**Planning application 16/05454/PPP - a major development significantly contrary to the Development Plan**

Dear Ms Robertson

As the owner and occupant of the above, A-listed, property in the World Heritage site I am strongly against the current application for Planning Permission in Principle on behalf of the RBS. I would ask you to reject the application as submitted as it fails to meet many aspects of Planning rules and guidance and would be a catastrophic and permanent detriment to an area of national and international significance.

The application clearly fails on numerous grounds and the following list, in order of importance, are specific concerns, which I will expand on later. **The application is for a major development significantly contrary to the Development Plan** and, under Town and Country Planning Regulations (2013),must therefore have at least one pre-determination hearing. As a planning specialist and the guardian of the specified standards you will have more concerns. It is not your duty to serve the commercial interests of the RBS or other parties and this current application must be rejected. Please contact me if you need further clarification, to reply to this objection and to invite me to the pre-determination hearing(s).

I have commented separately on the linked application for demolition of a building in a conservation area 16/05455/CON.

**Objections in order of importance**

1. The heights of the proposed developments are excessive.
2. The proposed buildings facing Fettes Row and Royal Cresent are out of character and damaging to the setting of a World Heritage Site and Grade A listed buildings.
3. World Heritage Site buildings would be subject to permanent damage.
4. Adverse effect on George V park, particularly overshadowing and setting, rather than realising the obvious opportunity to extend the green network.
5. Obstructed views towards the Forth.
6. Changes of use of with no justification, including failure to retain employment.

**1 Heights of proposed developments are excessive**

The application proposes complete site demolition and construction of 10 building blocks identified as ‘A,B,C,D,E,F,G,H,J,K’. ‘A” and ‘B’ are to the north of the site and are proposed to be rectangular and abutting existing buildings of the same height and style. ‘A’ is shown with a maximum height of +39.7m above Ordnance Survey datum. ‘B’ is at +34.5m. ‘A’ should not be allowed to be higher than the buildings it abuts or the existing buildings facing it on the other side of Dundas Street. The same should apply to building ‘B’ and you should ensure that maximum heights are specified as a condition of any planning permission. It should also be clear that maximum heights must include all building elements sited on the flat roof of the buildings.

At +39.7 and +34.5m the developer will probably be seeking permission for the maximum height they believe will be acceptable and this should be checked. For the remaining eight blocks the application seeks building heights of between +44.5m and +45.0m. The developer states in their application that the site is broadly level and that some areas (e.g. the car park) have been made up to a level above original ground, i.e. the original ground was at a lower level.

To comply with the planning rule that new developments should follow the topography of the area and existing building heights then block C should match A and blocks D,E,F,G,H,J,K should match block B. i.e. block C should be a maximum of +39.7m (a reduction of 4.8m) and D to K should be an absolute maximum of +34.5m (which would mean a reduction of between 10.0 and 10.5m, depending on the block).

Later objections in this letter will argue that blocks G,H,J,K should be further reduced in height or not allowed at all. For now the above argument is the most significant and is fully supported by all planning documentation.

The Development Plan states:

“Planning Permission will not be granted for buildings above generally prevailing building height. In addition, the height of new buildings may need to be suppressed where necessary so that the city’s topography and valley features continue to be reflected in roofscapes. This policy will play an important role in protecting the setting of the World Heritage Sites.”

This aspect is also listed as a comment from Historic Environment Scotland in the applicant’s environmental statement, but has been ignored in the detail of the application.

This proposal does not reflect the city’s topography in its proposed roofline. Therefore rejection of the proposal on this ground will play an important role in protecting the setting of the World Heritage Site.

**2 The proposed buildings facing Fettes Row and Royal Cresent are out of character and damaging to the setting of a World Heritage Site and Grade A listed buildings.**

Scottish Planning Policy states “World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, **or its setting**, the planning authority **must protect and preserve** its Outstanding Universal Value.”

The proposed development would neither protect nor preserve the setting of the Old and New Town World Heritage Site and its Outstanding Universal Value. Tower blocks are an alien style.

The World Heritage Action Plan 2011-206 states that its purpose is to **“** Ensure that the Outstanding Universal Value of the World Heritage Site is taken into account when decisions are taken on applications for planning permission (and other relevant consents), **as key material considerations**.” The Outstanding Universal Value must therefore be taken into account. It has not been taken into account by the applicant but the planning determination must do so.

The proposal is a significant departure from the Development Plan in that it fails to protect the setting of the World Heritage Site, fails to conserve or enhance of the character of the New Town Conservation Area and fails to protect of the setting of adjacent listed buildings.

For example the Development Plan states that the character, appearance and setting of World Heritage Sites must be conserved and enhanced. Policy Env 1 - World Heritage Sites in the Development Plan states:

“Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted.”

The Council therefore has a clear duty to protect the Outstanding Universal Value of the World Heritage site by rejecting this application, which would have a significant detrimental impact on the Site’s setting.

Unesco’s statement of Outstanding Universal value includes the following about the New Town:

“The New Town, constructed between 1767 and 1890 as a collection of seven new towns on the glacial plain to the north of the Old Town, **is framed and articulated by an uncommonly high concentration of planned ensembles of ashlar-faced, world-class, neo-classical buildings, associated with renowned architects**, including John and Robert Adam, Sir William Chambers, and William Playfair. Contained and **integrated with the townscape are gardens, designed to take full advantage of the topography, while forming an extensive system of private and public open spaces. The New Town is integrated with large green spaces. It covers a very large area, is consistent to an unrivalled degree, and survives virtually intact**.”

Key to respecting the setting of the World Heritage site is therefore respect for the topography, the building style including materials used, open space and consistency. The proposal does not respect these basic principles.

There is in fact an overwhelming body of evidence that this application is significantly contrary to the Development Plan. As a further example Policy Des 1 Design Quality and Context in the Plan states:

“Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. **Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance**.”

This is clear and unequivocal. The proposals are for development that would be damaging to the character and appearance of the area around it and this area does indeed have special importance (World Heritage). The proposed development would not contribute towards a sense of place, in fact it would detract from it. The proposed development, particularly adjacent to Fettes Row and Royal Crescent, is an inappropriate design concept, significantly out of keeping with council policy on development in the New Town Conservation Area. Royal Crescent is particularly affected, given that it faces onto a previously undeveloped site, the visual effect of which is largely looking onto trees. Therefore Blocks G,H,J,K should be further reduced in height or not allowed at all in order to avoid a significant deterioration to sense of place, damaging to the character of the area.

The World Heritage Management Plan 2011-2016 states:

“Edinburgh’s World Heritage Site is widely recognised as being significant at a local, national and international level…… Part of being designated as a World Heritage Site is the recognition that it is important to communities beyond Edinburgh, Scotland and the UK. This brings with it an interest from outside the UK in how we care for the Site. **This results in a greater degree of scrutiny and a further obligation to protect what is important. Overall, the property forms a remarkably consistent and coherent entity, which has developed and adapted over time, whilst preserving the key attributes of outstanding universal value within the site.** **The vulnerability** **of** the skyline and **the views in and out of the property** have been addressed by the introduction of a Skyline policy. **In both the Old and New Town, houses are laid out in continuous rows along main street frontages, with few gaps, creating a clear rhythm and scale….. The statutory listing of buildings provides protection for the entire building, its curtilage and setting”**

Whilst UNESCO praised the Skyline Policy they have still nonetheless raised the issue of a lack of a buffer zone with relation to protection of the World Heritage Site setting. CEC’s response appears to be that the adjacent conservation areas provide an effective buffer zone. This underlines the Council’s intention to uphold the clear conservation area guidelines in order to protect and enhance the setting of the World Heritage Site. This highlights and further reinforces the importance of New Town Conservation Area Character appraisal when determining this application.

The New Town Conservation Area Character Appraisal states that the essential character of the area includes the following points:

“The generally uniform heights of the New Town ensure that the skyline is distinct and punctuated only by church spires, steeples and monuments. **The uniformity of building heights, allied to the wide use of gardens within the grid layouts**, provides a background against which important features of the City stand out and allows views across the city to be appreciated.”

“**Spatial Character** including grand streets, lesser streets, lanes and mews…formal geometric grid enclosed gardens and larger informal grid edge gardens… layouts follow the topography to create vistas and views both inward and outwards… the roofscape is very sensitive to any modern intrusion rising above the **uniform tenemental heights**. The uniform character of the New Town is built up on the application of the standards for tenemental form, streets and public realm The principal building form throughout the New Town is the hollow square, residential, tenemental block consisting of a sunken basement area with three to four storeys above.”

“Building forms essential character… **Terraces of buildings with regular building plot** **widths.**”

“Natural Heritage- essential character-**A wooded landscape predominantly of round-crowned deciduous tree of forest scale**.”

“Architectural Character - Essential Character -**The standard palette of materials including blonde sandstone, timber windows and pitched slated roofs**.”

It also states

“Control of New Development- The Local Authority should continue to insist that new development within the area is of the highest design quality. New development should:

• **Fit within and complement the urban grain and massing characteristics of the area they are located in.**

**• Make use of the existing historic palette of building materials, particularly natural stone.**

• **Retain and reinforce the standard plot widths and height of street elevations”**

The proposed development does none of these things and is silent on the important topic of the historic palette of building materials.

CEC’s recent consultation on the new plan for World Heritage management found that people rated ‘natural space’ and ‘identity and belonging’ highly (minimum 5/7). The report on the consultation states “Edinburgh’s strong **visual identity and its years of history** were thought to be contributing to a real sense of pride and belonging to the city.”

The setting of Fettes Row, Royal Crescent, Dundonald Street, Drummond Place and Nelson Street, within the World Heritage Site, would all be adversely affected by this proposed development’s failure to respect views in and out of the World Heritage Site, failure to designing buildings in keeping with adjacent buildings, failure to integrate green space in an appropriate manner and failure to specify materials to be used. Ultimately it would compromise the setting of the World Heritage Site in terms of visual identity and reduce pride and belonging to the city.

This is not just my opinion. The Applicant’s own Environmental Statement at 8.111 table 8.3, assessment of the townscape of Royal Crescent, which is of “high visual sensitivity” finds that the development would have a permanent, “major adverse affect” both in the Winter and Summer on the townscape of Royal Crescent….

A “major adverse” is defined in paragraph 8.30 as “the development is at considerable variance with the scale, landform and pattern of the townscape and there is a total loss of key characteristics.” The development would be “visually intrusive, and would cause substantial deterioration and adverse change in the existing view and visual amenity of the area.”

Similar adverse affects are also identified to occur on Dundonald Street and Fettes Row, but to a lesser extent.

The Development Plan Policy Des 4 Development Design – Impact on Setting states:

“**Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:**

**a) height and form**

**b) scale and proportions, including the spaces between buildings**

c) position of buildings and other features on the site

d) materials and detailing

154. This policy applies to all new development of one or more buildings. **Where the built environment is of high quality and has a settled townscape character,** **new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain.** Where the surrounding development is fragmented or of poor quality, development proposals should help repair the urban fabric, establish model forms of development and generate coherence and distinctiveness – a sense of place. **The siting and design of development should also be guided by views within the wider landscape and an understanding of local landscape character, including important topographical features, e.g. prominent ridges, valleys and patterns of vegetation.”**

The surrounding built environment has been internationally judged to be not just of ‘settled townscape character’ but of outstanding universal value. Therefore any development that does not have similar characteristics to the surrounding buildings, in this case tower blocks facing elegant Georgian designed terracing is very clearly unacceptable. The proposals further fail to take account of the important topographical feature of the valley that the RBS site sits in.

The Development Plan states in Policy Env 6 Conservation Areas – Development:

“Development within a conservation area or affecting its setting will be permitted which:

**a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal**

b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and

c) **demonstrates high standards of design and utilises materials appropriate to the historic environment.**

**Planning applications should be submitted in a sufficiently detailed form for the effect of the development proposal on the character and appearance of the area to be assessed**.”

The application does not preserve or enhance the special character of the conservation area, it would detract from it. It is insufficiently detailed on the important point of materials to be used.

Lastly on this point, the Development Plan states “Development Plan policies have a role to play in helping to protect listed buildings, their setting and features of special interest.” You have a clear duty to protect the setting of the listed buildings affected in your determination by rejecting the application or placing legally enforceable conditions on it.

**3 World Heritage Site buildings would be subject to permanent damage.**

Planning permission must not be granted for any development likely to cause permanent damage to buildings within the World Heritage Site. The Environmental Statement submitted with the application has identified that vibration from piling activities could permanently affect the properties on Fettes Row and Royal Crescent. When the current RBS building was constructed on Fettes Row, such damage did occur and required emergency repair.

Section 4.73 of the Environmental Statement says “on-site good practice would be followed, that on-site monitoring of vibration would be carried out as required, to assist in controlling levels at specific receptors” and “that bored piling processes would be used and impact piling would not be used”. This mitigates the risk but does not control it. Any planning permission that is considered to be granted must include conditions that only bored piling should be used; that vibration monitoring must be carried out; and that the monitoring must include monitoring in adjacent buildings. Furthermore, a suitably qualified and independent conservation engineer should be engaged to specify maximum allowable vibration levels, which must not be exceeded, and should they be approached the work should stop.

As a separate issue maximum noise levels from the site should be specified and monitored and if these are exceeded then work should stop.

Site hours proposed are 7am-7pm Monday to Friday and 8-1pm on Saturday. This could be disruptive to people in neighbouring streets, depending on the type of activity undertaken. Lower limits on noise and vibration, such that they do not cause any disturbance, should be imposed on Saturday and before 8am and after 5pm on weekdays.

**4. Adverse effect on George V Park, particularly overshadowing and setting, rather than realising the obvious opportunity to extend the green network.**

The proposed development would have significant adverse effects on the adjacent park, which is the only publicly accessible park in the New Town World Heritage site. The planning decision should avoid any detriment to the park and also require improvement to this local amenity, which the applicant sees as a significant asset, and intends would be used by residents of the new development.

The Environmental Statement submitted with the application recognises at point 9.83 that the proposed mass and height of the new buildings would result in an adverse impact to the setting of the park, which is a New Town listed Garden. Over-shadowing of the park must not be allowed and this can be achieved by limiting the height and proximity to the park of blocks B, G, H, J, K. The green open space of the park requires access to sunlight from the south and also the early evening sunlight from the west. The sun is low in the sky for much of the year in Scotland and line of sight to the sun must be maintained during these months to retain the unique character of the park.

The current area of George V Park may be less than the minimum specified by the local council policy having been reduced by the establishment of the Scotland Lane Play Centre. This reduction is not reflected in council maps identifying the park and council records. This Play Centre is a City-wide asset of significant benefit to its users who often need to use private cars to access the facility but are frustrated by a shortage of local car parking.

When considering the planning application the Local Development Plan (LDP) policy to negotiate the provision of new, publicly accessible and useable, open green-space should be followed. The current application does show access routes and landscaping but is essentially an urban street landscape for people movement and commercial opportunity. Whilst these public realm aspects are important, it is not useable green space.

The LDP says that developments of this scale are required to positively contribute to the green network by providing new open space and a range of recreational activity. The LDP says the council strategy is to protect gardens and landscapes and promote improvement and restoration of historic landscape features. The LDP states (at Policy Hou 3- Private Green Space in Housing Development) that developments of this scale should contribute 20% of area to usable green space and also states a minimum of 10 sq.m. per flat should be provided. This would equate to 0.5 Ha, or an area of 50m.X 100m, which is a football pitch in size. This same Policy statement also says “In some sites, some of the greenspace provision should be in the form of publicly accessible space to connect with the wider network”. This policy statement provides an impetus for the negotiation of the requirement to include a public park, connecting with George V park. Extending the park in this way could be imaginatively done to meet Council objectives around open space, including for example different active play and sports use. There are areas of housing to the South and West of the site that would then benefit from access to a good quality green space within 400 m, who currently lack it.

The current car park site is of archaeological significance as the site of the Royal Gymnasium and the famous Edinburgh St Bernards football team. The council should negotiate with the developers to have this area restored to parkland. Car parking for users of the extended park and the Scotland lane Play Centre could be included. This could be gifted to the City. This would meet the requirement on the developer to provide green space and the council strategy for minimum access and area of green space for local residents. The car park is not designated for built development and should not be granted permission for any development.

This solution would address the development of building block B, which is linked to the currently granted application 14/01177/PPP. The area in this application is designated as open space and must be replaced if block B is to be built. Re-purposing the car-park as parkland would fully meet this condition, which has not currently been addressed. There is widespread support for this in the community, which was expressed repeatedly during the pre-application consultation and has been ignored by the applicant. It would also allow the developer to develop a better and more robust SUDS solution for sustainable urban site drainage, which could be incorporated into the parkland setting.

**5 Views towards the Forth**

By using the car park as extended parkland it will mean that Blocks G, H, J, K would not be built. This would solve the problems identified in the Environmental Statement concerning views from Drummond Place down Dundonald Street towards the Firth of Forth and the major adverse impact on Royal Crescent. Historic Environment Scotland are quoted in the Environment Statement as having said that the visual corridor should not be obstructed. Blocks H and J have been moved sideways to provide the statutory 5m, clearance either side of the main sewers running through the site. However H and J are still visually intrusive and thus do not comply with the HES requirement not to obstruct the view and to ensure the current vista is maintained. This requirement is reinforced by the Local Development Plan that requires that no adverse impact should be allowed including views towards the Forth.

**6 Changes of use with no justification including failure to retain employment**

The proposal made is for unnecessary demolition of buildings that could be retained in their existing form, and for construction of new buildings, including on a previously undeveloped site. These changes in use would have to be justified. No justification has been submitted to support the assumption that the existing buildings cannot continue to be used

The Development Plan states:

**“Policy Emp 9 Employment Sites and Premises** Proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;

**b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area;**

c) and, if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users”

This proposal to develop an employment site for largely residential use does not contribute to the comprehensive regeneration nor does it improve the wider area.

The Development Plan also highlights the importance of active travel to work, e.g.

“58. Economic growth is a key aim of the Strategic Development Plan. The SDP requires the LDP to retain existing levels of strategic employment land and **provide a generous range and choice of employment sites in accessible locations**.” and

“84. Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP Strategy. Future growth of the city based on excessive car use and dependency would have serious consequences in terms of congestion and deteriorating air quality.”

The proposal would reduce “active travel” by removing a workplace from a highly accessible edge of city centre location. It is a Local Development Plan requirement that this employment site in an accessible location be retained. The council policy in the Local Development Plan is to promote walk to work opportunities and sustainable transport together with city centre jobs and recognises the importance of retaining existing built assets. The LDP key principle is to reduce the need to travel and this would be achieved by retaining employment opportunities near existing residential areas.

The Development Plan highlights the waste hierarchy:

“93. Scotland’s national waste strategy, the Zero Waste Plan is based on a waste hierarchy. This means that waste should be:

1. **prevented,**

2. reused” etc

This proposal would have a significant environmental impact, generating unnecessary carbon emissions. The current buildings are entirely functional and their retention as offices or re-purposing would prevent a significant volume of waste. The current buildings are only 30 years old and of high quality and suitable for continued commercial use and commercial viability must be considered. The LDP states that such high quality offices will be supported.

The current building opposite Fettes Row, the computer centre, is not intrusive within the World Heritage setting and was sympathetically designed, unlike the current application. RBS are attempting to maximise value by the change of use and are ignoring commercial use options. For example this building could be included as part of the sale of 300 RBS branches required by the European Union. For the branch sale to be viable it requires an IT infrastructure hub and central office infrastructure. Inclusion of this asset could be an integral part of the sale.

There are other options for re-use. Adjacent commercial sites (e.g. Tanfield) are thriving and the RBS site is equally attractive. It is ridiculous to assert that the buildings cannot be re-used and it has not been proven.

The property has not been presented to the market through commercial agents who are independent of the current residential led proposal. RBS have not demonstrated that continued commercial use is impossible. The LDP is required to retain existing strategic employment land and this is entirely possible. Retention of the existing buildings would meet the council objective of sustainable development and reduced environmental impact by avoiding the environmental impact of energy and materials usage together with the landfill arising and local disruption of the proposal.

The building currently houses 2000 employees and the environmental statement claims only one hundred spaces on the car park. This suggests that most of the 2000 employees are resident locally and walk to work or use public transport. Continued local work opportunities should be explored for alternatives other than forcing the workforce to move to Gogarburn with the increased urban movement this would entail.

The development application should not be approved until this commercial re-use option has been properly tested in the open market by an independent commercial property expert who is not charged by RBS to maximise the site value but to achieve a fair price for the existing asset.

**In conclusion**

The above few pages are just some of the reasons that the application as it stands must be rejected. As you can see they add up to a clear view that the proposed development would be significantly contrary to the Development Plan and must not be allowed to proceed without very significant modification and extensive conditions. I trust you will be able to conclude your determination to that effect.

Yours sincerely,