBCC were aware various local interest groups as well as NTBCC have had lengthy discussions with representatives from Ediston, Turley and the architects (10 Design) and that some changes, albeit minor) had been implemented based on those discussions over the past 12 – 18 months. NTBCC would recognise and appreciate the significant time expended by the development team with many local interest groups. However, whilst some changes have been implemented vs. the indicative designs as outlined in the various previous public consultations, there remains some frustration expressed both by residents and local interest groups that many of their suggestions as to possible improvements, made in good faith, have not been given adequate consideration.

Given that the development covers an extensive area and either abuts or is adjacent to several existing developments, residential areas or green space – it is helpful to consider these separately, although, it is clear that there are also common areas of concerns being expressed.

NTBCC's representation includes key points from :

- I. **Fettes Row & Royal Crescent Residents' Association (FRR CRA) and the Drummond Civic Association (DCA)** whose focus is on the impact residents in areas within the Edinburgh World Heritage site to the south of the proposed development but also includes the lower reaches of Dundas Street.
- II. **Eyre Place / Applecross residents** – again, focussing on the lower stretches of Dundas Street as well as the abutting Applecross development on Dundas Street / Eyre Place / Eyre Terrace.
- III. **Friends of King George V & Scotland Yard Park (KGSY)** – concerned with impacts on the future amenity of the park due to the development.
& finally
- IV. **Impact on the amenity of the remaining tenement in Eyre Terrace** – mainly daylighting / sunlight concerns.

Firstly, we would wish to address the key concerns raised by the local interest groups as listed above.

Fettes Row & Royal Crescent Residents' Association (FRR CRA) and the Drummond Civic Association (DCA)

The key concerns raised by both of these amenity groups are covered in part in the response by Historic Environment Scotland (HES), in regard to the impact of the proposed development on

the Edinburgh World Heritage site (WHS) and the setting of the listed buildings on Royal Crescent (Category A) & Fettes Row (Category B) and the longer views from the WHS. . HES state in their summary:

“We consider that the proposed development would give rise to some adverse effect on the OUV of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the setting of the Category A listed Royal Crescent buildings.... Most notably, we have identified a significant adverse impact caused by the appearance of blocks C and D in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place / Dundonald Street.”

Whilst HES’s conclusion is that the proposal as not raising issues of national importance (such that they would formally object), it is clear that despite ongoing dialogue with the development team over the past 12 months, the proposal brought forwards is not supported by HES.

NTBCC note that HES’s position regarding the height of the proposed southernmost blocks directly adjacent to Royal Crescent is broadly unchanged vs. their response to the previous application (16/05454/FUL) that was ultimately withdrawn.

We also note HES’s position regarding the six storey accommodation blocks to the north (Blocks C & D) that are positioned close to the boundary with King George V Park. As well as adversely impacting the views from the WHS down Dundonald Street, it is clear that there will be an adverse impact on the longer views to and from Royal Crescent located along the World Heritage Site edge. NTBCC supports the position as outlined by HES and residents’ group that the height of Block C & D has an unacceptable impact on the WHS, the New Town Conservation Area as well as the amenity of King George V Park (both due to their height and positioning).

We would also note that previous application for development (in principle) along the western edge of KGVP, fronting Eyre Place (14/01177/PPP), which appears to be extant, was approved in principle, subject to further AMC applications. The proposal sought approval of the siting and maximum height of the principal block along the western edge of KGVP – with the proposed principal block being 4 storeys high rising to 5 storeys at the corners. The report to the Sub-committee also stated that *“The positioning of the blocks on the site is acceptable with the potential exception of the building line next to King George V Park.”* & *“The relationship between the development and the park is important in terms of linkages, impact on the existing trees and the character of the Conservation Area.”*

NTBCC are clear that these considerations were important then and are important now and furthermore, are equally applicable to both the western edge of KGVP as well as the

southern edge. The report on 14/01777/PPP was clear that approval was limited to these buildings being a maximum of four storeys. We therefore do not support the proposal for the height of the blocks, especially along the southern edge of KGVP, being higher than four storeys and given the concerns expressed by HES (for Blocks C & D), perhaps even lower. This would clearly mitigate, to a degree, the impact on KGVP as well as being consistent with HES's position as outlined above.

With regard to the office block on the corner of Fettes Row & Dundas Street and accommodation block to the east, we note both concerns expressed by local residents and HES's position. The inclusion of an additional level of accommodation set back from the proposed wall-head level of the office and residential blocks, including the proposed tall set-back roof storey increases the overall height of these buildings such that they rise above the level of the terrace opposite. NTBCC share the concerns raised by residents which is also highlighted by HES and would urge that the height of these buildings is reduced appropriately.

Finally, we note HES's comment regarding the form of the buildings at the south-western edge of the development (Blocks L & H) suggesting a re-design such that they form a continuous, architecturally-unified frontage, better reflecting the scale and form of the B listed terrace opposite. NTBCC believe that this suggestion should be further considered.

Eyre Place / Applecross residents

The main concern raised by residents, both with NTBCC and with the applicant directly, relates to the Mid-Market Build to Rent (MMR) block proposed for the northern section of Dundas Street and Eyre Terrace. The application proposes demolition of the existing RBS office block that directly abuts the 2006 Applecross development, built in a horseshoe off the existing RBS buildings. This will also result in the existing 'gable end' to the RBS block being demolished. Currently the outlook to the rear of the 5-storey Applecross block enjoys a private, secluded and secure courtyard (with dimensions of approximately 13 metres north-south and 22 metres East-West). This application proposes removal of the gable-end and then proposes extending this courtyard by a further 5 metres (approx.) such that the Non-Statutory guidance ('Guidance to Householders' February 2019), which recognises (& seeks to protect as far as possible) people's privacy within their homes but also outlook. This guidance states that to achieve this, *"the windows either have to be spaced sufficiently far apart so it is difficult to see into a neighbouring property or windows have to be angled away from one another."*

Given the enclosed courtyard and the number of windows facing onto the courtyard, the option of angled windows would not achieve the required protection of privacy. The guidance further states that the minimum recommended distance between opposing windows should be

a minimum of 18 metres," usually equally spread so that each property's windows are 9 metres from the common boundary."

The current proposal of a 5 metre (approx.) setting back of the new building façade in an internal courtyard is stated to comply with the 18 metre minimum. However, this seems to be achieved by 'stealing' 4 – 5 metres from the existing Applecross courtyard to achieve the minimum separation of 18 metres.

NTBCC note that the guidance also states this separation is usually equally spread so that each property's windows are 9 metres from the common boundary.

Therefore, it would seem appropriate and reasonable to ensure that the new building is set-back by 9 metres from the common boundary. We are also of the view that this guidance is normally applicable to developments across mews lane i.e. across a street rather than an enclosed courtyard. NTBCC understand that this option would be acceptable to residents.

Furthermore, this modification would also improve the amenity of residents in the new development with regard to daylight / sunlight , especially on the lower (ground & first) floors which , as far as we understand the plans as lodged, would face a vertical wall 5m away from their windows. These new apartments are also single aspect and north- facing.

Friends of King George V & Scotland Yard Park (KGSY)

The Friends raise similar concerns as to the proposed heights (six storeys) of the buildings on the immediate southern boundary of the park and the six storey block to the west, set back from the park by only the width of a path. NTBCC e share their concerns that this would have a significantly negative impact on the park which although is currently fringed by a solid belt of shrubs and tall trees, would not provide sufficient protection. They raise the concern that although there may be adequate tree screening of the buildings in summer (with certain caveats regarding any future remedial tree works), this tree cover will provide sparse to non-existent screening in winter. It would appear from many visuals accompanying the application that the longer term desire is to move to a more open (and exposed) frontage on the northern edge of the development site boundary, using hedging, shrubs and fewer trees. NTBCC would not support this.

They also point to the consistency of the proposal with LDP (2016) policy ENV 6 which states for a Conservation Area "*consent to a development should only be granted if it (b) preserves trees, hedges and other features which contribute positively to the character of the area.*" NTBCC would urge that this is considered further during the determination of this application.

NTBCC share their conclusion which states the development, primarily due to the proposed heights of buildings along its boundary, is too difficult to screen successfully such that this small, peaceful, natural, green oasis is preserved such that it continues to offer amenity to local residents and visitors alike.

3,5-9 Eyre Terrace

We have not received a formal response from residents in this tenement on Eyre Terrace but are aware that the proposed development will have a potentially significant impact on them, mainly with regard to Daylight /Sunlight at the rear of the building. We note the comprehensive Daylight and Sunlight report by Hollis accompanying the proposal.

It states that *“The results indicate that the proposed development will be fully compliant with the Edinburgh Design Guidance criteria in respect of protecting daylight amenity to surrounding buildings, except in relation to four rooms to Eyre Terrace.”*

We accept that the daylight / sunlight received by these properties may already be compromised due to the proximity of existing buildings to the west. However, notwithstanding that there is some flexibility in terms of the application of this analysis; we would hope that the amenity of these residents is not further compromised by the new development.

Support for Aspects in the Proposal with Suggested Further Improvements

Brownfield Site Development: NTBCC are supportive in principle of the redevelopment of this brownfield site to include a variety of uses, but being ‘residential-lead’. Although the economic viability of a hotel on this site may be questionable, and views within the local community are mixed on whether this is a positive addition, it could be beneficial to the wider development.

Podium Deck : NTBCC are supportive of the principle of a podium deck, taking advantage of the topography of the site and serving as an elegant solution to the segregation of pedestrians and vehicles on the development site. It also allows the necessary parking provision & other functions to be hidden from view.

Parking Provision: We are supportive of the minimum parking provision proposed using the podium deck to mediate level differences between Dundas Street and King George V Park and the surrounding area, which enables all vehicle parking to be concealed from street view.

The Planning Statement includes a section which states that a lower level of car parking provision ‘is considered to be appropriate given the site’s location [being] within a high accessibility area’. But in reality, this high accessibility is limited to access to bus services (#23 &

#27 buses currently running into the city centre and perhaps the #36 from Eyre Place). This may provide transport options for new residents but may be limiting for some new residents. Furthermore, although it is unclear whether vehicle movement and usage will be impacted in the longer term due to current shifts due to the Covid-19 pandemic, the concern raised by local residents concerning impacts on on-street parking outside of the controlled hours and weekends isn't addressed in detail. We would therefore not be against an increase in parking provision given the capacity that could be accommodated within the podium level but understand that this has been limited by Edinburgh Council guidance. NTBCC's view is that there needs to be a more realistic and pragmatic view about parking for the new scheme.

We would also support a greater provision of both accessible spaces (16 proposed) and perhaps more importantly, electric vehicle spaces (29 proposed) given the environmental (& legislative) pressures. We are also unclear as to the provision of Edinburgh Car Club spaces being provided – as we are aware of the increased interest and usage by local residents of the Car Club vs. ownership of a private vehicle. Hence, provision of a Car Club option as well as, if not already included, should be considered, consistent with LDP policy Tra 2 (a).

Class 4 Use provision: We support the inclusion of ~9,820 m² of Class 4 usage (vs. the previous site provision of ~19,857 m²). Whilst the current Covid-19 pandemic raises questions as to the demand for city centre (or peripheral city centre) office space, we take the view that adaptable Class 4 provision is beneficial to businesses in the local areas. Furthermore, given that this is over one hectare, LDP policy EMP 9 applies; which requires (amongst other considerations) that any redevelopment incorporate "*floor space designed to provide for a range of business users*".

On-site Affordable Housing Provision : We note and support the provision of 25% Affordable Housing on the site (consistent with Edinburgh Council policy). Whilst this may be Mid-Market Rent (MMR) provision, it is still welcomed.

Permeability / Connectivity : We support the improved connectivity provided by this proposal. Although there is some concern as to the proposed connection from Dundas Street heading eastwards to connect with the south-western corner of KGVP, broadly NTBCC welcome the addition connection between Dundas Street and KGVP (as outlined in the representation to 20/03655/FUL). We are less supportive of the proposal to also permit non-pedestrians to use this route and have suggested mitigating measures that may be considered. If non-pedestrian access is deemed acceptable at this location, then consideration of an offset gate arrangement to limit the speed / impact of non-pedestrians entering the park at that location should be pursued.

Subsidence / Pre-Construction and Demolition Surveys: Local residents have been raising concerns for some time regarding the impact that any demolition or construction activity may have on the structure of listed buildings, especially along Fettes Row and Royal Crescent. We

therefore support the calls from residents that need reassurance that subsidence will not occur and that all buildings overlooking the site should be properly surveyed by an independent surveyor. We understand that this may not be a requirement that can be enforced under planning legislation but welcome the verbal commitments made in this regard by the developer as part of the pre-consultation discussions. .

Finally, NTBCC would wish to cover several key considerations concerning the wider development.

Trees Report / Tree Management Plan: We note the detailed Tree Report lodged with the application and also the developer-funded Tree Report covering trees outwith the development site boundary in KGVP.

Whilst acknowledging that the existing trees in KGVP have suffered from previous lack of management / maintenance and now require attention, it is important that this is progressed in measured way – consistent with the aims as outlined in the Tree Management report.

However, there is an underlying concern that trees may be felled or cut back primarily to improve the outlook from the proposed development i.e. to create more open views and improved vistas for the new residential apartments. NTBCC share these concerns and support the view that existing mature trees on and around the site should be protected as far as possible, and that where felling/replanting takes place, this is not undertaken in order to improve the views looking out from the proposed development. Our observation would be that public gardens in the New Town tend to be planted around the edge, e.g. Drummond Place, Queen Street, both to create an enclosed, green and tranquil environment but also to limit views from the surrounding properties to provide an element of privacy for those users of the gardens. We take the view that this historic precedent should be followed here also.

We also note the proposals for the treeline adjacent to Royal Crescent and Fettes Row in the Waterman '25-Year Tree Management Plan' (EIA Vol 3 Appendix 2.6 Part 1) & acknowledge Some work is required due to a lack of tree management

However, at 5.4, it states that *“Arbor-related works such as crown lifting and branch reducing works will be required for a number of trees along Fettes Row because they have branches that extend to the north beyond the proposed and existing Development footprint”*. Whilst a degree of branch removal would be acceptable, we also note the statements in the same report at 5.11 which indicates that the functional structure of the tree boundary line, which is, in our view, to provide a tree screen and the associated visual amenity for those properties within the World Heritage site along Fettes Row (& Royal Crescent)

“Pruning works must be done sympathetically to retain each crown area as far as possible to maintain the functional structure of the canopy / tree and also provide visual amenity and landscape value for each pruned tree where such works are required”.

We believe that any deviation from this would require further consultation.

Building line on Dundas Street: Whilst we agree that none of the existing buildings on the development site are of high architectural merit (perhaps excepting the northern columned building at the foot of Dundas Street), we remain concerned that the underlying motivation for the demolition seems to be to allow the footprint of the new buildings to creep closer to the street.

We understood from earlier conversations with the development team that Historic Environment Scotland had indicated that in their view, ‘restoring’ the building line on the northern stretches of Dundas Street, north of Fettes Row, was desirable in their eyes. We also note that the response from HES does not make reference to this. Other residents state that the reason given for removing the trees was from the applicant’s ‘Heritage and Townscape (Appraisal) Statement’ that led to the proposed removal of the trees and the proposal to restore the traditional line of the street with *‘high quality and more attractive frontages...’*

It appears that the developer now states that removal of trees on Dundas St is required because they sit on the basement slab and it would be problematic to demolish the buildings without removal of these trees along Dundas Street.

NTBCC take the view that it is important that sufficient recess is maintained so that there is a definite and distinct break between the strong classical sweep down the hill on Dundas Street and the new development, especially if its architectural treatment (although attempting to reflect a similar window-panel arrangement) is still in the eyes of local residents, distinctly different to that of the World Heritage site to the south.

We therefore remain of the view that retention of the trees and the building line are important factors as part of the overall acceptability of this proposal.

Treatment of Boundaries to the KGVP) - Soft vs. Hard Boundaries: It is perhaps unclear from the plans but they seem to show that KGVP is entirely open to the development on its southern side (with landscaped areas leading into KGVP from the development). It is clear from feedback from many current users of the park that their strong preference is for a clearly demarcated boundary between KGVP and the new development. We would therefore urge that a boundary fence is installed along the southern and western existing boundaries to KGVP in place of the current buildings. This would ensure that the proposed ‘permeability’ is limited

to the south-western entrance and would reinforce that KGVP is indeed separate to the proposed development.

Hotel / Other Roof Terraces: We note that there is a significant provision of green roofs proposed for many of the buildings – primarily it seems to meet the current policy regarding amenity space standards for the new residents in the development. Whilst we are broadly supportive of green roofs, especially on relatively low buildings as they soften the visual impact of those buildings when viewed from a distance, providing access to residents or hotel guests to these raises concerns with respect to overlooking etc.

Construction / Demolition Management: We had had sight of the Safdem ‘Outline Methodology for the Phase 2 demolition’ document.

We note the proposal contained therein that it is intended to set up a Recycling facility on the existing car park area to recycle as far as possible much of the material from the demolition of the buildings. This would involve ‘stone crushing’ on site. Whilst we agree that this may, at first inspection, look to be justified on the grounds of being environmentally friendly (vs. the alternate of transporting the demolition materials off-site, processing them and returning some of the materials to the site to be reused, but this activity, if carried out on-site, will generate significant noise, dust and vibration. Although we are unaware if further details of this operation are contained within the lodged documents, we would expect this operation to be rigidly controlled.

We also note that the times indicated in this document are from 8 am to 6pm. We would therefore urge that this proposal for onsite reclamation is examined in more detail, with appropriate noise monitoring and limits on the hours of operation, preferably avoiding weekend working completely. We would also urge that this is covered by an appropriate condition if planning permission is granted.

Finally, a few closing comments. Firstly, although carrying out site visits (as would be normal for a major application such as this) is difficult under current Covid-19 guidance, we believe that, as per the previously-withdrawn application, a site visit should be considered by members of the Development Management Sub-Committee Site visit in order to fully understand the proposal and its potential impact on the surrounding area. We have also had a suggestion that if this is not possible, then the use of drone footage may be helpful.

Secondly, although the current Local Development Plan as approved in 2016 is the key reference, we would note the direction of travel in the Emerging Local Development Plan (‘Choices for City Plan 2030’) and the clearly-expressed desire that the creation of usable greenspace in developments



should be encouraged at levels beyond current requirements as detailed in the 2016 LDP and that emerging LDPs are a Material planning consideration.

In summary, NTBCC remain supportive of appropriate development of this city centre brownfield site and fully understand and acknowledge that a residential-led, mixed use development could help to revitalise this area of the New Town. There is an opportunity to create something which could be an asset to both the local community as well as the wider city.

We note comments contained within HES's response that their view is that there are some beneficial effects on the World heritage site from elements of the proposal but ultimately, they raise significant concerns with height, massing and views with the proposal. We accept the developer's often-stated intent that this is what they are trying to achieve and there are many aspects of the proposal that we could support.

However, given the many concerns raised by local residents as outlined above, we cannot support the proposals as presented for the wider site at this time and NTBCC would therefore reluctantly register their formal objection to this proposal

We trust that these comments are useful in the determination of this application.

Yours,

Richard Price, NTBCC Planning Convener

On behalf of the New Town & Broughton Community Council