

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 29 August 2018

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 27 August 2018** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 None.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1

Pre-Applications

- 4.1 Alexander Crum Brown Road, Edinburgh – Forthcoming application by the University of Edinburgh for a proposed development of new School of Engineering module 1 engineering hub with associated ancillary works and landscaping - application no 18/02513/PAN - report by the Chief Planning Officer (circulated)
- 4.2 KB Centre, Thomas Bayes Road, Edinburgh (At Land 41 Metres South Of) – Forthcoming Application by Edinburgh University for a proposed development to form a new Nucleus staff and student hub building including teaching, student

services, commercial and food and drink provision with ancillary associated works and landscaping - application no 18/02597/PAN report by the Chief Planning Officer (circulated)

- 4.3 69-67 Marionville Road, Edinburgh EH7 6AQ – Forthcoming application by Dandara for Residential redevelopment of the Site - application no 18/02669/PAN - report by the Chief Planning Officer (circulated)

Applications

- 4.4 Belford Mews, Edinburgh (At Land Adjacent to) – Renewal of 14/02924/FUL: Erect dwelling house on three levels which includes the removal of a tree and mature planting – application no - 18/00239/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.5(a) 47A South Clerk Street Edinburgh EH8 9NZ - The relocation of an air conditioning unit on the rear wall (as amended). – application no - 18/02098/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.5(b) 47A South Clerk Street Edinburgh EH8 9NZ - The relocation of an air conditioning unit on the rear wall (as amended). - application no 18/02098/LBC - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.6 58 South Clerk Street, Edinburgh EH8 9PS – Erection of two external ducts. - application no 18/02643/FUL- report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.7 228 Willowbrae Road, Edinburgh EH8 7NG – Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes - application no 18/03302/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 Bonnington Mains Quarry Cliftonhall Road Newbridge - Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050 – application no 17/05930/FUL- report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1(a) 7-8 Baxter's Place, Edinburgh EH1 3AF- application no 17/05645/FUL – Protocol Note by the Head of Strategy and Insight (circulated)
- 6.1(b) 7-8 Baxter's Place Edinburgh EH1 3AF- Change of Use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect) (amended) – application no - 17/05645/FUL- report by the Chief Planning Officer (circulated)
- It is recommended that this application be **GRANTED**.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 7.1(a) 8 Morningside Road Edinburgh EH10 4DD – Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended) - application no 18/02343/FUL- report by the Chief Planning Officer (circulated)
- It is recommended that this application be **GRANTED**.
- 7.1(b) 8 Morningside Road Edinburgh EH10 4DD – Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended) - application no 18/02342/LBC- report by the Chief Planning Officer (circulated)
- It is recommended that this application be **GRANTED**.
- 7.2 70, 72 Newhaven Road, Edinburgh EH6 5QG - Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats) – application no 17/01183/FUL report by the Chief Planning Officer (circulated)
- It is recommended that this application be **GRANTED**.
- 7.3 545 Old Dalkeith Road, Edinburgh (At Land 447 Metres Northeast Of) - Application for Approval of Matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, Ancillary Uses and Associated Development on Land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh – application no 18/00508/AMC - report by the Chief Planning Officer (circulated)
- It is recommended that this application be **GRANTED**.

- 7.4 597 Queensferry Road, Edinburgh EH4 8EA - Demolition of existing house and garage and erection of six new terrace townhouses. Revised planning application following Planning Reference 18/01100/FUL refusal (28/05/18) – application no 18/02696/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 8.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court,

4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210, email committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <http://www.edinburgh.gov.uk/cpol>.

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If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

Development Management Sub Committee

Wednesday 29 August 2018

Report for forthcoming application by

The University Of Edinburgh for Proposal of Application Notice

18/02513/PAN

At University Of Edinburgh, Roger Land Building, Alexander Crum Brown Road

Proposed development of new School of Engineering module 1 engineering hub with associated ancillary works and landscaping.

	4.1
Item number	
Report number	
Wards	B15 - Southside/Newington

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for the development of a new hub for the School of Engineering within the University of Edinburgh's King's Buildings campus.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant has submitted a Proposal of Application Notice on 1 June 2018 (18/02513/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is located toward the south-west corner of the King's Buildings campus. This site is currently occupied by existing university buildings and landscaping alongside a central roundabout incorporating a bus terminus.

2.2 Site History

There is no relevant planning history for the site.

Main report

3.1 Description Of The Proposal

An application will be submitted for planning permission for the development of a new engineering hub for the University of Edinburgh's School of Engineering with associated ancillary works and landscaping.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The site is designated as urban area in the Edinburgh Local Development Plan (LDP). The wider campus is also covered by the King's Buildings Planning Framework (Approved by the Council in February 2009).

The proposals will be assessed in terms of LDP policies, the Planning Framework and other relevant guidance.

b) The design, scale and layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance;

The proposal will need to demonstrate high standards of design and utilise appropriate materials. The proposal should have regard to the surrounding urban form and the impact of the development on the character and appearance of the area, in particular, the scale and massing of the proposal and its impact on key views, landmark buildings and the skyline.

The proposal will be considered against LDP policies and the Edinburgh Design Guidance. The application will be accompanied by a design and access statement.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to transport policies of the LDP and Edinburgh Street Design Guidance. Consideration should be given to the impact on local roads and access to sustainable methods of transport. Transport information will be required to support the application.

d) There are any other environmental factors that require consideration;

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Land and Visual Impact Appraisal;
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan;
- Tree Survey;
- Sustainability Statement;
- Noise Impact Assessment;
- Phase 1 Habitat and Protected Species Survey; and
- Archaeological Information.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 18/02513/PAN), outlined a public exhibition to be held on 18 June 2018 from 13:00 to 19:00 at the library within the King's Building's campus.

Grange and Prestonfield Community Council, the local neighbourhood partnership officer and all local councillors for this area were served notice on 23 May 2018.

The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation Report.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

Report for forthcoming application by

Edinburgh University. for Proposal of Application Notice

18/02597/PAN

**At Land 41 Metres South Of KB Centre, Thomas Bayes Road,
Edinburgh**

Proposed development to form a new Nucleus staff and student hub building including teaching, student services, commercial and food and drink provision with ancillary associated works and landscaping.

Item number	4.2
Report number	
Wards	B15 - Southside/Newington

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for the development of a new staff and student hub providing student facing facilities such as teaching, study, student services, commercial and catering provision within the University of Edinburgh's King's Buildings campus.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant has submitted a Proposal of Application Notice on 6 June 2018 (18/02597/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is located centrally within the King's Buildings campus, situated to the north of the central green space and adjacent to the existing library and King's Buildings House.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

An application will be submitted for planning permission for the development of a new staff and student hub building including: teaching, student services, commercial and food and drink provision with ancillary associated works and landscaping.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The site is designated as urban area in the Edinburgh Local Development Plan (LDP). The wider campus is also covered by the King's Buildings Planning Framework (Approved by the Council in February 2009).

The application will need to be assessed in terms of LDP policies, the Planning Framework and other relevant guidance.

b) The design, scale and layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance;

The proposal will need to demonstrate high standards of design and utilise appropriate materials. The proposal should have regard to the surrounding urban form and the impact of the development on the character and appearance of the area, in particular, the scale and massing of the proposal and its impact on key views, landmark buildings and the skyline.

The proposal will be considered against LDP policies and the Edinburgh Design Guidance. The application will be accompanied by a design and access statement.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to transport policies of the LDP and Edinburgh Street Design Guidance. Consideration should be given to the impact on local roads and access to sustainable methods of transport. Transport information will be required to support the application.

d) There are any other environmental factors that require consideration;

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Land and Visual Impact Appraisal;
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan;
- Tree Survey;
- Sustainability Statement;
- Noise Impact Assessment;
- Phase 1 Habitat and Protected Species Survey; and
- Archaeological Information.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 18/02579/PAN), outlined a public exhibition to be held on 18 June 2018 from 13:00 to 19:00 at the library within the King's Building's campus.

Grange and Prestonfield Community Council, the local neighbourhood partnership officer and all local councillors for this area were served notice on 23 May 2018.

The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation Report.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

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Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

Report for forthcoming application by

Dandara. for Proposal of Application Notice

18/02669/PAN

At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ

Residential redevelopment of the Site.

	4.3
Item number	
Report number	
Wards	B14 - Craigentinny/Duddingston

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for the demolition of existing buildings and the residential redevelopment of the site.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant has submitted a Proposal of Application Notice on 8 June 2018 (18/02669/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road with an adjacent pathway providing access to Lochend Park to the north.

To the north and west of the application site is Lochend Park and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond.

The wider surrounding area contains a diversity of uses, although the character is predominantly residential. The mix of uses, along with the varying ages of nearby buildings, has led to some variety in the density of development and architectural styles.

2.2 Site History

10 November 2014 - Demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works granted (application number: 14/02089/FUL).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

30 March 2006 - Planning permission refused for a residential development (as amended) (application number: 05/01609/FUL). Appeal dismissed on 4 April 2007.

Main report

3.1 Description Of The Proposal

An application will be submitted for planning permission for the demolition of the existing structures on the site and the erection of a residential development.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The site is designated as urban area in the Edinburgh Local Development Plan (LDP) and will be assessed in terms of Policy Hou 1 and other policies in the plan.

b) The design, scale and layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance;

The proposal will need to demonstrate high standards of design and utilise appropriate materials. The proposal should have regard to the surrounding urban form and the character of nearby properties. Daylight, sunlight and privacy, as well as usable amenity spaces should be provided.

The proposal will be considered against the Edinburgh Design Guidance and local plan policies. A design and access statement will accompany the application, and key views should be taken into account as part of this.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to transport policies of the LDP and Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Transport information will be required to support the application.

d) There are any other environmental factors that require consideration;

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Land and Visual Impact Appraisal;
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan;
- Tree Survey;
- Sustainability Statement;
- Noise Impact Assessment;
- Phase 1 Habitat and Protected Species Survey;
- Air Quality Impact Assessment; and
- Archaeological Information.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 18/02669/PAN), outlined two public exhibitions to be held on 25 June 2018 and 17 July 2018 both open from 15:00 to 19:30 at the Tai Chi Centre currently occupying part of the site.

Craigentenny and Meadowbank Community Council, Craigentenny and Duddingston Neighbourhood Partnership and Friends of Lochend Park were served notice on 5 June 2018. The local councillors for this area were also served notice on 5 June 2018.

The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation Report.

Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer

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Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/00239/FUL
At Land Adjacent To, Belford Mews, Edinburgh
Renewal of 14/02924/FUL: Erect dwelling house on three
levels which includes the removal of a tree and mature
planting.**

Item number	4.4
Report number	
Wards	B05 - Inverleith

Summary

The proposal is of an appropriate scale and design which complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of this part of Dean Conservation Area. The proposal will not result in an unreasonable loss of residential amenity. There are no material considerations which justify refusal of planning permission.

Links

Policies and guidance for this application	CRPDEA, LDPP, LDES01, LDES04, LDES05, LDES10, LEN01, LEN06, LEN12, LEN15, LHOU01, LHOU03, LTRA02, NSG, NSGD02, NSLBCA, OTH,
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Report

Application for Planning Permission 18/00239/FUL At Land Adjacent To, Belford Mews, Edinburgh Renewal of 14/02924/FUL: Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Recommendations

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

Background

2.1 Site description

The site lies on the north side of Belford Mews and relates to a segment of the south embankment to the Water of Leith lying to the east of No. 12 Belford Mews, to the west of the housing at Hawthornbank Lane and adjacent to No.11a and No.11b Belford Mews.

The embankment is steeply sloped and has several trees and expansive shrubbery and undergrowth. There is a small area of the embankment where Belford Mews terminates that is utilised for informal off-street parking.

The site lies the World Heritage Site.

This application site is located within the Dean Conservation Area.

2.2 Site History

18 December 2008 - Planning permission was granted for the proposed combination of numbers 11A + 11B Belford Mews and construction of a garage/workshop/studio (as amended) (application number 08/02592/FUL).

26 November 2013 - Planning permission was granted to renew the consent for 08/02592/FUL - for the proposed combination of numbers 11A + 11B Belford Mews and construction of a garage/workshop/studio (as amended) (application number 13/04061/FUL).

25 March 2015 - Planning permission was granted to erect a dwelling on three levels which includes the removal of a tree and mature planting (application number 14/02924/FUL).

Main report

3.1 Description Of The Proposal

The application is for the renewal of planning permission 14/00541/FUL granted by the Development Management Sub-Committee on 25 March 2015.

The proposal is for a four bedroomed dwelling house on three levels. At street level, the house appears single storey with the entry door, kitchen and living room at this level. The topography of the site has been used to provide a further two levels with bedrooms and bathrooms within the embankment.

The design of the house is modern, with a flat roof and minimalist detailing. The proposed materials are sandstone cladding facing Belford Mews, with timber cladding proposed on the other elevations, sedum roofing, glass balustrade, timber painted windows and doors.

The windows and a balcony at ground floor level face north onto the Water of Leith, with windows from non-habitable rooms facing east. An external access stair is formed on the north elevation down to the lower level.

Solar panels are included in the design of the building to provide renewable energy; six are located on the flat roof.

No car parking spaces are provided within the site.

A cherry tree and mature planting are to be removed for the building but the remaining trees and mature planting to the north of the site and boundary treatment are to remain.

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 permission.

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 proposals is acceptable in this location;
- (b) the proposal is of an acceptable scale, design and materials and protects the character and appearance of the conservation area;
- (c) the proposal will result in an unreasonable loss of neighbouring amenity;
- (d) the proposal will provide an acceptable level of residential amenity of the future occupier;
- (e) the proposal is acceptable in terms of traffic and car parking;
- (f) the flooding implications and archaeological issues can be addressed satisfactorily;
- (g) the proposals have any equalities or human rights impacts; and
- (h) comments raised have been addressed.

a) Principle of Development

This proposal seeks the renewal of an existing grant of planning permission for the erection of a house on three levels. The approved drawings have not been changed and the proposal is identical to the application approved in 2015.

The Edinburgh Local Development Plan (LDP) was adopted in November 2016 and the application site remains within the Dean Conservation Area. There has been no material change in planning considerations.

The Council's Edinburgh Design Guidance was approved in October 2017 and the Council's Guidance for Listed Buildings and Conservation Areas was updated in March 2018.

The LDP has a greater emphasis on design and this is interpreted further in the Edinburgh Design Guidance (2017).

In planning terms, there has been no material change in circumstances and, as such, the principle of the development remains acceptable in this instance. It is in compliance with LDP policy Hou 1 on new housing development providing it is compatible with other policies of the Plan.

b) Scale, Design, Materials and Character and Appearance of the Conservation Area

The Dean Conservation Area Character Appraisal emphasises the following essential characteristics:

- The area has interspersed development both in the valley and on the high ground, with high and low density;
- Apart from the main bridge connections at high level, the area is linked by lanes, footpaths, footbridges and flights of steps;

- The Water of Leith valley has a picturesque, tranquil and rural atmosphere that is emphasised by the heavily wooded slopes that give seclusion;
- There is a sense of enclosure and isolation, which contrasts with the more open and larger scale development on the surrounding higher ground; and
- The character of the area is less dependent on architectural consistency than on its quiet secluded site within the Water of Leith valley.

LDP Policy Env 6 seeks to protect and where possible enhance the character and appearance of the conservation area by ensuring that new development is of appropriate design and quality. The proposal will be situated perpendicular to existing buildings and will form a natural conclusion to the street. It is of modern appearance and fits into and complements the massing characteristics of the modern surrounding buildings. The new roof of the building is of a different form than the existing roofs in the street, but is lower and will be visually subservient to the existing buildings. The use of high quality materials (timber and natural stone) draws upon the existing characteristics of the area to create a sense of place. It is accepted that timber cladding is not a common finish within the Dean Conservation Area but it is a high quality finish and will be used on elevations that are heavily screened. It will complement the green and wooded nature of the valley. It is in compliance with LDP policies Env 6, Des 1 and Des 4. There will be no impact on the World Heritage Site's Universal Value in terms of policy Env 1.

The proposal will occupy no more than one third of the depth of the site and it will not dominate the scale of the existing buildings. Its overall curtilage is satisfactorily proportioned. The loss of part of this ground to form a new house and its garden gives an appropriate density of development characteristic of the surrounding area. The proposal complies with LDP Policy Hou 4.

While there is a general presumption against development within the Water of Leith valley, the proposal relates to a secluded section that is not readily visible from the public walkway on the other side of the river. The proposal is relatively small in scale and there is existing development to its south, east and west. The development will result in the loss of one tree and mature planting from the embankment and replacement planting of appropriate species and numbers will be required to compensate the loss. This will be achieved by an appropriate condition. LDP Policy Des10 on Waterside Development is complied with.

The relationship of the building with Belford Mews enhances the streetscene to the betterment of the conservation area. The proposal will not impinge upon the public views of the river valley and although there will be trees lost, overall the impact will be mitigated by replacement planting ensuring the character and appearance of the Water of Leith valley and the wider conservation area will be preserved.

This proposal was previously determined to be acceptable as having no detrimental impact on the appearance and character of the site or of this part of the streetscape. As there has been no material change in planning terms, that assessment remains valid. The previous approval has a condition requiring a landscaping plan be submitted and a condition restricting the trees to be removed for the proposal; this has been applied again.

The proposal was deemed to be acceptable in terms of its scale, form and materials with regard to the site and its surroundings. As there have been no change in those circumstances since that decision the proposal remains acceptable in this instance.

The proposal is of an acceptable scale, form and design and has no adverse impact on the character and appearance of the conservation area.

c) Neighbouring Amenity

On the north side of the Water of Leith there are residential properties. There is a window to window distance of 40 metres between the existing windows and the proposal. This distance ensures there is adequate privacy between dwellings and is in accordance with the Edinburgh Design Guidance. Any area of overshadowing will be on the Water of Leith valley and will not adversely affect any neighbouring properties. Furthermore, there will be no loss of daylight to neighbouring windows. The proposal will not give rise to any detrimental impacts on neighbouring residential amenity and complies with the requirements within Edinburgh Design Guidance.

The proposal is satisfactory in terms of residential amenity and complies with LDP policy Des 5.

d) Amenity for the Future Occupier

The new dwelling would have four bedrooms, a living room and a kitchen. It would have dual aspect. To ensure satisfactory amenity, the Council's Edinburgh Design Guidance seeks dwellings of this size to have a minimum internal floor area of 91 square metres. The proposal complies with this requirement. There is adequate garden ground to the rear of the building to serve the dwelling.

The proposal will create an acceptable amenity for the future residents and complies with LDP policies Des 5 and Hou 3.

e) Road Safety

The proposal does not include any parking spaces but this is acceptable under the current Council parking standards for this area (Zone 2).

The proposal is satisfactory in terms of traffic and car parking.

Archaeology and Flooding

The Archaeologist has confirmed that there is potential that there may be some remains of archaeological interest on the site. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site.

Flood Prevention confirms that as the proposal is a single dwelling discharging to the sewer system, there are no objections to the development.

SEPA confirm that the proposal is not at fluvial flood risk.

(f) Equalities and Human Rights Impacts.

This application has been assessed in terms of equalities and human rights. No impact has been identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

g) Public Comment

Material considerations

- scale, form and design of proposal addressed in section 3.3(b);
- affect on the Dean Conservation Area and Edinburgh World Heritage Site addressed in section 3.3(b);
- loss of trees and affect on the planted banking addressed in section 3.3(b);
- traffic and parking problems addressed in section 3.3 (e); and
- loss of privacy addressed in section 3.3 (c).

Non-material considerations

- neighbour notification - The comments regarding neighbour notification on the previous applications are noted however the procedure for this application has been carried out in accordance with the appropriate legal requirements;
- land slippage - The impact of the proposal on the embankment in terms of potential erosion or subsidence is a serious issue but one that cannot be controlled via planning legislation - it is within the remit of the Building Standards (Scotland) Act 2013. This issues was considered as part of the initial application as similar concerns were raised by residents concerning the land slide at 61 Dean Path. Any digging into the embankment is within the remit of Building Standards (Scotland) Act 2003. The proposal does not include digging into the bank directly adjacent to the Water of Leith or involve alterations to any flood defences which being an engineering operation would require planning permission and a report would then be needed. In addition, such works may also require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. An informative is recommended which highlights this.
- noise and disturbance during construction - subject to separate statutory controls controlled through Environmental Assessment.

Conclusion

The proposal is of an appropriate scale and design which complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of this part of the Dean Conservation Area. The proposal will not result in an unreasonable loss of residential amenity. There are no material considerations which justify refusal of planning permission.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed external finishes shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

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. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build: Exception due to Narrow/Gap Site).
5. Works to the embankment of the river may require a CAR license under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. SEPA administer this process and will be able to advise whether such a license is required.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 16 February 2018 and a total of eight representations were received objecting to the proposals. These included comments from Water of Leith Conservation Trust and residents.

A full assessment of the representations can be found in the Assessment section in the main report.

Background reading/external references

- 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 lies within the urban area of the adopted Edinburgh Local Development Plan where it is designated as lying within Dean Conservation Area.

Date registered

18 January 2018

Drawing numbers/Scheme

1,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

Links - Policies

Relevant Policies:

The Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

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 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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.

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.

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

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 18/00239/FUL At Land Adjacent To, Belford Mews, Edinburgh Renewal of 14/02924/FUL: Erect dwelling house on three levels which includes the removal of a tree and mature planting.

Consultations

Road Authority Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *The applicant should be advised that:*
 - a. *as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build: Exception due to Narrow/Gap Site);*

Note:

The development proposes zero parking which is acceptable under the current Council parking standards for this area (Zone 1).

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for renewal of 14/02924/FUL to erect a dwelling house on three levels which includes the removal of a tree and mature planting.

As stated in my response to the 2014 application, the site is situated on the southern bank of The Water of Leith lying opposite the historic Dean Village, which has been occupied since probably before the 12th century as a centre for Edinburgh's milling. Historic maps from the first half of the 19th century suggest that the application site formed part of the gardens/ grounds associated with the pre-1761 Sunbury House. The 1st edition OS map shows a series of walls occurring across the site with a building shown on the 1872 OS map, it is uncertain if this structure occurs on the 1st Edition.

Therefore, this renewal application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Development Plan (2016) policies ENV8 & ENV9.

As previously stated ground breaking works associated with the construction of the house may disturb archaeological remains associated with Georgian Estate of Sunbury House and the later Victorian building Shown on the 2nd OS map. Given its location close to the historic Dean village the possibility of earlier medieval remains cannot be discounted. Accordingly it is considered that, on current information, this proposal scheme is regarded as having a potential archaeological impact upon locally significant remains. It is recommended that a programme of archaeological works is undertaken to excavate, record and analysis any significant buried remains that may be affected during construction.

Given that no archaeological work has taken place on the site in the intervening period the original requirement for archaeological works till remains. Accordingly this programme of work should be secured by the following current standard condition;

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

The work 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.

Please contact me if you require any further information.

SEPA

Thank you for your consultation which SEPA received on 17 May 2018.

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

1.1 We have reviewed the information provided in this consultation and it is noted that, the application site, from the previously submitted topographic information (drawing number 800.4) the proposed development is approximately 8 metres above the Water of Leith and, therefore, it is not at fluvial flood risk. We would strongly recommend, however, that the development finished floor levels are above existing ground levels.

1.2 As the site is adjacent to the indicative flood envelope and we hold no additional information to indicate that the site is at flood risk, we have no objection to the proposed development on flood risk grounds. It is recommended that contact is made with your Flood Prevention Authority regarding this issue. If your authority requires further comment from us, additional information would be necessary to enable us to comment upon the flood risk at the application site.

Caveats & Additional Information for Applicant

1.3 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

1.4 We refer the applicant to "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction Policy 41 (Part 2).

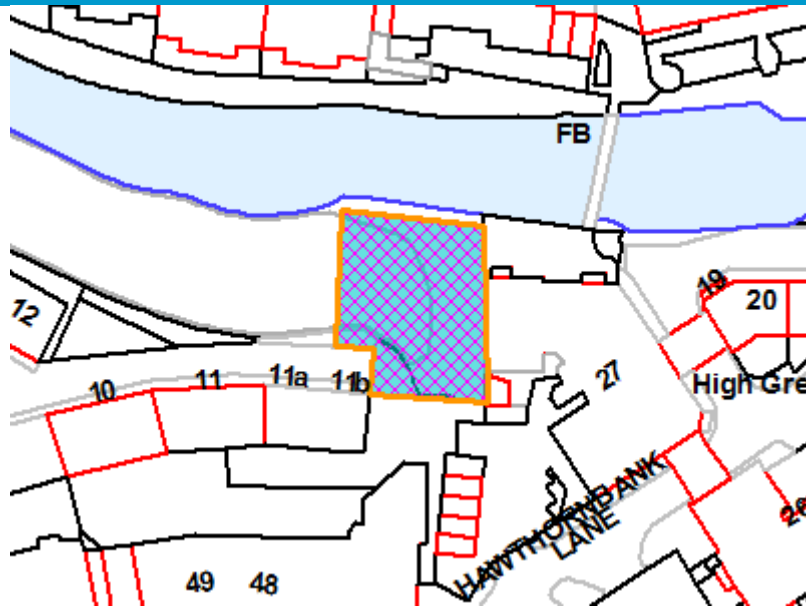
1.5 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from http://www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx

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

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

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/02098/FUL
At 47A South Clerk Street, Edinburgh, EH8 9NZ
The relocation of an air conditioning unit on the rear wall (as amended).**

Item number	4.5(a)
Report number	
Wards	B15 - Southside/Newington

Summary

The proposal complies with the development plan and non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building. The applicant will relocate the AC unit to a location that will have less of an impact on neighbouring residential amenity.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN04, LEN06, NSG, NSLBCA, NSBUS, OTH, CRPSSI,
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Report

Application for Planning Permission 18/02098/FUL At 47A South Clerk Street, Edinburgh, EH8 9NZ The relocation of an air conditioning unit on the rear wall (as amended).

Recommendations

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

Background

2.1 Site description

The application site is a ground floor commercial unit in a mid 19th century tenemental property. The area is characterised by commercial units at street level with residential units above. There is a residential property in the basement below the application site.

The property was B listed on 29 April 1977 (ref. 28552)

This application site is located within the Southside Conservation Area.

2.2 Site History

09 March 2017 - permission and consent granted to install new shop frontage (as amended) (Application ref number: 17/00127/FUL and 17/00127/LBC).

18 August 2017 - Planning permission and listed building consent refused and enforced for the installation of 3 no Air Conditioning Units to rear wall of property. (Application ref number: 17/02202/FUL & 17/02202/LBC).

17.01.2018 - the appeal on the listed building consent application 17/02202/LBC is dismissed by the Scottish Government's Planning and Environmental Appeals Division (DPEA).

28.02.2018 - the decision to refuse and enforce the planning application 17/02202/FUL is upheld at the local review body. (LRB).

16 May 2018- Enforcement enquiry closed with respect to works refused and enforced in applications 17/02202/FUL & 17/02202/LBC (Enforcement ref: 17/00182/ELBB).

Relevant Planning History of Neighbouring Properties.

49 South Clerk Street

01 August 2014 - Permission granted for alteration to external plant and installation of vent louvre to window opening. Change of colour to shop front and alterations to entrance door to remove step. (Application ref number: 14/00881/FUL and 14/00881/LBC)

Main report

3.1 Description Of The Proposal

Scheme 2

The current application is in response to the refusal of the previous Planning application and Listed Building Consent. It proposes one AC unit to be externally mounted around the corner to the south of the location of the one AC unit that is still in situ.

Scheme 1

The proposal as initially submitted was for the retention of the one AC unit that is still in situ in its current location to the right of one of the rear windows of the commercial unit and above a window to the downstairs flat.

Supporting Statement

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Portal:

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

- a) the principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the conservation area;
- c) the proposals will impact on the character and fabric of listed buildings;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) any impacts of equalities and human rights have been addressed; and
- f) any comments raised have been addressed.

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

a) The Acceptability of the Principle of the Development in this Location

The application relates to an established commercial use and is not associated with any application for a change of use. The business is a print shop and a number of large machines are required to operate the business. They generate significant heat and the premises require cooling. As a result of the previous decisions, the applicant has removed two out of the three units as requested, and now operates with the one that is the subject of the application.

It is accepted that some plant associated with this business is necessary and appropriate, subject to compliance with points addressed below.

b) The Impact on the Character and Appearance of the Conservation Area

The South Side Conservation Area Character Appraisal notes that the *more formal block pattern reduces permeability and gives a more urban feeling to the area. This feeling is increased by the lack of open spaces within the area.*

Policy Env 6 of the Local Development Plan (LDP) supports development that would preserve or enhance the character and appearance of the conservation area.

The area is characterised by commercial units at ground floor level and there is a certain degree of associated plant and flues to the rear of these properties that is characteristic of the area. The units cannot be seen from the street. The overall character of the wider conservation area will not be significantly impacted by the addition of these AC units.

c) The Impact on the Character and Fabric of the Listed Building

Scheme 2 proposes relocating the remaining AC unit to a more discreet location tucked around a corner. The hanging of the units has already caused some damage to the stone work and relocating the remaining unit would necessitate further fixings to the stone. However the benefit of locating the AC unit in a more appropriate location outweighs the issues of damage to the stone. A condition is added to ensure information is submitted with respect to stone repairs.

d) Neighbouring Amenity

The application is not associated with any change of use and as such no conditions can be added with respect to noise. However the relocating of the unit away from a position above the window of the downstairs neighbour will reduce the impact on that neighbour.

e) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

f) Public Comments

Material objections

- Visual Impact on the listed building - this has been addressed in sections 3.3.b).
- Damage to the listed building - this has been addressed in sections 3.3.b).
- Impact on character of the conservation area - this has been addressed in sections 3.3.c).
- Overshadowing - the scheme has been amended to relocate the unit and this is addressed in section 3.3.d).
- Insufficient information on drawings - this has been addressed by the submission of a further drawing.

Non-material objections

Non-material objections relate to noise.

Conclusion

In conclusion the proposal complies with the development plan and non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building. The applicant will relocate the AC unit to a location that will have less of an impact on neighbouring residential amenity.

The recommendation is subject to conditions on repair to stonework.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of stone repairs shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

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. 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.
3. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

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 25 May 2018. In all there have been ten letters of objection from neighbours and one letter of objection from the Architectural Heritage Society of Scotland

There have been no comments from the Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- 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 located within a town centre in the urban area as defined by the Local Development Plan.

Date registered

10 May 2018

Drawing numbers/Scheme

1, 3,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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.

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

Appendix 1

Application for Planning Permission 18/02098/FUL

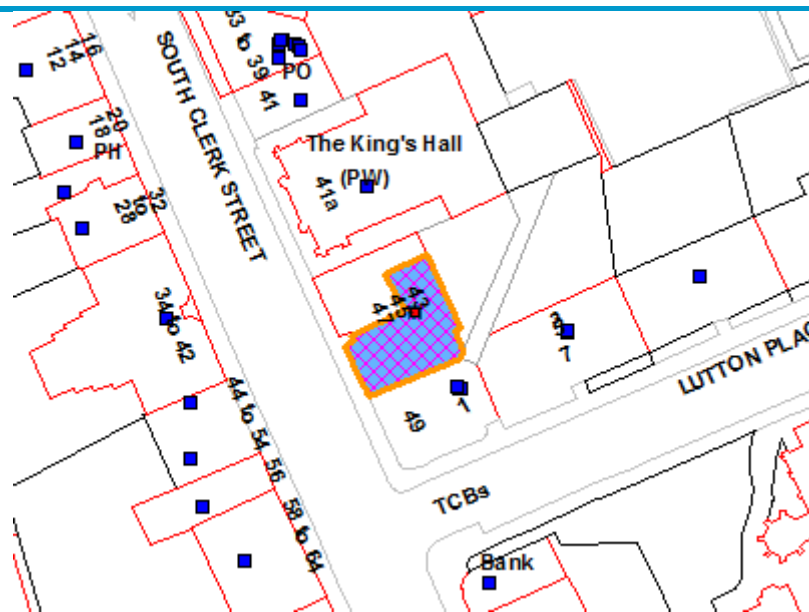
At 47A South Clerk Street, Edinburgh, EH8 9NZ

The relocation of an air conditioning unit on the rear wall (as amended).

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Listed Building Consent 18/02098/LBC
At 47A South Clerk Street, Edinburgh, EH8 9NZ
To relocate an air conditioning unit on the rear wall (as amended)**

Item number	4.5(b)
Report number	
Wards	B15 - Southside/Newington

Summary

The proposal complies with the non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building.

Links

Policies and guidance for this application	NSG, NSLBCA, OTH, CRPSSI,
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Report

Application for Listed Building Consent 18/02098/LBC At 47A South Clerk Street, Edinburgh, EH8 9NZ To relocate an air conditioning unit on the rear wall (as amended)

Recommendations

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

Background

2.1 Site description

The application site is a ground floor commercial unit in a mid 19th century tenemental property. The area is characterised by commercial units at street level with residential units above. There is a residential property in the basement below the application site.

The property was B listed on 29 April 1977 (ref. 28552).

This application site is located within the Southside Conservation Area.

2.2 Site History

09 March 2017 - permission and consent granted to install new shop frontage (as amended) (application numbers 17/00127/FUL and 17/00127/LBC).

18 August 2017 - Planning permission and listed building consent refused and enforced for the installation of 3 no Air Conditioning Units to rear wall of property (application numbers 17/02202/FUL & 17/02202/LBC).

17 January 2018 - the appeal on the listed building consent application 17/02202/LBC is dismissed by the Scottish Government's Planning and Environmental Appeals Division (DPEA) (appeal reference LBA-230-2117).

28 February 2018 - the decision to refuse and enforce the planning application 17/02202/FUL is upheld at the local review body. (LRB).

16 May 2018- Enforcement enquiry closed with respect to works refused and enforced in applications 17/02202/FUL & 17/02202/LBC (enforcement reference: 17/00182/ELBB).

Relevant Planning History of Neighbouring Properties.

49 South Clerk Street

01 August 2014 - Permission granted for alteration to external plant and installation of vent louvre to window opening. Change of colour to shop front and alterations to entrance door to remove step (application numbers 14/00881/FUL and 14/00881/LBC).

Main report

3.1 Description Of The Proposal

Scheme 2

The current application is in response to the refusal of the previous Planning application and Listed Building Consent. It proposes one AC unit to be externally mounted around the corner to the south of the location of the one AC unit that is still in situ.

Scheme 1

The proposal as initially submitted was for the retention of the one AC unit that is still in situ in its current location to the right of one of the rear windows of the commercial unit and above a window to the downstairs flat.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

3.3 Assessment

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

- a) the proposals will impact on the character and fabric of listed buildings;
- b) the proposals will preserve or enhance the conservation area;
- c) any impacts of equalities and human rights have been addressed; and
- d) any comments raised have been addressed.

a) The Impact on the Character and Fabric of the Listed Building

Scheme 2 proposes relocating the remaining AC unit to a more discreet location tucked around a corner. The hanging of the units has already caused some damage to the stone work and relocating the remaining unit would necessitate further fixings to the stone. However the benefit of locating the AC unit in a more appropriate location outweighs the issues of damage to the stone. A condition is added to ensure information is submitted with respect to stone repairs.

b) The Impact on the Character and Appearance of the Conservation Area

The South Side Conservation Area Character Appraisal notes that the *more formal block pattern reduces permeability and gives a more urban feeling to the area. This feeling is increased by the lack of open spaces within the area.*

The area is characterised by commercial units at ground floor level and there is a certain degree of associated plant and flues to the rear of these properties that is characteristic of the area. The units cannot be seen from the street. The overall character of the wider conservation area will not be significantly impacted by the addition of these AC units.

c) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

d) Public Comments

Material objections

- Visual Impact on the listed building - this has been addressed in sections 3.3.b).
- Damage to the listed building - this has been addressed in sections 3.3.b).
- Impact on character of the conservation area - this has been addressed in sections 3.3.c).
- Insufficient information on drawings - this has been addressed by the submission of a further drawing.

Non-material objections

- Non-material objections relate to noise and overshadowing.

Conclusion

In conclusion the proposal complies with the non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building. The applicant will relocate the AC unit to a location that will have less of a visual impact.

The recommendation is subject to conditions on repair to stonework.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of stone repair shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

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

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 25 May 2018. In all there have been five letters of objection from neighbours and one letter of objection from the Architectural Heritage Society of Scotland

There have been no comments from the Community Council

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- 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 located within a town centre in the urban area as defined by the Local Development Plan.

Date registered

10 May 2018

Drawing numbers/Scheme

1 - 2,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:**Relevant Non-Statutory Guidelines**

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

Other Relevant policy guidance

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

Appendix 1

Application for Listed Building Consent 18/02098/LBC At 47A South Clerk Street, Edinburgh, EH8 9NZ To relocate an air conditioning unit on the rear wall (as amended)

Consultations

Historic Environment Scotland

Our Advice

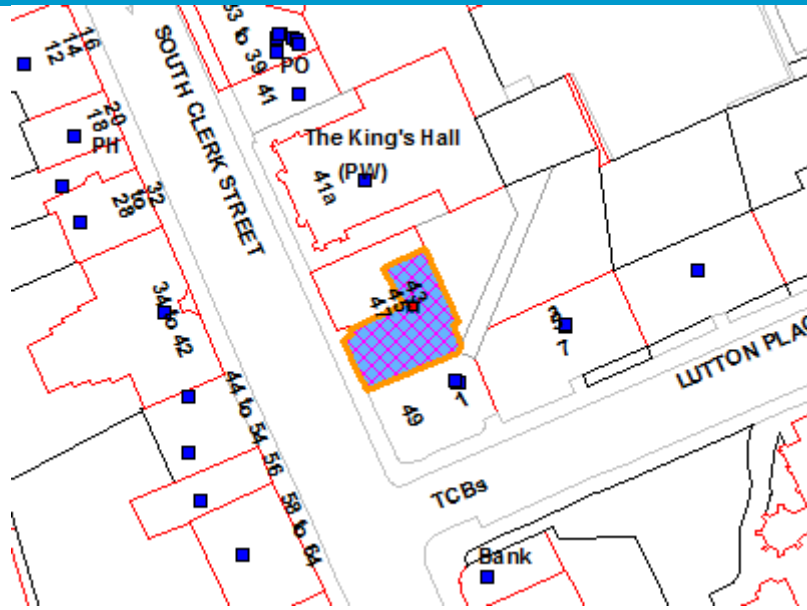
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, 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. Technical advice is available on our Technical Conservation website at <https://www.engineshed.org/>.

Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/02643/FUL
At 58 South Clerk Street, Edinburgh, EH8 9PS
Erection of two external ducts.**

Item number	4.6
Report number	
Wards	B15 - Southside/Newington

Summary

The proposal complies with the policies in the Edinburgh Local Development Plan. The proposed ducts will not have an unacceptable impact on the character of the listed building and it will not be detrimental to the character and appearance of the conservation area. There are no material considerations that would outweigh this conclusion. It is recommended that the application is approved.

Links

Policies and guidance for this application	LDPP, LEN04, LEN06, NSG, NSLBCA, OTH, CRPSSI,
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Report

Application for Planning Permission 18/02643/FUL At 58 South Clerk Street, Edinburgh, EH8 9PS Erection of two external ducts.

Recommendations

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

Background

2.1 Site description

The application site is a ground floor commercial unit, located on the west side of South Clerk Street. The premises form part of a four storey and a basement building with upper residential uses.

The site is located within Nicolson Street/Clerk Street town centre.

Properties 44-74 South Clerk Street are Category C listed (date of listing: 29/04/1977, reference: LB28556).

This application site is located within the Southside Conservation Area.

2.2 Site History

18 August 2017 - Planning permission refused for change of use from Class 2 Beauty Salon to Class 3, Restaurant (application number 17/02140/FUL).

26 March 2018 - Planning permission granted for change of use from Class 2 Beauty Salon to Class 3 Restaurant (application number 17/03933/FUL) subject to condition:

Prior to the commencement of the use on site, the extract flue and ventilation system capable of 30 air changes per hour, as shown on drawing no. 1, shall be implemented and operational.

Main report

3.1 Description Of The Proposal

Proposal

The application seeks to install two external ducts on the rear elevation of the existing property. Each flue will have a diameter of 200mm and will be painted in black to match the existing downpipes. The ducts are to terminate one metre above the existing eaves level.

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 proposal will impact on the character of the listed building;
- b) the proposal will impact on the character or appearance of the conservation area;
- c) the proposal will impact on neighbouring amenity;
- d) any impacts of equalities and human rights have been addressed; and
- e) any comments raised in representations have been addressed.

a) Listed Building

Policy Env 4 in the Edinburgh Local Plan states that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in an diminution of the building's interest; and any additions would be in keeping with other parts of the building.

The non-statutory guidance 'Listed Buildings and Conservation Areas' states:

Only undamaging and visually unobtrusive positions for such fixtures will be considered acceptable. Fixtures should not lie across, cut into or through any architectural feature or disturb the balance of a symmetrical façade. Fixings into stonework should be kept to a minimum and should be non-ferrous.

The proposed ducts will be located on an inconspicuous elevation to the rear of the building where a number of downpipes were found. Some downpipes were found to project above the eaves level of the existing building and an industrial size ventilation duct was found to the rear of 44-56 South Clerk Street. The diameter of the ducts, painted in black will have the streamlined appearance of downpipes, thus reducing the visual impact of industrial size type ventilations associated with Class 3 restaurant uses. The proposed ducts will not be incongruous to the appearance of the building and it will not have an unacceptable impact on the character of the listed building.

The rear elevation of the building is not visible from public views.

No detail of the proposed method of attachment was provided. A condition, requiring this detail to be provided is required. This is to safeguard the fabric of the listed building.

Policy Env 3 Listed Buildings - Setting in the LDP is not applicable to the assessment of the proposal which relates to development within the curtilage or affecting the setting of a listed building.

The proposal complies with Policy Env 4 of the LDP.

b) Conservation Area

Policy Env 6 in the Edinburgh Local Development Plan requires proposals to preserve or enhance the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The application site is located within the South Side Conservation Area. The character appraisal states the following:

South Clerk Street/Nicolson Street is the principal route through the area and acts as the main shopping street or "High Street" for the South Side... Building heights vary across the area from two and half to five storeys, with the average height being four stories. As with the rest of the South Side all buildings erected up to the second world war are of stone construction with pitched slated roofs.... There is a continuing variety and diversity of architectural styles throughout this area although the emphasis moves more into Victorian buildings with the Georgian period being evidenced more in the south where the boundaries of the South Side and Blacket Conservation Areas meet.... Despite the variety of architectural styles and periods which are evidenced the area remains generally harmonious in scale, massing and materials...

The proposed ducts will have the appearance of downpipes where they are typically fixed to the rear of buildings. The ducts will not appear as an incongruous addition to the character of the building and will not adversely detract from the character of the conservation area.

There is no right to a private view and the visibility of the duct from within the private rear garden ground will not affect enjoyment of that space.

The proposed ducts on the rear elevation of the existing building will not be visible from public views. Therefore, the impact on the appearance of the conservation area is limited.

The proposal complies with Policy Env 6 of the LDP.

c) Neighbouring Amenity

The proposed ducts will not impact on neighbouring amenity in terms of loss of privacy, sunlight or result in overshadowing.

The assessment is limited to the materiality of the ducts, not its operational use.

d) Equalities and Human Rights

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

e) Comments

Material

- Contrary to Policy Env 4 and Env 6 in the Edinburgh Local Development Plan - Addressed in Section 3.3 (a).
- Will impact on the character and setting of the listed building and will impact on views to the building - Addressed in Section 3.3 (a).
- Will alter a rear elevation that has not been altered in 150 years - Addressed in Section 3.3 (a).
- Will impact on the character and appearance of the conservation area - Addressed in Section 3.3 (b).
- Contrary to South Side Conservation Character Appraisal - Addressed in Section 3.3 (b).
- Will impact on neighbouring amenity - Addressed in Section 3.3 (c).
- Rear garden of note and of public interest and the introduction of the ducts 1 metre above the eave line will be industrial in appearance will be detrimental - Addressed in Section 3.3 (b).
- No detail of the method of attachment/drilling holes provided - Addressed in Section 3.3 (a).

Non-Material

- Reference to the ventilation arrangement in planning permission 17/03933/FUL - Assessment of the application is restricted to the materiality of the ducts, not its operational use.
- The flue appears to be required for the Class 3 restaurant that is to be opened - Assessment of the application is restricted to the materiality of the ducts, not its operational use.

- No application for Listed Building Submitted for current proposals - Does not preclude assessment of the current proposal.
- Reference to Condition 1 of permission 17/03933/FUL and revised application to vary/modify/delete - Does not preclude assessment of the current proposal.
- Application for Listed Building Consent was not made for works in connection to planning permission 17/03933/FUL - Does not preclude assessment of the current proposal.
- Incorrect address/affixed to three upper flats/ not sole owner/ applicant not served appropriate notice - Form 2 on the Application Form identifies the addresses served with a Notice and this responsibility lies with the applicant. The Council has fulfilled its statutory obligation to advertise the proposal and to notify neighbours. This does not preclude assessment of the proposal.
- Agreement of all owners of upper flats is required - Does not preclude assessment of the current proposal.
- Any granting of permission does not imply rights to carry out works to other people's property - Not relevant to the assessment.
- Contrary to Policy Des 4, Des 5, and Hou 7 in the Edinburgh Local Development Plan - Not applicable to the assessment of the current proposals.
- Kitchen flues carrying hot vapour/ odour immediately adjacent to habitable rooms will have a materially detrimental impact on the living conditions of residents - Assessment of the application is restricted to the materiality of the ducts, not its operational use. Statutory nuisances are covered under a separate regime.
- There is no need for the flue as the restaurant is to be ventilated using the existing internal chimney - Issue of need is subjective and carries no bearing in the assessment.
- Will weaken impact on structure of the building - Not a planning matter.

Conclusion

In conclusion, the proposal complies with the policies in the Edinburgh Local Development Plan. The proposed ducts will not have an unacceptable impact on the character of the listed building and it will not be detrimental to the character and appearance of the conservation area. 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. Prior to installing the external ducts, details of the proposed method of attachment shall be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.

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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 June 2018 and the proposal attracted 11 letters of objection.

The comments made are addressed in the Assessment section of the report.

Background reading/external references

- 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 the South Side Conservation Area.

Date registered

4 June 2018

Drawing numbers/Scheme

01.,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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.

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

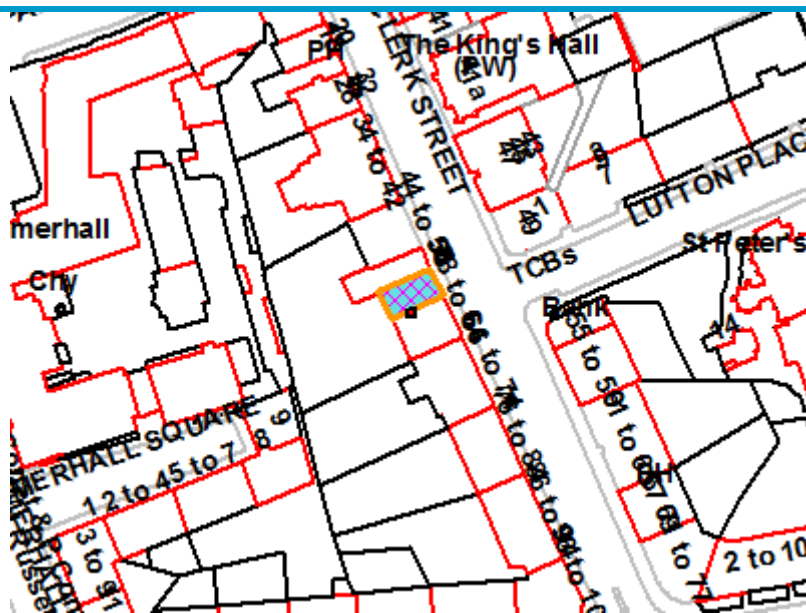
Appendix 1

**Application for Planning Permission 18/02643/FUL
At 58 South Clerk Street, Edinburgh, EH8 9PS
Erection of two external ducts.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/03302/FUL
At 228 Willowbrae Road, Edinburgh, EH8 7NG
Extension to the hotel to provide additional bedrooms and
alterations to car parking in addition to elevational changes.**

Item number	4.7
Report number	
Wards	B14 - Craigentinny/Duddingston

Summary

The proposal represents a minor infringement of the policies in the Edinburgh Local Development Plan. The proposed scale, form and design of the extension will have neutral impact on the character of the existing building and on the character of the surrounding area. The proposed extension will not have a detrimental impact on neighbouring amenity. Although the proposals represent an infringement of policies Tra 2 and Tra 4, an exception is justified on the grounds that this is a small extension to an existing use and on the basis that secure and covered cycle parking is provided. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Links

Policies and guidance for this application	LDPP, LDES01, LDES12, LEN12, LEN21, LTRA02, LTRA03, LTRA04, NSG, NSGD02,
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Report

Application for Planning Permission 18/03302/FUL At 228 Willowbrae Road, Edinburgh, EH8 7NG Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes.

Recommendations

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

Background

2.1 Site description

The site is approximately 0.45 ha and consists of one building, incorporating a hotel and a restaurant and is located on the west side of Willowbrae Road. The building is mixed in appearance and is in three parts, varying between one to three storey in height and is constructed in stone. The front of the building is set back from the street, separated by parking and landscaping. Additional parking is located north west of the site.

The site is accessed off Willowbrae Road and is located within a busy traffic thoroughfare. A petrol station is located north of the site with a car showroom and post office located on the east side of Willowbrae Road. Residential properties are located south and west of the site, where a prominent band of trees encloses the envelope of the site from the residential gardens.

2.2 Site History

4 April 2018 - Planning permission refused for extension to the existing hotel to provide additional bedrooms and alterations to car park in addition to minor elevational changes (application number 17/05809/FUL). Refused on grounds of adverse overlooking.

Main report

3.1 Description Of The Proposal

Proposal

The application seeks to extend the existing hotel premises on its north west elevation to introduce 22 additional rooms to the existing 50 bedroom hotel on an area of hardstanding/car park.

The ground floor is to include a pend-like arrangement to maintain parking numbers underneath, with bedrooms provided on the first and second floor. The footprint of the extension is to measure approximately 238 square metres with a total height of 9.8 metres. The treatment finish for the wall is to include off-white render and dark grey facing brick work. Windows are to be grey PVC with dark timber cladding detail.

The proposal includes alterations to the existing car park layout and to increase the number of parking spaces from 53 to 56.

The existing white cladding to the rear of the main building is to be replaced with dark grey timber cladding.

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 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 is of appropriate development design and will not detract from the neighbourhood character;
- c) the proposal will impact on neighbouring amenity;
- d) the proposal will impact on traffic or road safety issues;
- e) the proposal will impact on existing trees;
- f) the proposal will impact on flooding issues;
- g) any impacts of equalities and human rights have been addressed; and
- h) any comments raised in representations have been addressed.

a) Principle

The proposal is to extend the accommodation of an existing hotel. The principle of this use in this area is already established by the existing hotel and policy Emp 10 Hotel Development in the Edinburgh Local Development Plan (LDP) is not applicable in these circumstances. As the site is in the 'urban area', the principle of extending a hotel building is acceptable, subject to compliance with other policies in the LDP.

b) Development Design

Policy Des 12 Alterations and Extensions in the LDP states that planning permission will be granted to alter and extend 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 character.

The appearance of the main building is mixed as a result of later additions. The proposal is to align with the rearmost additions where it will have a continuous form and profile height. The extension will be set back from the main frontage on Willowbrae Road, behind an existing stone wall and constructed on an existing area of hardstanding. The proposed off-white render as a treatment finish is to contrast with the existing and new addition. Dark grey timber cladding is proposed around the new windows and this to be replicated around some of the windows on the existing building. In these circumstances, the proposed scale, form and design of the extension will have a neutral impact on the character of the existing building.

The extension will be visible from the existing petrol station to the north of the site and from the residential street on Meadowfield Avenue to the west of the site. The proposal will not have an unacceptable impact on the visual amenity of the area in terms of what already exists.

The proposal complies with Policy Des 12 of the LDP.

c) Neighbouring Amenity

Policy Des 12 Alterations and Extensions in the LDP requires extensions to existing buildings not to result in an unreasonable loss of privacy or natural light to neighbouring properties.

Edinburgh Design Guidance advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

Planning permission 17/05809/FUL was refused on grounds that the windows on the south west elevation, facing directly onto neighbouring properties and gardens on Meadowfield Avenue, would result in adverse levels of overlooking. This application attempts to address that concern by introducing angled windows on the proposed south west elevation on the extension.

The angled windows will not directly face onto the windows of neighbouring properties on Meadowfield Avenue or result in an unacceptable degree of overlooking into residential gardens. The extension will not result in an adverse loss of residential privacy.

The extension will not result in overshadowing into neighbouring gardens or result in loss of sunlight to neighbouring properties.

The proposed development is ancillary to the use of the hotel and will not further exacerbate noise levels or issues of smell.

The proposal complies with Policy Des 12 of the LDP.

d) Traffic or Road Safety

LDP policies Tra 2 - Tra 4 set criteria relating to the provision of private car parking and cycle parking on the site. There is a requirement to provide a maximum of one car parking space per two bedrooms for a hotel development in the Zone 2 area. Therefore, a maximum of 36 spaces is required for the 72 bedrooms.

The proposal is to increase the existing numbers of parking spaces from 53 to 56 and this exceeds the maximum parking space allowed. Given that the proposed development relates to an existing use, where there will be an increase in parking provision by three spaces, which is an infringement of policy, it would be appropriate to mitigate against this by providing seven secure and covered cycle parking spaces. A condition to this effect is attached. It would not, however, be reasonable or proportionate to require an electric vehicle charging point and this matter is therefore subject of an informative.

The proposed parking layout is to include six disabled parking spaces. Transport has raised concerns over the accessibility of these spaces and their constraints for occupants to enter or leave the vehicle. The location of the current disabled parking spaces is similar to the proposed parking layout and in these circumstances, is considered acceptable.

The proposals therefore represent an infringement of policies Tra 2 and Tra 4. However, as this is a relatively small extension to an existing use and existing provision, this would be insufficient grounds for refusal. An exception to policy is justified given the relatively modest increase in parking provision and the imposition of a condition requiring suitable cycle parking provision.

e) Impacts on Trees

The proposal does not involve the removal of existing trees and the location of the extension will not impact on neighbouring trees. The site is not located within a conservation area and existing trees around the site are not protected by a Tree Preservation Order (TPO).

Drawing No. 13 shows screen planting to be implemented on the eastern boundary. No specimen was provided. There is no requirement for tree planting and the feasibility of planting in this location may be constrained due to the location of the car parking spaces.

Should the hotel wish to carry out the planting of trees within the site at a later date, planning permission is not required.

f) Impacts on Flooding

Given that the proposal is for a small extension to an existing hotel within the existing car park, Flood Planning is satisfied that the requirement to submit a flood risk assessment and surface water management plan can be conditioned prior to the start of works on the site.

g) Equalities and Human Rights

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

h) Comments

Material

- Proposal is contrary to Policy Des 12, Emp 10 and Tra 2 in the Edinburgh Local Development Plan - Addressed in Section 3.3 (a), (b) and (d).
- Inappropriate design and will impact on neighbourhood character - Addressed in Section 3.3 (b).
- Plan has not materially changed from the previous refusal - Addressed in Section 3.3 (c).
- Impact on neighbouring amenity - loss of privacy, overlooking, overshadowing, loss of daylight, noise and smell - Addressed in Section 3.3 (c).
- Noise - from residents/staff, lorry carrying out deliveries, glass recycle bins and air conditioning units - Addressed in Section 3.3 (c).
- Impact on traffic and road safety - Addressed in Section (d).
- Impact on existing trees - loss of privacy screening - Addressed in Section (e).
- New trees may seasonally obscure a portion of neighbouring gardens - Addressed in Section (e).

Non-Material

- Reference to the Council's responsibility under Protocol 1, Article 1 of the Human Rights Act - The Council is required to consider each planning applications on their own merits and in accordance with the policies contained in the Edinburgh Local Development Plan unless material considerations indicates otherwise.
- Will impact on street car parking - Planning does not control or enforce the location of on street car parking.
- Unclear why the current proposals have been resubmitted or how it has addressed previous objections - The application was resubmitted to address the previous reasons for refusal with revisions to the proposed south west elevation on the extension.
- Proposed site plan which shows the surrounding bungalows is incorrect, meaning it is unclear where the proposed extension will finish - Drawing No. 13 is clear in terms of the proposed extension in relation to neighbouring properties.
- Objections to the previous proposal should be revisited - Representations to current application are only considered.
- Will impact on child welfare and security - Planning does not control every eventuality and the proposal is ancillary to the existing hotel use.
- Will impact on small and local business accommodations - Planning does not control the financial viability of businesses.
- Questioning the need for additional hotel rooms - Not relevant to the assessment.
- Pollution relating to car and lorry fumes, and the waste bins will attract birds/pests - Not regulated through planning.
- The proposed extension should be re-located to front of the hotel - The application was assessed as submitted.
- Roots of new trees are likely to damage neighbouring boundary walls and will affect existing and future garden out buildings and existing paving within the gardens of all adjoining properties on Meadowfield Avenue with incurred expenses - Not resolved through planning.

Conclusion

In conclusion, the proposal represents a minor infringement of the policies in the Edinburgh Local Development Plan. The proposed scale, form and design of the extension will have neutral impact on the character of the existing building and on the character of the surrounding area. The proposed extension will not have a detrimental impact on neighbouring amenity. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to commencing works on the site, a Flood Risk Assessment and a Surface Water Management Plan shall be submitted to and approved in writing to the Planning Authority.
2. Details of seven secure and undercover parking spaces shall be submitted and approved by the Council, as planning authority, and thereafter shall be implemented upon completion of the extension hereby approved.

Reasons:-

1. To ensure that the development will not increase a flood risk or be at risk of flooding itself.
2. To comply with policy Tra 4 - Design of Off-street Car and Cycle Parking.

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. The provision of 7 cycle parking should be provided to meet Council standards in a secure and undercover location.
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

6. Electric vehicle charging outlets to be provided at a rate of 1 space per disabled employee plus 8% of total provision.
7. Motorcycle parking to be provided at a rate of 1 space plus 1 space per 20 car parking spaces.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the application on 09 July 2018 and the proposal attracted 10 letters of objection.

The comments made are addressed in the Assessment section of the report.

Background reading/external references

- 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.

Date registered

2 July 2018

Drawing numbers/Scheme

01-13,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail:laura.marshall@edinburgh.gov.uk Tel:

Links - Policies

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

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 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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines 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.

Appendix 1

Application for Planning Permission 18/03302/FUL At 228 Willowbrae Road, Edinburgh, EH8 7NG Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes.

Consultations

Transport Planning

Whilst there are no objections to the proposed application in principle, the application should be continued for the reasons below. The memorandum dated 28 February 2018 relating to the previous application Ref.17/05809/FUL is relevant.

Reasons:

1. Zero cycle parking is proposed. As set out in the response referred to above, the applicant is required to provide secure and undercover cycle parking in line with the Council's parking standards, i.e. a minimum of 1 space per 10 bedrooms for hotel in this area (Zone 2);
2. The proposed 56 car parking spaces for the proposed 74 rooms exceeds the current standards (see Note a. below);
3. No details of motorcycle parking or electric vehicle parking have been provided.

Should you be minded to approve the application, the following should be included as conditions or informatives as necessary:

1. Cycle parking to be provided to meet Council standards in a secure and undercover location;
2. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
3. Electric vehicle charging outlets to be provided at a rate of 1 space per disabled employee plus 8% of total provision;
4. Motorcycle parking to be provided at a rate of 1 space plus 1 space per 20 car parking spaces.

Note:

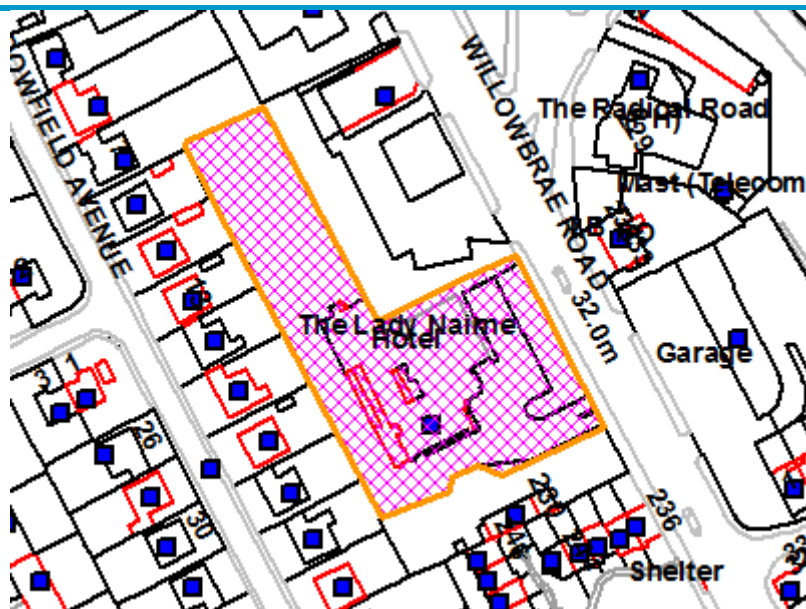
- a. Current parking standards permit up to 1 space per 2 bedrooms for hotel development in this area (Zone 2), i.e. a maximum of 37 spaces for the 74 rooms. It is understood that there are currently 54 spaces on site for the existing 52 rooms with a further 2 spaces proposed for the additional 22 rooms. The existing and proposed total parking provision therefore exceeds the current parking standards;
- b. A number of the proposed disabled spaces appear to be difficult to access and difficult for occupants to enter or leave the vehicle. One of the proposed car parking spaces is likely to lead to conflict with a disabled space.

Flood Prevention

In this instance it will not be necessary for the applicant to provide a flood risk assessment or surface water management plan prior to determination. As this is a minor extension to an existing hotel, within the existing car park, I am satisfied that this can be dealt with via condition.

Please can you request that a condition is added to any consent that the planning authority is minded to grant which requires that these documents are provided to the satisfaction of the head of planning prior to start of works on site.

Location Plan



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END

Development Management Sub Committee

Report returning to Committee - Wednesday 29 August 2018

**Application for Planning Permission 17/05930/FUL
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge
Section 42 application for proposed variation to conditions
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4
September 1990) to amend noise + vibration limits, postpone
submission of final restoration plan + clarify period for
completion of all mineral operations to 31 December 2050**

Item number	5.1
Report number	
Wards	B02 - Pentland Hills

Recommendations

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

Background information

At its meeting on 1 August 2018 the Development Management Sub Committee's consideration of this application was continued to enable the Chief Planning Officer to investigate the options and risks associated with securing a financial bond regarding the restoration of the quarry site.

Securing a restoration guarantee bond was deemed appropriate in order for the Council to ensure suitable provisions are in place so as to secure the restoration of the quarry in circumstances where the operator or site owner was no longer able to undertake the necessary restoration of the quarry site in full accord with the grant of planning permission.

This additional report sets out the potential options available to the Council following discussion with the applicant.

Main report

The extant grant of planning permission, issued by the Scottish Office Inquiry Reporters Unit on 4 September 1990, for the extraction of hard rock at this site does not include any restoration guarantee bond.

However, as part of its determination of this section 42 application, to continue mineral extraction from the site without complying with conditions subject of that previous grant of planning permission, the applicant has advised the Council that it is a member of Minerals Products Association. This is the trade association for the aggregates industry and provides a restoration guarantee fund of £1million with a maximum single claim limit of £500,000.

The applicant has submitted details of a restoration guarantee bond based on a scheme of restoration of the site utilising the existing soils and overburden material that is presently available within the boundaries of the application site. That bond of £250,000 would be delivered within four months of the recommencement of development. The developer also suggests that the bond is either subject to an appropriate form of indexation or to a regular review with the Council.

To ensure sufficient funds are available at the expiry of the permission, it is recommended that this bond be index linked and subject to a regular review. These reviews should be in compliance with the terms of proposed condition 18 with a final restoration plan being submitted within five years of the date of permission and thereafter reviewed every ten years. This would ensure that the restoration guarantee bond would provide an appropriate level of monies to permit the final means of restoration of the site based on the agreed scheme of restoration and not solely based on the proposed minimum means of site restoration that can be calculated at the present time.

Accordingly, the proposed restoration guarantee bond condition should read:

20 That within four months of the date of this grant of planning permission, a financial guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent shall be submitted to and agreed in writing by the Council as Planning Authority. That guarantee must, unless otherwise approved in writing by the Council as Planning Authority.

- i. be granted in favour of the Council as Planning Authority.*
- ii. be granted by a bank or other suitably accredited financial institution (regulated by the Financial Conduct Authority, or its successor authority) which is of sound financial standing and capable of fulfilling the obligations under the guarantee.*
- iii. be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the Council as Planning Authority at the commencement of development.*
- iv. be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities as agreed between the developer and the Council as the Planning Authority, in accordance with the provisions of condition 18 of this grant of planning permission.*
- v. the value of the bond shall be index linked, on an annual basis on the anniversary of the grant of planning permission, in accordance with the All-in Tender Price Index as published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS).*
- vi. come into effect within four months of the date of commencement of development and expire no earlier than 24 months after the end of the aftercare period.*

In the event that the guarantee becomes invalid for any reason, all operations on the site shall cease forthwith and shall not be re-commenced in any form whatsoever on site until a replacement guarantee completed in accordance with the terms of this condition has been lodged with the Council as Planning Authority.

Reason: *To ensure that there are sufficient funds available to the Council to secure performance of the decommissioning, restoration and aftercare conditions attached to this planning permission in the event of default by the site operator.*

Subject to the addition of this condition as new condition 20 and the proposed conditions 20 to 44 being renumbered accordingly, it remains the recommendation that this application be Granted subject to the revised conditions schedule.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN10, LEN11, LEN16, LEN21, LEN22, LTRA01, LRS05,
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A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=P17L00EWGK700>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Development Management Sub-Committee

10.00am, Wednesday 29 August 2018

Protocol Note for Hearing

**Planning Application No 17/05645/FUL
7-8 Baxter's Place Edinburgh EH1 3AF**

Item number	6.1(a)
Report number	
Ward	City Centre

Laurence Rockey

Head of Strategy and Insight

Contacts: Veronica MacMillan

Email: veronica.macmillan@edinburgh.gov.uk

Tel: 0131 529 4283

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view in the group rooms.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	15 minutes
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.00am-10.20am
2	Representors/Consultees Annick Galliard Marcello Mega Catherine Simpson	10.25am-10.35am 10.35am-10.40am 10.40am-10.45am
3	Ward Councillors Councillor Karen Doran Councillor Claire Miller Councillor Alasdair Rankin	10.45am-10.50am 10.50am-10.55am 10.55am-11.00am
4	Break	11.00am-11.10am
5	Applicant and Applicant's Agent Michael Hyde, MH Planning Associates	11.10am-11.25am
6	Debate and Decision on Application by Sub-Committee	11.25am

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can attend the meeting to observe the discussion from the gallery.

Development Management Sub Committee

Report returning to Committee - Wednesday 29 August 2018

Application for Planning Permission 17/05645/FUL At 7-8 Baxter's Place, Edinburgh, EH1 3AF Change of Use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect)(amended)

Item number	6.1(b)
Report number	
Wards	B11 - City Centre

Recommendations

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

Background information

This case was considered by Committee at their meeting on 6 June 2018. Committee resolved to continue the case for a site visit and to hold a hearing. A site visit was conducted on 8 August 2018 and the case is returning to Committee for determination.

Main report

A site visit was conducted on 8 August 2018 and this case is now ready to be considered by Committee under the hearing procedure.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES05, LEMP10, LEN01, LEN04, LEN06, NSLBCA, NSBUS, CRPNEW,
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A copy of the original Committee report can be found in the list of documents at <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=P0FN88EWMXK00>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/02343/FUL
At 8 Morningside Road, Edinburgh, EH10 4DD
Change of use from commercial (former bank) into a
restaurant/bar with outside eating space to the front and
erect two storey rear extension (as amended).**

Item number	7.1(a)
Report number	
Wards	B10 - Morningside

Summary

Works will retain the character and appearance of the conservation area. There is an acceptable impact on residential amenity subject to a condition limiting the hours of operation of the outdoor terrace to the front of the building. The impact on the existing church nursery has been addressed by amendment and is now acceptable. The claimed Right of Way will remain accessible. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LRET11, LHOU07, LEN04, LEN06, LEN03, LTRA02, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPMER,
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Report

Application for Planning Permission 18/02343/FUL At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).

Recommendations

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

Background

2.1 Site description

The site extends to 757 square metres and lies on the north-west corner of what is generally known as "Holy Corner" because of the four churches which stand on or close to each corner. It is currently occupied by a two storey building which, until recently, had operated as a bank since it was built, in the late 19th century. It has a concealed basement level (containing bank vaults). The building was listed category B on 16 October 2002.

As currently laid out, the bank has a tarmac on the car park to the front, holding up to eight vehicles and with two access/egress points. One very substantial tree stands at the north-east corner of the site, next to the Bruntsfield Place access. To the rear, an area of unused ground lies at lower level and contains a number of immature trees.

The front of the building faces onto the traffic-light controlled junction where two major arterial routes into the city (Colinton Road and Morningside Road) intersect with Bruntsfield Place, creating a busy junction.

The building is flanked by a modern supermarket to the west and large church to the north, both of which also drop to the lower basement level. Although the supermarket presents a wholly blank two storey wall to the site, the church is highly ornate on its side. It was listed category B on 14 December 1970. The church contains creche/nursery facilities at basement level.

This application site is located within the Merchiston and Greenhill Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes the change of use of the building to a restaurant and bar, including an extension to the rear at basement and ground floor levels, and the creation of an outdoor terrace to the front.

The extension has a footprint of around 130 square metres, occupying the entire rear outer area (other than a service strip between the structure and the boundary. This footprint is repeated at ground floor level. At first floor level, the form is reduced to around 16 square metres, and solely contains a lift to serve this top floor. This latter, more-visible element is built in stone with a pitched slate roof. The lower (hidden) sections have rendered walls. The main roof over this lower section is a green roof.

To the front, the majority of the existing car park is changed into a paved seating area. An enclosed toddlers' play area is added to the west side. A small area to the north-east is retained as tarmac to provide service access and informal parking (for up to six vehicles). The route between the two existing access points is retained.

Amendments

The scheme was amended in relation to the section closest to the church to the north, where the form on this northern edge was reduced to address daylight concerns.

Closure of the southern vehicle access (by gates) has also been amended to retain this opening as a pedestrian access, and address claims of a Right of Way.

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 change of use to restaurant/bar is acceptable in principle;
- b) the scale, form and design are appropriate to the character and appearance of the conservation area;
- c) the impact on the character of the listed building is acceptable;
- d) the impact on the setting of the listed church is acceptable;
- e) the impact on neighbouring amenity is acceptable;
- f) the impact on open space and trees is acceptable;
- g) parking and access are acceptable;
- h) issues relating to the claimed Right of Way are addressed;
- i) comments are addressed; and
- j) equalities and human rights are considered.

a) Principle of Use

Local Development Plan (LDP) policy Ret 11 considers Food and Drink Establishments. Policy Hou 7 considers Inappropriate Uses in Residential Areas. Section a) considers impact on amenity, section b) considers over-concentration.

The primary consideration is the potential impact upon residential amenity. However, despite its urban location, the property has no immediate residential neighbours. Its immediate neighbours are a supermarket and a church, neither of which raise concerns relating to residential amenity.

To the east (over Bruntsfield Place/Morningside Road) the property faces two further churches (one now the Eric Liddell Community Centre).

To the south, flats exist on the Colinton Road/Morningside Road corner. However, these lie across an existing busy traffic junction. The impact of any noise is therefore partially mitigated by noise from this existing junction. Environmental Protection does not object to the proposal subject to a limitation on hours of operation relating to the front terrace/beer garden. This is addressed by condition.

In relation to concentration of such uses, Morningside Road and Bruntsfield Place have very few bars: The Merlin and Canny Man some 750 metres to the south; and Bennett's Bar and the Golf Tavern around 1km to the east, and the Black Ivy (the former Bruntsfield Hotel) around 700 metres east. Apart from smaller cafes and bistros the only substantial bar/restaurant in the area is Montpeliers on Bruntsfield Place. One new restaurant use has also been approved closer to the site on Bruntsfield Place but is not yet operational. There are no over-concentration issues which arise from the proposal and the area is not identified as such in the Non-statutory Guidelines.

The use complies with Ret 11 and Hou 7 and is acceptable in principle.

b) Impact on the Conservation Area

Merchiston and Greenhill Conservation Area Character Appraisal specifically mentions Holy Corner and makes reference to the former bank in one illustration.

LDP policy Env 6 considers the impact on the conservation area.

Although the extension is substantial, the change in ground level and bulk of the flanking buildings renders the basement and ground floor elements almost totally unseen. These elements do not impact on the appearance of the conservation area.

The first floor addition will be visible from the south-west (from Colinton Road), however this element is small and traditional in form and design. Although the area is not widely characterised by buildings occupying the bulk of the site, the flanking buildings both have this characteristic. In this context the footprint of the building is acceptable. The net impact on the character and appearance of the conservation area is minimal and acceptable.

Policy Env 6 is met.

c) Impact on the Listed Building

Policy Env 4 and Non-statutory Guidelines on Conservation Areas and Listed Buildings consider impact on the character of the listed building.

Although the bulk of the rear elevation is built over, this elevation is not of significant architectural quality. Infilling of the entire basement area in its own right is not controversial in this particular context. Equally the loss of the ground floor rear has little impact upon character.

Although the extension is substantial it remains subservient in visual terms, due to its context, as almost all of the extension is concealed from public view.

The special interest of the listed building is largely confined to its symmetrical frontage and relatively plain sides. Internally, the only rooms of interest are at first floor level and these are to be restored. The benefit of this restoration outweighs the minor impact to character of the rear alterations.

Works to the frontage, including removal of most of the tarmac, will generally improve the setting of the listed building.

The special interest of the listed building is preserved in compliance with policy Env 4.

d) Setting of the Listed Church

LDP policy Env 3 considers impact on the setting of listed buildings.

The form and footprint have been devised to retain the existing oblique view of all the neighbouring church buttresses, as seen in the glimpse view between the building and the church.

The setting of the church as seen in public views is therefore retained, complying with policy Env 3.

e) Impact on Amenity

LDP policy Des 5 considers impact on neighbouring amenity.

The impact of the use is discussed in section a) above.

The proposal has no adjacent residential neighbours and there is no impact upon any residential privacy or daylight.

The proposed extension will sit side by side with a large supermarket wall to its west, and no daylight issues arise on that side.

To the north, the proposal sits close to a church. The amended proposal has no impact upon the main church windows. The original scheme did have an impact upon the basement level church nursery in terms of its daylight. It is noted that this area was already overshadowed by the existing trees on the site. The zone closest to the church has been amended, and the bulk has been reduced in this area. The impact on the adjacent nursery is now acceptable and the requirements of policy Des 5 are met.

f) Trees and Open Space

LDP policy Env 12 considers impact on trees.

Whilst the rear area is open ground, it has never served as a garden in the conventional sense, as the building has been a bank for its entire existence. The area is not Open Space in terms of policy Env 18 Open Space Protection, as it is simply curtilage ground linked to the former commercial use.

The area is functionally substandard as an open space as it is heavily overshadowed on all sides by very tall structures; raising the height of this sunken area is acceptable.

All of the trees to the rear are immature. Of the trees which would be lost due to the proposed development, one immature silver birch is in excellent condition. However, none of the trees (including the birch) make any visual contribution to the wider area, as all lie hidden by the surrounding buildings.

As a hidden open space without public access, the loss of trees has little impact on the wider area.

Use of a green roof addresses the environmental issues (including water run-off). The green roof area is only marginally smaller than the area removed by development. This is acceptable.

g) Parking and Access

LDP policies Tra 2 and Tra 4 consider car park provision and its appearance.

The property has an existing car park across the entire frontage. Current guidelines seek to minimise car generation and the existing vehicle access sits awkwardly in relation to surrounding traffic lights. The application removes the existing car park. An area of tarmac is necessarily retained for servicing needs. An absence of parking meets current parking standards. A cycle store is requested and this is addressed by condition.

Visually, the car park is removed from the listed building frontage, addressing policy objectives, in relation to appropriate location of parking.

Access will primarily be restricted to off-street service needs. The applicant has illustrated that service vehicles will be able to turn within the site and can enter and leave the site in forward gear. The access point itself is unchanged, and the reduction in vehicle numbers represents a net improvement to road safety.

h) Claimed Right of Way

A claimed Right of Way has been recently registered across the existing front forecourt (Catalogue of Rights of Way (CROW) reference LC171).

The applicant has amended the scheme to leave the existing route open, thus avoiding the challenge of "closing the Right of Way".

Existing clutter on the adjacent public pavement (traffic lights, directional signs etc) are the responsibility of the Council not the applicant, and whilst it may be desirable to de-clutter the pavement, this burden cannot be placed upon the applicant.

i) Public Comments

The application attracted 233 representations: 86 in objection and 147 in support. This included objection from a local councillor and Bruntsfield Conservation Area Support Group.

Support letters focussed on the local need for such a facility and the quality of the operator. The accessibility of the proposal to disabled users and suitability for family use was also welcomed.

Objections are summarised:

Material Comments

- The use is inappropriate - addressed in section 3.3 a).
- The scale and form are over-dominant - addressed in 3.3 b).

- The design is inappropriate - addressed in 3.3 b).
- Rights of children/daylight to nursery compromised - addressed in 3.3 e).
- Parking and road safety concerns - addressed in section 3.3 g).
- Impact on pedestrian movement - addressed in section 3.3 h).
- Impact on residents - addressed in section 3.3 a) and 3.3 e).
- Impact on trees and "garden ground" - addressed in section 3.3 f).

Non-Material Comments

- There are sufficient bars and restaurants/ competition
- Building should stay a bank

j) Equalities and Human Rights

Many representations highlighted the good accessibility to disabled users. All levels of the building would be accessible both to disabled clientele and also to disabled staff.

Conclusion

Although the rear extension to the building is large, it is almost wholly concealed by surrounding buildings (none of which are residential). Works to the interior and frontage represent an improvement.

The use is acceptable in the context of being on a main arterial route, and also provides a new use for a listed building.

Works will retain the character and appearance of the conservation area. There are no immediate residential neighbours. The impact on the existing church nursery has been addressed by amendment and is now acceptable. The claimed Right of Way will remain accessible. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the use being taken up the extract flue and ventilation system (which shall be capable of 30 air changes per hour as shown on drawing no 3/7/03C) shall be implemented.
2. The use of the terraced seating area, shown hatched on drawing no. 11, shall be restricted to 0800 to 2100 hours, Monday to Saturday, and 0900 to 2000 hours on Sundays.
3. A cycle rack capable of holding at least 10 cycles shall be created within the front garden area, for the use of both staff and customers. Details to be submitted for further approval prior to works commencing and agreed facilities to be in place prior to the use being implemented.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to meet Council cycle parking requirements.

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. 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.
3. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

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

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 8 June 2018.

233 representations were received. These are considered within section 3.3h) of the Assessment.

Background reading/external references

- 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 lies in the Merchiston & Greenhill Conservation Area.

Date registered

24 May 2018

Drawing numbers/Scheme

1,2b-7b,8a-10a,11,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

Relevant Non-Statutory Guidelines

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

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 Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

Appendix 1

Application for Planning Permission 18/02343/FUL At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be required to provide 10 cycle parking spaces for employees and customers (1 per 75m² GFA).

Note:

Current Council parking standards for this area permit up to 53 parking spaces for the 742m² proposed public house / restaurant. However, in view of the proximity of public transport and high density residential properties, the proposed 3 parking spaces are considered acceptable.

Environmental Protection

The applicant proposes to change the use of a former bank into a restaurant / bar, including an outside seating area to the front. The application follows on from 18/00804/FUL which was withdrawn. The site is located between an existing church and a retail Tesco express, with a busy road junction located to the front of the property. The nearest residential properties are located across the road to the south and to the rear north-west.

The applicant has provided details showing the location of the commercial kitchen extract at chimney pot level which is satisfactory to ensure cooking odours don't adversely impact any neighbouring properties. Environmental Protection shall recommend a planning condition is attached to any consent to ensure odours are adequately dispersed.

The outside terrace area has capacity for 70 seats and is located to the front of the property within the curtilage of the applicant's land. The adjacent south-east corner of the site will include a small children's play area. The area is overlooked by the residential properties across Colinton Road approximately 35m from the proposed development. It is noted that the background noise levels are high during day-time hours due to traffic noise. However, during night-time hours there is potential the terrace area may adversely impact the amenity of these residential properties. Environmental Protection shall recommend a planning condition is attached to any consent to control the hours of use.

Due to the distance from the residential properties the proposed plant should not adversely impact residential amenity, however an informative shall be recommended.

Therefore, Environmental Protection offers no objection, subject to the following conditions overleaf;

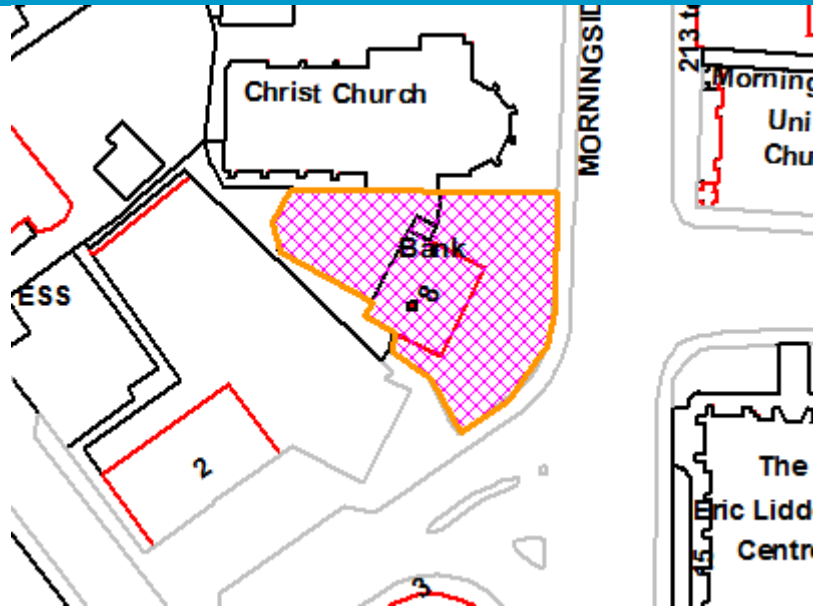
Conditions

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 3/7/03C shall be implemented.
2. The use of the external seating area to be restricted to 0800 - 2100hours Monday to Saturday and 09:00 - 20:00 hours on Sunday's.

Informative;

1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Listed Building Consent 18/02342/LBC
At 8 Morningside Road, Edinburgh, EH10 4DD
Change of use from commercial (former bank) into a
restaurant/bar with outside eating space to the front and
erect two storey rear extension (as amended).**

Item number	7.1(b)
Report number	
Wards	B10 - Morningside

Summary

Works will retain the character of the listed building and the character and appearance of the conservation area. The proposal meets non-statutory guidelines. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#) NSG, NSLBCA, OTH, CRPMER,

Report

Application for Listed Building Consent 18/02342/LBC At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).

Recommendations

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

Background

2.1 Site description

The site extends to 757 square metres and lies on the north-west corner of what is generally known as "Holy Corner" because of the four churches which stand on or close to each corner. It is currently occupied by a two storey building which, until recently, had operated as a bank since it was built, in the late 19th century. It has a concealed basement level (containing bank vaults). The building was listed category B on 16 October 2002.

As currently laid out, the bank has a tarmac on the car park to the front, holding up to eight vehicles and with two access/egress points. One very substantial tree stands at the north-east corner of the site, next to the Bruntsfield Place access. To the rear, an area of unused ground lies at lower level and contains a number of immature trees.

The front of the building faces onto the traffic-light controlled junction where two major arterial routes into the city (Colinton Road and Morningside Road) intersect with Bruntsfield Place, creating a busy junction.

The building is flanked by a modern supermarket to the west and large church to the north, both of which also drop to the lower basement level. Although the supermarket presents a wholly blank two storey wall to the site, the church is highly ornate on its side. It was listed category B on 14 December 1970. The church contains creche/nursery facilities at basement level.

This application site is located within the Merchiston and Greenhill Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes extension and alterations linked to a parallel application for change of use to bar/restaurant.

The principal change is a full width rear extension at basement and ground floor levels. This is flat-roofed with a green roof. At first floor, a lift is added as an extension covering a further 2m width. This has a pitched roof merging into the original roof.

Internally the only rooms of interest are three first floor rooms. These are restored to their original proportions. A metal vault in the basement is also preserved as a feature.

The scheme was amended to reduce the bulk of the extension on its northern edge.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

3.3 Assessment

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

- a) the impact on the character of the listed building is acceptable;
- b) impact on the character and appearance of the conservation area is acceptable;
- c) comments are addressed; and
- d) equality and human rights are considered.

a) Listed Building Character

The building as a whole is not typical of Peddie & Kinnear's work, who are famed for their Scots baronial works such as Cockburn Street. Neither is the building a "villa". The structure was built for the commercial bank and has been a bank for all its operational life.

The frontage is symmetrical, but relatively underplayed by the standard of other contemporary banks. The rear lacks symmetry and is not balanced in the manner of the frontage. None of the ornamentation continues onto the rear. Design quality on the rear is lacking. Internally nothing remains of the original ground floor banking hall. The attic also contains no features of interest. The first floor is somewhat altered but retains its overall floor plan within these alterations and is "salvageable". The proposals restore the three main rooms at first floor to their original floor-plans. The basement contains the original bank vault and this is also retained as a feature.

Although the rear extension covers the full width of the rear elevation, the area to the back is not a conventional garden in the domestic sense. The existing open space lies fully at basement level and is heavily overshadowed on all sides, and is unsuitable for garden use even if the building were residential. The functional aspects of losing the open space are considered in the parallel application for planning permission.

This application for listed building consent can only consider the impact on the character of the listed building, and whether any features of special interest are affected. As the extension is almost wholly concealed, the only assessment can be upon the direct impact on the character of the rear elevation.

This rear lacks architectural quality and is of no intrinsic historical significance. The only zone of any significance is the first floor, and this is mainly preserved as is. The ground floor and basement levels will be covered in their entirety. However, in this instance, this is not considered to cause any major loss of character to the building as a whole.

The public perception of the building will be a full retention of the frontage and the visible sides and a preservation of the front wall and railing.

The rear losses are outweighed by the works to the frontage and by the internal restoration of the surviving historic rooms at first floor.

The net effect is one of improvement and the objectives of non-statutory guidance are therefore met.

b) Impact on Conservation Area

Merchiston and Greenhill Conservation Area Character Appraisal makes multiple references to Holy Corner and mentions the former bank premises.

Although a substantial rear extension is proposed this is almost entirely screened by the surrounding buildings and the impact of the visible elements (a lift projection on the rear at first floor level, visible from the south-west over the roof of the supermarket, and an oblique view of the north flank, visible as a glimpse view between the bank and the church to the north) is both minimal and acceptable.

The most prominent change will be the removal of the current tarmac car park from the frontage. This is replaced by a green play area to the west and a paved area for seating across the whole frontage width. This is an improvement on the existing tarmac. The scheme also includes for landscaping along its outer edge. The proposals preserve the character and appearance of the conservation area.

The alterations comply with non-statutory guidance and have a satisfactory impact on the character and appearance of the conservation area.

c) Public Comments

The application attracted 65 representations: 40 in objection; 25 in support. This included objection from Architectural Heritage Society of Scotland (AHSS) Merchiston Community Council and the local ward member. Fourteen objections only raised issues pertinent to the parallel application for planning permission, leaving 26 pertinent objections.

Letters of support focussed upon the use rather than listed building considerations.

Material Comments

- The rear extension is too large and will dominate the listed building - addressed in section 3.3a) of the assessment.

Non-Material Comments

- Use inappropriate.
- Parking, access and pedestrian safety concerns.
- Impact on neighbours/ noise and daylight.
- Historically this area has/had no pubs.
- Does not sit well with surrounding four churches.
- Proposal will make money.
- Loss of green space/trees.

Community Council Comments

- Merchiston Community Council accepted the principle of a bar/restaurant but were opposed to the scale of extension and impact on the rear of the listed building.

d) Equalities and Human Rights

Many representations highlighted the good accessibility to disabled users. All levels of the building would be accessible both to disabled clientele and also to disabled staff.

Conclusion

Although the rear extension to the building is large there is little impact to the essential character of the listed building. Works to the interior and frontage are primarily beneficial and outweigh any impact on the unseen rear elevation.

Works will retain the character of the listed building and the character and appearance of the conservation area. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

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

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 1 June 2018.

65 representations were received: Forty in objections and 25 in support. These are assessed in section 3.3 c) of the Assessment.

Background reading/external references

- 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 property lies in the Merchiston and Greenhill Conservation Area.

Date registered

24 May 2018

Drawing numbers/Scheme

1,2b-7b,8a-10a,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area.

Appendix 1

Application for Listed Building Consent 18/02342/LBC At 8 Morningside Road, Edinburgh, EH10 4DD Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).

Consultations

Historic Environment Scotland

8 Morningside Road is a 2-storey, basement (to rear) and attic, symmetrical 5-bay mansard-roofed square-plan palazzo-style banking house. It was designed by the noted architects Peddie and Kinnear and is dated 1873. It is listed at Category B.

It is proposed to convert the former bank to a restaurant/ bar with outside seating space and a 3-storey extension to the rear of the building.

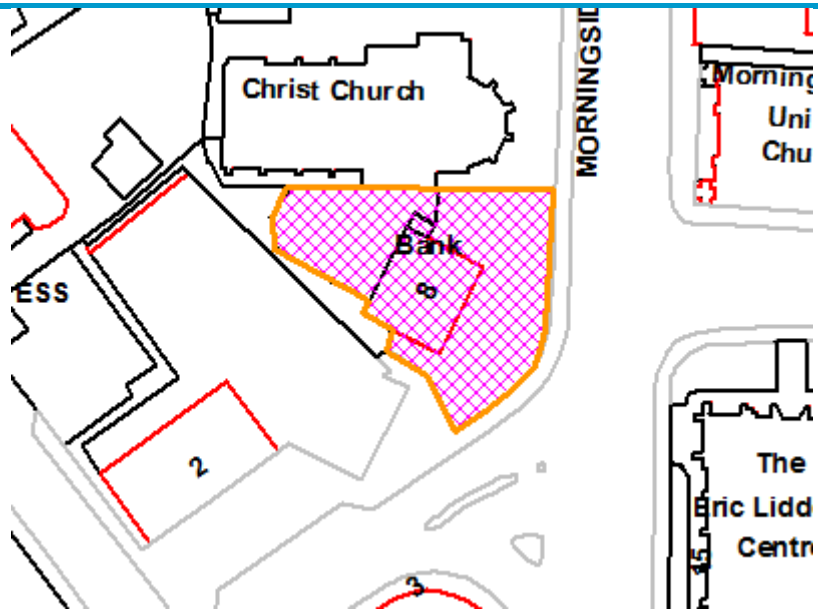
We are satisfied that the proposed 3-storey extension (reduced in height from a previous scheme) will not have a significant detrimental impact on the character of the listed building, as the rear elevation is largely hidden from most views. However, we would suggest the upper level (3rd storey) extension is deleted from the plans as it will begin to compete with the primacy of the listed building. It would also be useful to set back the north-east extension behind the corner of the listed building.

As our role in this application is to assess the physical alterations proposed to the B-listed building, your Council will also be mindful of the impact of the extension more widely on the historic environment of Morningside.

Internally, we have no issue with alterations at ground floor level as we understand this area has been extensively modernised. We note and welcome retention of the staircase and the vault at basement level. The existing floor plans indicate the upper floors are relatively intact, which would likely have been the bank manager's house and therefore more domestic in character. The first floor appears to retain a buffet recess. We would welcome further information on these interiors (nothing has been submitted) and would encourage and welcome a lighter touch to the treatment of these rooms retaining original plan form and features e.g. chimneypieces, decorative corning, panelled doors etc.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Location Plan



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Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 17/01183/FUL
At 70, 72 Newhaven Road, Edinburgh, EH6 5QG
Demolition of existing commercial buildings and erection of
52 residential flats (as amended units reduced to 49
residential flats).**

Item number	7.2
Report number	
Wards	A12 - Leith Walk (Pre May 2017)

Summary

The proposed development will contribute to the wider regeneration of the Bonnington area. The proposal provides a mix of 1, 2 and 3 bedroom flats, includes affordable housing and is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking is provided. The amenity of future occupiers is acceptable and enhanced by the site's location immediately south of the Water of Leith. Private balconies and terraces offer views on to the river. Impact on infrastructure will be mitigated through appropriate developer contributions.

There is a minor infringement in terms of height in relation to surrounding properties. This is acceptable as the higher storey heights adjacent to the bridge create an entrance statement for a residential development which has an attractive waterside location and delivers a sense of place.

SEPA objects to the principle of development but the Council's Flooding team is satisfied that the proposed mitigation is acceptable. Scottish Ministers will require to be notified should committee decide to grant the application.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LDES11, LEN03, LEN08, LEN09, LEN21, LEMP09, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA09, NSGD02, NSGSTR, NSMDV, NSP,

Report

Application for Planning Permission 17/01183/FUL At 70, 72 Newhaven Road, Edinburgh, EH6 5QG Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats).

Recommendations

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

Background

2.1 Site description

The site is located in the Bonnington area of Edinburgh.

The site is roughly triangular in shape and has an area of 0.45 hectares. It is generally flat with a slight drop in level from west to east. It is bound by Newhaven Road to the west with housing beyond. To the north is the Water of Leith and to the south there are light industrial buildings. New housing is currently being constructed to the south east of the site. Newhaven Road to the west of the site extends northwards over Bonnington Bridge. This bridge to the north west of the site is listed (listed reference LB 27168 30 March 1994).

There is a pedestrian/cycle path on the north side of the Water of Leith connecting to Newhaven Road. This forms part of the Water of Leith Walkway. There is no pedestrian access on the south side of the Water of Leith. The riverbank slopes down to the river at varying degrees and is covered with a combination of self-seeded plants and recent tree planting. A stone wall follows the line of the water on the south river bank.

The site is bound on its southern boundary by the former mill lade which once powered the mill and was controlled by sluice gates at the extreme eastern corner of the site. Other than the remains of the eastern sluice gate, little visual evidence of the lade remains.

The site currently accommodates a former industrial site and is known as Bonnington Mills. This comprises a collection of industrial buildings of two storey cottages and a number of three storey workshops, offices, studios and commercial units adjacent to Newhaven Road. All the buildings are currently vacant. A large area to the east is a paved car park extending to the Water of Leith walkway.

2.2 Site History

26 June 2007 - Planning permission granted for the erection of new development of small business units at 70 Newhaven Road (application number 06/01441/FUL).

Other relevant applications:

9 May 2000 - Planning permission granted for the construction of new walkways including an elevated walkway section and proposed footbridges on the Water of Leith Walkway on the embankments from Bonnington Bridge at the Water of Leith (application number 00/00815/FUL).

27 January 2011 - Planning permission granted for the replacement and modifications to existing floodwalls of the southern abutment of Bonnington Bridge, Newhaven Road (application number 10/03128/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of 49 flats. The proposal comprises three separate flatted blocks looking on to a central area. Block A is four storeys and fronts Newhaven Road. Blocks B and C are connected; the heights are four and five storeys respectively and they front the Water of Leith. Blocks D and E are connected. They are five storeys in height and sit to the east of blocks B and C. The development will provide 12 one bed flats, 26 two bed flats and 11 three bed flats. There will be 13 affordable units located in block A. The proposal has a density of 108 units per hectare.

There will be one access to the development from Newhaven Road. Thirty nine parking spaces are provided for the flats. These include five accessible spaces. Cycle storage is provided internally within each block near the main entrances. Visitor cycle storage is also provided. Cycle storage provides for 79 cycles in total.

The design of the flats is contemporary and simple. Materials proposed for external walls are a light coloured multi buff brick, with a smooth light render. There are dark grey powder-coated aluminium panels between some windows. The roof comprises a grey single ply membrane. The windows are dark grey recycled uPVC. The doors are painted timber. Gutters and downpipes are black uPVC. Canopies, balconies and railings are dark grey powder coated steel. Boundary treatment comprises low level brick walls with powder coated steel railings, post-and-wire and coated weld-mesh fencing with beech hedging.

The area of open space within the site is 0.112 hectares. The useable open space is concentrated in the areas between and adjacent to the flatted blocks. An amenity space is located between blocks C and D and fronting the Water of Leith. This space has seats and is defined by low hedging and ornamental tree planting. Blocks A and E have a defined amenity space next to their entrances. Thirty three flats have private external balconies or terraces. Edges to car parking areas and boundary fences are to be screened with hedging. An existing stone wall runs along the northern edge of the site parallel with the Water of Leith.

A pedestrian/ cycle link between the Water of Leith and Newhaven Road will run along the south edge of the site.

Each flatted block has an integral bin store for waste and recycling at ground floor level.

Supporting Statements:

- Sustainability statement,
- Design and Access Statement,
- PAC report,
- Flood Risk Assessment,
- Noise Impact Assessment,
- Economic Statement,
- Transport Assessments parts 1-4,
- Ecology report,
- Bat assessment survey report,
- Transport Quality Audit parts 1 & 2,
- Surface Water Management Plan, and
- Archaeology Desk Based Assessment.

These documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services.

Schemes 1 and 2

The original scheme comprised a five-storey block B which impacted on a key view within the city. The reduction in height of block B reduced the total number of flats from 52 to 49. The original scheme had cycling storage on the upper floors and no direct footpath/cycle link through the site. Changes were also made to the original design to allow for flooding mitigation.

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 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 proposals preserve the character of the listed structure;
- c) The design, scale, materials and density are acceptable;

- d) The development provides appropriate amenity for future occupiers;
- e) The proposed access and parking arrangements are acceptable;
- f) The development meets sustainability criteria;
- g) The proposal has any equalities or human rights impacts;
- h) There are other material planning considerations; and
- i) Whether representations raised have been addressed.

a) Principle of development

The site is within the urban area of the adopted Edinburgh Local Development Plan (LDP). LDP Policy Hou 1 supports housing on suitable sites in the urban area provided proposals are compatible with other policies. The proposed development will help meet housing need and contribute to the wider regeneration of the area by introducing housing on an urban infill site.

The development site is located within the area covered by the Bonnington Development Brief (August 2008). The brief seeks to ensure a co-ordinated approach to the regeneration of the Bonnington area and is a material consideration. The brief states that new developments along the Water of Leith should; preserve the natural environment and enhance its role as a green corridor and pedestrian walkway and; maintain the existing character of the riverside which is predominantly vegetated. The brief also seeks to establish attractive and safe pedestrian/cycle routes along desire lines to connect existing walkways. The proposal complies with the requirements of the brief.

LDP Policy Emp 9 states that business floorspace should be provided for a range of users if a site is larger than 1 hectare. The area of this site is 0.45 hectares, therefore the requirements for business floorspace do not apply.

The site was formerly known as Bonnington Mill and comprised a collection of industrial buildings, workshops, studios and commercial units. The applicant submitted an Economic Statement which provides an independent assessment of the supply of, and demand for business uses within the Bonnington Area. The Statement calculates the net economic benefit of the proposal and sets out a justification for the residential-only nature of the proposals. Economic Development has reviewed the Statement. It concludes that although the proposal will reduce the amount of available industrial space in the city, it is below the threshold to enforce an employment use to be included in the site. It confirms that the creation of residential units has the potential to contribute to Edinburgh's economy through the potential increase in spend in the area due to an increase in population.

The application accords with LDP Policy Des 2 and complies with the key requirements of the Bonnington Development Brief in terms of pedestrian and cycle permeability, and enhancement of the Water of Leith corridor.

The principle of development is acceptable.

b) Setting of the listed structure

Bonnington Bridge is a B listed structure. It lies to the north west of the site and takes Newhaven Road over the Water of Leith. The north west corner of the proposed development is approximately 3.62 metres from the edge of the bridge. There are no listed buildings in the vicinity of the proposed development site.

LDP Policy Env 3 allows development in the setting of a listed structure where it is not detrimental to the architectural character, appearance or historic interest. Block B is the part of the housing layout which is closest to the bridge. The height of the block has been reduced from five to four storeys. There are private terraces on the corners of this block on the ground and third floors of the block. There is a grassed area providing a buffer between the building and the bridge.

The existing boundary wall to the north of the site between the proposed building line and the Water of Leith will be retained as it contributes to the character of the area.

The proposal has no detrimental impact on the architectural character, appearance or historic interest of the bridge. The proposal complies with LDP Policy Env 3.

c) Design, scale, materials and density

LDP Policies Des 1, Des 3 and Des 10 relate to the layout creating or contributing towards a sense of place. The main feature of this site is its relationship with the Water of Leith and the layout create a sense of place by forming three separate blocks arranged around a landscaped parking area. Two of the blocks front on to the Water of Leith allowing future residents to enjoy the view northwards. The main amenity space for the area is also located on this northern edge, allowing users of the amenity space to enjoy the proximity to the Water of Leith. The proposed flats incorporate balconies which contribute to their amenity.

The proposal helps to contribute to a sense of place and the design utilises the presence of the Water of Leith. The proposal complies with LDP Policy Des 1.

LDP Policy Des 3 ensures that existing characteristics either within the site or located within the surrounding area are retained and used to enhance the design. A one metre stone wall runs parallel to the northern edge of the site. The wall is incorporated into the design to distinguish the useable amenity space to the south of the wall from the non-useable amenity space to the north. Hedging will be planted adjacent to the wall on its southern edge to soften its appearance.

The proposal complies with LDP Policy Des 3.

LDP Policy Des 10 assesses sites which are adjoining a watercourse. The proposed housing site is immediately south of the Water of Leith. The rear elevations of blocks B and C front the river. The north and east elevations of blocks D and E front the river. Block B is four storey and block C adjoining increases to five storey. Blocks D and E are five storey. The north elevations of these blocks provide an attractive frontage to the Water of Leith. The elevations are periodically set back, the dominant material is brick, balconies look on to the river and the flats have a roofline with varying heights and detail. A public foot/cycle path connects Newhaven Road with the remaining Water of Leith walkway on the north embankment of the river course. This is the opposite embankment from the proposed housing therefore any noise or light disturbance from the proposed housing would not affect users of the walkway, nor does the proposal affect the character of the walkway.

There is no additional foot/cycle path on the south embankment of the Water of Leith where the proposed blocks B and C are located. The stone wall marking the southern edge of the non-useable amenity space along the southern embankment of the river will help maintain and enhance the nature conservation and landscape interest of the Water of Leith.

The proposal complies with LDP Policy Des 10.

LDP Policy Des 11 sets out the criteria for allowing tall buildings and safeguarding important views of the city's skyline. Block A fronts Newhaven Road and is four storeys. The buildings surrounding block A vary in height from two storeys immediately adjacent to five storeys further south along Newhaven Road. The location of block A, adjacent to Bonnington Bridge, is a prominent site which can accommodate a feature corner building block which is higher than the immediate surrounding area. The five storey blocks on the remainder of the site are acceptable as the site slopes downwards towards the east.

The site is located within the key view N4C as identified within the Edinburgh Design Guidance. This is the key view from Newhaven Road and Warriston Path to Calton Hill. Scheme 1 of the proposal showed block B as five storey which blocked the view of both Calton Hill and Salisbury Crags from Newhaven Road. Scheme 2 has reduced the height of block B to four storey which safeguards these two important points on the city's skyline.

A minor infringement of LDP Policy Des 11 exists as the four storey block A is two storeys higher than the commercial buildings adjacent to the site. This is acceptable as this prominent site adjacent to Bonnington Bridge can accommodate higher storey heights. A four-storey block will create a significant entrance statement for a residential development which benefits from a waterside setting and creates a sense of place.

LDP Policy Des 4 sets out the criteria for development design and the impact of new development on its setting, including the impact on existing views. Scale and materials are also considered in this policy. The heights of the buildings at four and five storeys create a statement on a very prominent corner site adjacent to the Water of Leith. The scale of the development is acceptable in this location as the site is at a lower level than Newhaven Road and slopes down even further towards the east away from Bonnington Bridge. There are sufficient spaces between buildings with amenity areas, treeplanted area and landscaped car parking interspersed throughout the layout.

A simple palette of materials is proposed. Buff facing brick with light render ties in well with the properties in the surrounding area. External materials along with the dark grey framed windows and grey powder coated copes, cills, flashings and infill panels are all acceptable. A standard condition will still be attached requesting that sample panels of materials be submitted for the approval prior to work starting on site.

The proposal complies with LDP Policy Des 4.

d) Amenity for future occupiers

The proposal accords with LDP Policy Hou 2 as it provides a mix of 12 one bedroom (24%), 26 two bedroom (53%) and 11 three bedroom flats (22%). This is an acceptable mix of flat sizes and complies with the Edinburgh Design Guidance in terms of provision of family homes. All 49 flats meet the minimum standards of internal space set out in the Edinburgh Design Guidance.

Environmental Protection has requested that appropriate design specifications for glazing will be necessary to mitigate road traffic noise in habitable rooms in blocks A, B and C. A suitable condition is attached to address this.

LDP Policy Hou 3 sets the requirement for private green space in new flatted development. Communal provision is based on 10 square metres per flat, with a minimum of 20% of the total site area to be useable open space. A communal amenity space is located on the south embankment of the Water of Leith between blocks C and D. The area is defined by low hedging and native species, ornamental trees, post and wire fencing following the line of the flood wall to maintain clear views to the river. Blocks A and E also have their own defined amenity space next to their courtyard entrance with more formal, ornamental tree planting and hedge screening. The majority of flats also benefit from a generously sized, private external balcony or terrace, with all flats in blocks B to E having a view to the river.

The communal amenity space totals 0.112 hectares (24% of the total site area) and complies with LDP Policy Hou 3.

e) Access and parking arrangements

The proposed vehicular access to the development is from Newhaven Road. The proposed access is acceptable.

The application is assessed under the 2009 parking standards. The standards require a minimum of 38 parking spaces for the 38 private units and 2 spaces for the 11 affordable units. Thirty nine car parking spaces are being provided. Of this total, five spaces are accessible. There are no electric charging points shown on the drawings. Environmental Protection has requested that a condition is attached requesting one charging point to be installed in the car parking area. Two spaces which were located in front of bedrooms in block C have been removed and replaced by landscaping. Trees and landscaping are interspersed throughout the development which reduces the perception that car parking is dominant.

There is storage for 67 resident cycles and 12 visitor cycles. This provides a total of 161%. All the resident cycle storage is integrated within the development and is secure. The visitor cycling is located in an external store at the end of the car park area.

LDP Policy Des 7 requires pedestrian and cycle routes to be connected with the wider network. A pedestrian cycle route is proposed along the southern edge of the site connecting the Water of Leith walkway with Newhaven Road.

The access car parking and cycle storage provision is acceptable.

f) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards. The use of photovoltaic solar panels will assist carbon reduction.

The proposal is classed as a major development and has been assessed against Part B of the sustainability standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential requirements of the Edinburgh Standards for Sustainable Buildings.

g) Equalities and Human Rights Impacts

This application was assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

h) Other material planning considerations

Affordable Housing

LDP Policy Hou 7 requires 25% affordable housing provision. For the proposed development this equates to 13 units. The applicant has identified a suitable RSL who will deliver a mix of 1, 2 and 3 bedroom homes. The affordable housing will be provided in block A which fronts on to Newhaven Road and will be tenure blind. The applicant will be required to enter into a legal agreement to secure the delivery of the affordable housing.

Education

The site lies within the Drummond Education contribution zone.

The Council has assessed the impact of growth set out in the LDP through an Education Appraisal (January 2018) taking account of school roll projections. The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from developments coming forward in this area.

Based on 37 flats and not including one bedroom flats, the total contribution is £31,672 towards education infrastructure (Index from Quarter 4 2017 to the date of payment).

The applicant will be required to enter into a legal agreement to secure the delivery of this contribution.

Flooding

The proposal will provide adequate drainage. The Council's Flood Team has confirmed that sufficient information has been submitted to satisfy flooding arrangements.

SEPA has objected to the principle of residential development on this site on the grounds of flood risk. A number of meetings have taken place with SEPA to understand the context and wider implications of the objection.

The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (FPS). In August 2017, SEPA published a Planning Information Note 4 which sets out the position that it now takes for development behind a FPS. In summary, where a planning application will result in a land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change. However, SEPA is now concerned that this climate change allowance may not be sufficient and therefore objects to the principle of housing development on the site.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as a residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

In this instance, SEPA has stated that, should the Council be minded to approve the application, it recommends that:-

- finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard;

- flood resistant and resilient design and materials are included; and
- safe flood free access can be provided.

The applicant has amended the proposals to meet these requirements and the Council's Flooding team is satisfied that the mitigation proposed is acceptable. Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection. As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers

Archaeology

There are a number of former mill buildings on the site which are now vacant. Although considered by the City Archaeologist to be historically significant, some of the buildings have been significantly altered over the years and none are listed. The City Archaeologist requires that if consent is granted it is essential that a detailed historic building survey is undertaken prior to and during their demolition. This will be secured by a condition.

i) Matters raised in representations

Six representations were received in response to the application. All the representations raised concerns about the proposals.

Material Representations - Objections

- Loss of significant buildings. Addressed in 3.3 (h).
- Height of development will have a detrimental impact on landscape. Addressed in 3.3 (c).
- Car parking and traffic problems will worsen. Addressed in 3.3 (e).
- Proposed junction conflicts with junction opposite from Bonnyhaugh Lane. Addressed in 3.3 (e).
- No environmental survey has been undertaken. An ecology report was submitted to support the planning application and this can be viewed on the Planning and Building Standards On-line Services.
- Adverse impact on listed bridge. Addressed in 3.3 (b).
- Adverse effect on the character of the Water of Leith walkway. Addressed in 3.3 (c).
- Scale, density and height will overshadow road and buildings on opposite side of street. Addressed in 3.3 (c).
- Adverse effect on listed buildings nearby. Addressed in 3.3 (b).
- Adverse effect on nearby conservation area. Addressed in 3.3 (b).
- Design is bland, with little character and relationship to area's heritage. Addressed in 3.3 (c).
- Noise and light from development will cause a nuisance to users of walkway. Addressed in 3.3 (c).
- Significant adverse archaeological impact. Addressed in 3.3 (h).

Leith Central Community Council submitted representations. It stated that it had no issue with the principle of housing development in this location, but had concerns regarding the following areas:-

- Key view from Newhaven Road to Calton Hill will be affected by height of block adjacent to Newhaven Road. Addressed in 3.3 (c).
- Poor sight lines for traffic exiting the proposed development towards Bonnington Bridge. Addressed in 3.3 (e).
- Footpath edging the development on Newhaven Road is narrower than the footpath to the north and south of the application site.
- Car parking space within the development is dominant. Addressed in 3.3 (f).
- Cycle parking is uncovered. Addressed in 3.3 (e).
- Proposed development will create more surface water run-off than the existing buildings. A revised surface water management plan was submitted in support of the application. CEC Flood Team have confirmed that the contents of the plan are acceptable.
- Proposal is located within a flood plain. Addressed in 3.3 (h).
- Applicant should contribute to the substitution of employment space in the vicinity. Addressed in 3.3 (a).

Non-material issue raised:-

- Development will cause noise and disturbance early morning weekdays and weekends.

Conclusion

The proposed development for 49 flats will contribute to the wider regeneration of the Bonnington area. The proposal provides a mix of 1, 2 and 3 bedroom flats, includes affordable housing and is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking is provided. The amenity of future occupiers is acceptable and enhanced by the site's location immediately south of the Water of Leith. Private balconies and terraces offer views on to the river. Impact on infrastructure will be mitigated through appropriate developer contributions.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA are objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA are a statutory consultee, the Scottish Ministers will require to be notified should committee decide to grant the application.

The principle of the development is acceptable, the proposal accords with the development plan and there are no material considerations which justify refusal.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. The following noise protection measures to the proposed development, as defined in the KSG Acoustics report 'Environmental Noise Assessment' report (Ref 1563/R2) dated 16 May 2017:
- Glazing units with a minimum insulation value of 6/12/6.4 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's north-facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block b/C's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
- shall be carried out in full and completed prior to the development being occupied.
3. Sample/s of the proposed shall be submitted to and approved in writing by the Planning Authority 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 Planning Authority, having first been agreed by the City Archaeologist.

5. Prior to the use being taken up, one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure the most efficient and effective rehabilitation of the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to safeguard the interests of archaeological heritage.
5. In order to protect the amenity of the occupiers of the development.
6. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement in respect of the following:
 - i) Education contribution of £31,672 towards infrastructure (Quarter 4 2017 value to be indexed at point of payment).
 - ii) Affordable housing (13 units).
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. A contribution of £2,000 shall be made to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.
5. A contribution of £2,000 should be made to progress a suitable order to introduce waiting and loading restrictions as necessary.

6. A contribution of £2,000 should be made to progress a suitable order to control on-street disabled parking spaces.
7. A number of transport related matters have been highlighted by the Transport Officer in their response. The applicant should take note of these matters.
8. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will be required to secure developer contributions towards affordable housing and education provision.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application has no impacts in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 4 November 2016.

Copies of the Notice were also issued to:-

- Leith Central Community Council
- All ward councillors.

A public exhibition was held on 13 December 2016 at McDonald Road Library. A meeting was held with Leith Central Community Council on 19 December 2016. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

A pre-application report on the proposals was presented to Committee on 1 February 2017. The Committee noted the key issues outlined in the report and requested that:-

- Consideration be given to flood prevention measures and sewage issues.
- Consideration be given to space, car parking issues and encouraging the use of public transport and of the City Car Club.
- There be an impact assessment on the loss of space, in relation to commercial units and small businesses.

8.2 Publicity summary of representations and Community Council comments

Six representations were received including one from Leith Central Community Council. One non-material comment was also raised. All the representations raised concerns about the proposals.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- 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 within the urban area of the adopted Edinburgh Local Development Plan (LDP).

It is located within the area covered by the Bonnington Development Brief (August 2008).

The site is adjacent to the Water of Leith Local Nature Conservation Site.

Date registered

15 March 2017

Drawing numbers/Scheme

01, 02, 03I, 04B, 05B, 06D, 07A, 08B, 09B, 10, 11D, 12B, 13B, 14B, 15C, 16C, 17A, 18A, 19A, 20A, 21B, 22C, 23E, 24B, 25B,, 26B, 27B, 28, 29E, 30A, 31, 32B, 33.,

Scheme 3

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
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Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall 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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

Appendix 1

Application for Planning Permission 17/01183/FUL At 70, 72 Newhaven Road, Edinburgh, EH6 5QG Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats).

Consultations

Economic Development response – dated 21 June 2017

Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.

Commentary on existing uses

The site is currently home to 2,166sqm of industrial use partly occupied by several small businesses with the remaining units vacant. If fully occupied, this space could be conservatively estimated to directly support 46 full-time equivalent jobs.

Edinburgh is currently experiencing a shortage of this type of space. As set out in the 'Industrial Supply and Demand' paper considered by the Council's Economy Committee on 15 September 2015, there are significant pressures on the availability of industrial space in Edinburgh due to the rapid loss of space to alternative uses coupled with steady demand and a sluggish development pipeline.

Commentary on proposed uses

The application is for 52 residential units; the application is exclusively for housing and therefore would not directly support any employment but has the potential to make a modest contribution to economic growth via increased household expenditure. However, this is a matter that Planning are best placed to assess in terms of whether this proposal represents sustainable growth.

Summary

The development as proposed will reduce the amount of available industrial space in the city. However, the site area is below the threshold to enforce an employment use being included in the site. The creation of residential units has the potential to contribute to Edinburgh's economy through the potential increase in spend in the area due to the increase in population.

Environmental Protection response – dated 30 October 2017

The existing site comprises of office accommodation and approximately 50 car parking spaces. The site is bounded to the east by Newhaven Road and Bonnington Bridge, beyond which lies an existing residential development. It is bounded to the north by the Water of Leith. Further to the north are the rear aspects of the closest commercial premises of West Bowling Green Street. South and east of the proposed development are existing commercial uses in the furthest reaches of Bonnington Industrial Estate.

The applicant proposes developing 52 residential flats comprising 3 buildings over 4 floors. The existing access from Newhaven Road will be adapted and retained with an actual net reduction in car parking numbers when compared with the existing use.

The proposed 'Block A' will be located in the south west aspect and will front on to Newhaven Road with its east façade facing towards the courtyard that will be created by the 3 buildings proposed. The courtyard will provide parking for the development and a common landscaped area. The proposed 'Block B/C' will have its principle façade facing south towards the courtyard with the north façade facing out over the Water of Leith. Its short west façade will face on to Newhaven Road and the east façade will face on to development parking and will overlook the Water of Leith as it curves to the south east. The proposed 'Block D/E' will be located east of the 'Block A' with its north and east facades facing towards the Water of Leith, the west façade facing towards the courtyard and the south façade facing towards the existing commercial uses in Bonnington Industrial Estate. There is communal amenity space proposed to the east of 'Block D/E' and accesses through the development linking to the Water of Leith cycle path. The current floor plans indicate a mixture of bedrooms and living-rooms on all facades with communal facilities, for example, refuse and cycle store facilities, incorporated at ground floor.

Noise

The applicant has submitted supporting noise impact assessments due to the neighbour commercial uses and proximity to major roads. The results of the assessment indicate that appropriate design specifications will be necessary to mitigate road traffic noise ingress to habitable rooms in 'Blocks A and B/C'. Minimum specifications for double glazing and trickle ventilation will be required to ensure amenity is protected. Environmental Protection shall recommend conditions are attached if consent is granted.

Contaminated Land

Due to the historic land use ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Local Air Quality

The proposal includes the provision of 41 parking spaces and is located in close proximity to Great Junction Street (Leith), Inverleith Row and City Centre Air Quality Management Areas. The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken. Due to the low number of parking spaces Environmental Protection has not requested any supporting material however would highlight that reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LPD). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality.

The applicant states that the proposed development is intended to provide high quality, sustainable homes, therefore the applicant must consider incorporating electric vehicle charger points for future tenants to use.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- * Dedicated parking spaces with charging facilities.
- * Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that at least one EV charging outlet should be of the following standard serving the future residents:

70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are also available for the installation of EV charge points from the Scottish Energy Saving Trust. More information can be found at:

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

Therefore, Environmental Assessment offers no objection subject to the following conditions;

1. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. The following noise protection measures to the proposed development, as defined in the KSG Acoustics report 'Environmental Noise Assessment' report (Ref 1563/R2) dated 16 May 2017:

- Glazing units with a minimum insulation value of 6/12/6.4 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

shall be carried out in full and completed prior to the development being occupied.

3. Prior to the use being taken up, one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area.

Children and Families response – dated 8 February 2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

37 Flats (12 one bedroom flats excluded)

This site falls within the 'Drummond Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

The Education Appraisal considered the impact of potential new housing sites within the urban area, such as the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£31,672

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

SEPA response – dated 22 March 2018

I refer to the above and our previous correspondence including our letter of 1 June 2017. Subsequently we met twice with The City of Edinburgh Council (CEC) to discuss what information was available to clarify the likely Standard of Protection (SOP) afforded by the Water of Leith Flood Protection Scheme.

A detailed report is appended to this response and in summary the uncertainties noted therein do not allow us to conclude that the SOP is sufficient to demonstrate that this planning application conforms to our position on development protected by a Flood Protection Scheme (see 1.2 below)

Our Agency Management Team has supported this position and we are currently seeking to organise a director-level meeting with CEC to assist all parties in clearly understanding the implications of this position.

Advice for the planning authority

We object in principle to this planning application on the grounds of flood risk that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP).

Please refer to the appended technical flood risk report (Appendix 1) for our detailed comments.

1. Summary

1.1 It is proposed to redevelop a commercial building behind the Water of Leith Flood Protection Scheme to residential flats. In accordance with our Flood risk and vulnerability guidance residential developments are classed as highly vulnerable. This is an increase in vulnerability from the previous use and will introduce new risk receptors who are more vulnerable to the effects and impacts of flooding.

1.2 In line with SPP and our duties under the Flood Risk Management (Scotland) Act 2009, our position is that proposed developments are only acceptable behind a flood protection scheme if the scheme is built to an appropriate standard. The minimum appropriate standard of a scheme is determined by the land use vulnerability category of the proposed development. For highly vulnerable developments such as this, the minimum appropriate standard of protection is 0.5% (200 years) plus climate change. This position is explained in our Planning Information Note 4 – SEPA Position on development protected by a Flood Protection Scheme. The position explained in this information note has been approved at the highest level within SEPA by our Agency Management Team.

1.3 Whilst we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords. We do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming year. As such the Water of Leith FPS does not provide the minimum standard of protection that we require for highly vulnerable land uses. The location of the proposed development is within the functional floodplain of the Water of Leith and although behind a FPS will continue to be at risk during a 0.5% (200 year) AP plus climate change event.

1.4 As highlighted in the Scottish Government's online planning advice on flood risk (paragraph 21) flood protection schemes can reduce flood risk, but they cannot eliminate it entirely. Their primary purpose is to protect existing development from flood risk rather than to facilitate new development. For this reason the principle of avoidance should be promoted for any proposed development in areas protected by such schemes (Scottish Planning Policy paragraph 255). This is particularly important if the flood protection scheme does not provide an acceptable standard of protection for the proposed site. As such, we object in principle to the current planning application as we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change.

1.5 Ensuring that developments proposed behind flood protection schemes are suitable for the location and designed to be resilient contributes to the delivery of sustainable flood risk management. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations, or least vulnerable uses are considered.

1.6 No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in vulnerability of land-use type.

1.7 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.8 Notwithstanding this position we have included our review of the information supplied below. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

1.9 Comments within our previous response, dated 1 June 2017, regarding waste and surface water drainage and protection of the water environment are still applicable to this planning application.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

2.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

2.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.

Appendix 1: Technical flood risk report:

Site: Demolition of existing commercial buildings and erection of 52 residential flats (affordable housing), 70 and 72 Newhaven Road, Edinburgh

SEPA Ref: PCS/154486 Planning Ref:17/01183/FUL

Documents Reviewed:

Will Rudd Davidson FRA dated 08/03/2017

Location Plan (ref. no. 1949-00-010 A, dated 03/11/2016

Design and Access Statement (15/03/2017)

See also Appendix 2 – further documents reviewed

1. We were consulted in April 2017 and based on the documentation provided as part of the Flood Protection Scheme (FPS) we understood the scheme offered protection above a 1:200 year flood level including a 12% allowance for climate change. At that time, we required development to be located out with the 1:200 year flood extent, and we recommended that mitigation was provided to take account of the future climate change predictions.

2. In August 2017, we published the SEPA Planning Background: Flood Risk paper and Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme. This sets out the position that SEPA now take for development behind a FPS. As the proposed development from commercial to residential flats will result in a land-use change from least vulnerable to highly vulnerable, based on our vulnerability guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change. To be confident in the standard of protection offered by the scheme for all current and future phases, we undertook an extensive review of the FPS documentation, spanning the last 18 years.

3. We have reviewed the flood protection scheme documentation held by SEPA, City of Edinburgh Council (CEC), and Scottish Government. We do not own these documents therefore should you wish to review these documents, please approach the council in the first instance. We have not included our entire review of the scheme in this response, but focused our response on the limitations of the scheme along this area of interest. Our position has been agreed with SEPA agency management teams and will thus be used to inform any future responses along the Water of Leith that is offered protection by the FPS, and any areas that use the output from the FPS model to assess flood risk to the site.

4. The remaining uncertainties of the scheme after a review of all readily available documentation includes flow estimates, storm durations, reservoir operation, urban assumption, climate change allowance, bridge blockage and sensitivity analysis, and freeboard. These uncertainties are elaborated upon below.

5. Flow estimates only include the gauged record which is approximately 55 years long at Murrayfield gauging station. Two significant events in 1920 and 1948 are not included within the gauged record and therefore not included within the analysis. Single Site analysis is dependent on the length of the gauged record and the flood events that are captured within the record. Some further analysis was undertaken by SEPA using the historical information function available in the newly released WINFAP-FEH version 4. This preliminary analysis indicated that the April 2000 flood event may be closer to a 1:70 year return period, rather than a 1:100 year return period. Our analysis indicates that the 1:200 year peak flow at Murrayfield gauging station may be 20-38% greater than predicted within the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003). There are also uncertainties associated with the theoretical stage-discharge calibration at the upstream Colinton gauging station and the peak flow that the Murray Burn can generate, bearing in mind it is heavily culverted.

6. The storm duration used in the study is 10.5 hours at Colinton. It is worth noting that the flood generating storms on the Water of Leith have been over 10.5 hours in the past, and closer to 24-48 hours in duration.

7. As longer duration storms have caused the greatest flooding along the Water of Leith, the ability of the reservoirs to function as designed during extended wet period remains untested. To ensure that water levels in the reservoir are as low as designed, there was the potential to utilise draw-offs however the council have confirmed that this is not done. At a meeting with CEC they noted that the reservoirs were designed to be left “as be” and not drawn down prior to a predicted storm and have subsequently confirmed the draw-offs are not used to lower water levels quicker after an event. This is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. For example, the Public Local Inquiry Ancillary Documents and Reports (February 2004) notes that “The principle of maintaining as much storage as possible in the reservoirs until needed leads to the logical conclusion that the reservoir draw-off valves should be opened during the early stages of a flood event to release water.” Also the OVE Arup & Partners Ltd Reservoir Function, Control Systems and Telemetry report (August 2004) notes the preferred solution was to utilise the existing draw-offs in Threipmuir and Harperrig to release greater volumes in the lead-up to a storm, and greater volumes can also be released after a flood has occurred. Therefore, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms. This uncertainty is compounded by Section 3.2.1 of the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003), which notes that the peak 1:200 year flow including a 12% climate change allowance at Murrayfield is 95.5m³/s. This is derived for the unreservoired portions of the catchment with no contribution from the reservoired catchment. This would appear to be the same value as was used in the latest model, but we understood that figure to include approximately 6m³/s from the reservoirs.

8. The number of combined sewer overflows complicate the hydrology. Due to the assumption that the urban catchment would have a quicker response time than the arrival of the dominant rural flood peak, Baptie’s chose to reduce the urban catchment area by 21km² as these areas would drain to the combined sewer network. Should this assumption be wrong, the report estimates that flood levels at the Colonies and downstream would be approximately 200mm higher.

9. The applied climate change allowance is only a 12% increase and this has been applied to a peak flow estimate reduced to take account of the reservoir operating as designed, i.e. drawn down prior to a storm. Although documentation in 2002 and 2003 mentions higher climate change uplifts of 19-20%, an uplift of only 12% was applied. The rationale for this lower value is outlined in OVE Arup & Partners Ltd Response to Reporter’s Report (2005) which states that “Current SE [Scottish Executive] guidance recommends that fluvial flows may increase by 20-30% by 2080, which would equate to a 16-24% increase by 2065 (the scheme has a 60 year design life)...The current SE guidance figures may well represent a realistic estimate. What is not realistic is the prospect of gaining planning permission for floodwalls higher than those in the current scheme. If the current SE predictions prove correct, then the scheme will continue to provide a 1 in 200 Standard of Protection for up to 45 years.” It is worth noting that the lifetime of the proposed residential development would likely be greater than the lifetime of the scheme, especially since this report was published 13 years ago.

10. Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. We understand that the only blockage scenario that was investigated was parapet blockage and not blockage to the structure. Additional sensitivity of the model to varying flows, Manning's 'n' values, reservoir operation, and urban assumption are not fully investigated within the documentation reviewed. John Riddell and CarlBro (February 2003) note that should the assumptions about flow, roughness, reset time of the reservoir, and urban assumption be wrong then there is the potential for an increase in water level at the Colonies to be approximately 780mm higher. The above information demonstrates that the Water of Leith model is highly sensitive to changes in model parameters. Therefore, it is not clear whether a sufficient freeboard has been incorporated into the scheme design to take account of these uncertainties.

11. Although gate closures may be a risk elsewhere along the FPS, we understand that the nearest gate to the application site is along Warriston Road, located a reasonable distance upstream, therefore the risk from this source appears to be limited. With all FPS's there remains the residual risk that if floodwater was to enter the drainage system because of a failed gate closure or a breach or overtopping of defences, floodwater could discharge from manholes behind the defences.

12. Based on the Existing Overland Flow Routes drawing (contained within the Will Rudd FRA) provided in support of this application, the ground levels within the site generally range from 6.67-7.85mAOD. Flood levels vary for this site and are dependent on the model used and whether climate change has been included and the operation of the reservoirs. Based on information we hold sourced from CEC, Scottish Government, and internal SEPA documentation, flood levels for the 1:200 year event, without an allowance for climate change, range from approximately 6.95-7.6mAOD and freeboard is approximately 310mm along this reach of the defence, although this is based on an older model and should be confirmed with the council. The Existing Overland Flow Routes drawing identifies the top of the flood wall ranging between 7.31-7.83mAOD. Hence these levels are in general agreement although the freeboard available will be dependent on the peak flood levels applied to the model, model set-up, operation of the reservoirs, the urban assumption, and whether the climate change allowance is appropriate. The applicant has been advised by CEC that the minimum finished floor level should be 7.559mAOD, which does not appear to offer any freeboard to take account of uncertainties in the design.

13. Based on the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003), should a 1:200 year flood coincide with a mean high water spring including a 1:100 year return period surge, the impacts would reach as far as Bonnington Bridge. Therefore, the site is at the upper reach of the tidal impact and any impacts would appear to be limited.

14. Whilst we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords and we do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming years. No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided above, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in vulnerability of land-use type.

15. Should the council be minded to approve the planning application, in spite of our advice to the contrary, and given all the uncertainties highlighted above, we would recommend that finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard, and that flood resistant and resilient design and materials are included as well as ensuring that safe, flood free access can be provided.

Caveats & Additional Information for Applicant

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

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

3. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Further Comments – SEPA response – dated 20 June 2018

We provided a detailed response to this planning application on 22 March 2018 when we objected in principle to the planning application. We have reviewed the additional information provided which proposes landraising and raising finished floor levels to mitigate flood risk. However, this proposal will result in an increase in vulnerability and as no additional information has been submitted which demonstrates that the site is out with the functional floodplain, we maintain our objection in principle.

For clarification purposes, the ground levels on site are 6.67-7.85mAOD and predicted flood levels range from 7.31-7.83mAOD. However, these flood levels are based on model output from OVE Arup & Partners Ltd and we previously highlighted the uncertainties associated with these predicted flood levels.

A detailed report was appended to our previous response and in summary the uncertainties noted therein do not allow us to conclude that the Standard of Protection for the Water of Leith Flood Protection Scheme (FPS) is sufficient to demonstrate that this planning application conforms to our position on development protected by a FPS. Please see our previous response for detailed comments.

Transport response – dated 1 August 2018

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
 - d. Contribute the sum of £2,000 to progress a suitable order to control on-street disabled parking spaces. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

2. 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. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage;

3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets, a particular focus on pedestrian and cyclist priority should be applied;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

5. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

8. The developer must submit a maintenance schedule for the SUDS infrastructure for approval.

Note:

1. As this application was submitted in March 2017 it has been assessed under the 2009 parking standards. The 2009 Council parking standards require a minimum of 38 parking spaces for the 38 private units and 2 spaces for the 11 affordable units. The proposed 39 spaces is considered acceptable. In addition the level of cycle parking at 1.67 spaces per unit is considered acceptable.

2. There are no transport contributions required for this proposed development, as the "Net Use" which takes the existing and proposed uses into consideration resulted in a neutral impact. The Transport contributions were calculated as per the draft supplementary guidance for Developer Contributions and Infrastructure Delivery 2018

CEC Flood Prevention response – dated 2 August 2018

I can confirm that CEC Flood Prevention are satisfied with the detail submitted in relation to this application. I note the comments from SEPA, however, there are 2 paragraphs in their response where I feel CEC have sufficient information.

2nd Para - Whilst, we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords, which also does not appear to fully take climate change into account.

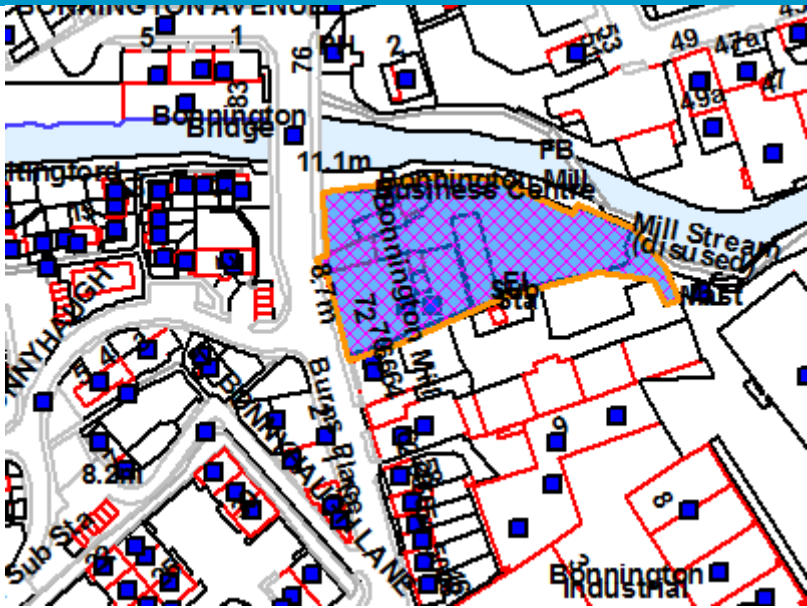
CEC comment: The Water of Leith Flood Protection Scheme provides defence to the 1-in-200 event with a 12% allowance for climate change. Also the new development is designed for 1-in-200 + 30%cc.

1.7 - If the Council are minded to grant this planning application, we would strongly recommend that mitigation measures are included within the design of the buildings. This could include raising finished floor levels above the FPS and the provision of safe access/ egress. The proposed finished floor levels of the 3 blocks range between 7.75m AOD and 8.525m AOD, which would be above the modelled 1:200 year flood level. Ground levels surrounding the buildings of approximately 7.3m AOD would indicate that safe, flood free access/ egress may be difficult to provide.

CEC comment: This paragraph contradicts by saying FFL need to be above FPS, it then says that is what has been designed? CEC has asked for FFL above 7.559m AOD, which is what they have provided.

IF SEPA still have objections to this application it is for the developer to speak with SEPA directly to satisfy their requirements. CEC Flood Prevention have no further comments in relation to this application.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 August 2018

Application for Approval of Matters Specified in Conditions 18/00508/AMC

At Land 447 Metres Northeast Of 545, Old Dalkeith Road, Edinburgh

Application for Approval of Matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, Ancillary Uses and Associated Development on Land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh.

Item number	7.3
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The site is allocated for housing and accords with the broad principles of the Local Development Plan site brief and the Reporter's recommendations. The increase in unit numbers has been assessed through the submission of an addendum to the EIA and the impacts are acceptable.

The design and layout of the proposal is acceptable and provides a range of housing types and sizes. The landscape impacts are acceptable and will not impact local views or views across the City.

Although a number of trees are proposed to be removed, the majority are for arboricultural reasons. A total of 18 are proposed to be removed to enable the development. The loss of these trees is compensated by the additional planting across the site. The landscape proposals are acceptable.

The proposal will provide 696 homes, including 25% affordable provision. It will regenerate an area where there is currently restricted access due to ground conditions and provide accessible open space and allow for the interpretation of the historical artefacts on site.

The proposal is in accordance with the LDP and meets the requirements of the PPP conditions. No material considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN09, LEN11, LEN12, LEN15, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA01, LTRA02, LTRA03, LTRA09, NSG, NSGD02,

Report

Application for Approval of Matters Specified in Conditions 18/00508/AMC

At Land 447 Metres Northeast Of 545, Old Dalkeith Road, Edinburgh

Application for Approval of Matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, Ancillary Uses and Associated Development on Land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh.

Recommendations

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

Background

2.1 Site description

The site, covering approximately 27 hectares, is situated within the grounds of the historic Edmonstone Estate within the southeast area of the city, between the areas of Greendykes and Moredun.

It is bounded to the south by Old Dalkeith Road (the A7). To the east is The Wisp, which forms the boundary with Midlothian Council. East of the Wisp is the settlement of Danderhall. To the north is open space and to the west is the Eight Acre Field and Walled Garden development sites, adjacent to the BioQuarter.

The perimeter of the site is defined by a stone wall along the eastern and southern boundaries. The wall varies in height but is generally 1.5 metres - 2 metres. The wall is in overall good condition, although there are some areas (particularly along The Wisp) where it is in a state of disrepair.

The historic Edmonstone House was demolished in the 1950s. However, the Policy woodland, gate houses and perimeter walls, walled garden and Ha-Has, as well as ruins of the former stable block, still remain.

The land is an allocated housing site (HSG 40) but is also a Local Nature Conservation Site and Special Landscape Area. The core area of trees along the western boundary are also Inventory Ancient Woodland and Heritage trees.

All the trees within the estate are covered by a Tree Preservation Order (TPO) confirmed in July 2008 (reference No.1542008). Throughout the site, parkland encompasses most of the area, with a scattering of widely-spaced trees of varying ages, including some which are up to 200 years old. There is an area of thicker woodland around the site of the former Edmonstone House. Generally across the site, there are a number of vegetation types including:

- Ornamental woodland extending from the south into the site providing a robust natural buffer between the development and the BioQuarter;
- A series of tree belts, which add structure and enclose the site from adjacent open spaces; and
- Recent woodland planting, which is located along the southern and eastern boundary of the site along Old Dalkeith Road and The Wisp.

The east gates and lodge are Category B listed (reference 49519, listed 7 October 2003). The south gates and lodge are also Category B listed (ref 49518, listed 7 October 2003). Both the East and South Lodges are currently in a derelict state, with the South Lodge being ruinous.

An historic field enclosure lies to the north of the site and is a scheduled monument (SM6038).

Access for vehicles and pedestrians is currently taken from the Wisp and Old Dalkeith Road at the South and East Lodges.

2.2 Site History

The Policies Site

3 July 2015 - Planning permission in principle for residential development, ancillary uses and associated development was granted on appeal (application number: 14/01057/PPP, appeal reference P/PPA/230-2131).

23 April 2015 - Planning permission in principle for a cemetery, crematorium, memorial garden, chapel of rest and associated development was granted (application number: 13/05302/PPP).

20 June 2016 - Planning permission in principle for a cemetery (including the provision for woodland burials), memorial garden, chapel of rest and associated development was withdrawn (application number: 13/05235/PPP).

15 April 2014 - listed building consent granted to alter and renovate derelict listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse, with associated access and landscaping (application number: 14/00695/LBC).

24 April 2014 - application granted for renovations and alterations to the listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse with associated accesses and landscaping (application number: 14/00694/FUL).

23 April 2015 - Planning permission granted for ground stabilisation works (application number: 14/01166/FUL).

10 April 2018- Full Application and Listed Building Consent received for South Lodge for renovations and alterations to listed gatehouse, to form single dwellinghouse and associated works, including re-location of the existing gateposts (application numbers: 18/01543/LBC and 18/01544/FUL).

Eight Acre Field and Walled Garden

14 February 2008 - outline planning permission for an 80 bed private hospital on the site of the former house, granted subject to a legal agreement to secure the reinstatement of the designed landscape including use of the policies as a country park and transport contributions (application number: 04/03551/OUT).

27 July 2010 - outline planning permission for a residential care village on the field to the south of the hospital site (and south and west of this application site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (application number: 08/00934/OUT).

27 July 2010 - outline planning permission for the erection of a care home in the walled garden, granted subject to a legal agreement to secure a landscape strategy and transport contributions (application number: 08/00936/OUT).

11 October 2012 - planning permission for residential development with associated roads and landscaping refused on land largely to the west of the site in the Walled Garden and Eight Acre Field. The decision to refuse the application was appealed to the Scottish Ministers. The appeal was allowed, subject to a legal agreement, and a decision notice was issued on 20 September 2013 (application number: 12/01624/FUL).

11 June 2014 - application to amend existing consent 12/01624/FUL (residential development) to revise housing mix and elevations 'minded to grant' (application number: 14/00578/FUL).

Other Relevant Applications

8 November 2011 - full planning permission granted to form access road at the north of the site to serve private hospital, care home, care village (application number: 11/02143/FUL).

11 November 2011 - listed building consent granted to relocate existing stone gate posts at the East Lodge (application number: 11/02145/LBC).

6 June 2012 - section 42 application to extend the outline hospital consent (04/03551/OUT) for a further 3 years, approved subject to a legal agreement to deliver the landscape restoration and remaining transport matters in accordance with the original hospital consent. The legal agreement has not been signed (application number: 12/00764/FUL, appeal reference: P/PPA/230-2087).

7 June 2018 - Planning permission granted for the East Lodge for change of use to create a local shop (Class 1) (application number: 18/01561/FUL).

Main report

3.1 Description Of The Proposal

This application is for the approval of matters specified in conditions 1 and 6 of planning permission 14/01057/PPP.

Condition 1 requires the submission of all detailed design matters and road layouts, and condition 6 relates to surface water drainage.

With regards to condition 1, the proposal is for a total of 696 units. The market housing comprises 159 terraced/semi-detached properties with three bedrooms; 92 detached properties with four bedrooms; 14 townhouses with three bedrooms and seven bungalows with two bedrooms. It also comprises 90 colonies with two bedrooms, and 19 flats with one bedroom, 136 flats with two bedrooms and five flats with three bedrooms.

The affordable housing is proposed to comprise of 26 terraced/townhouse/semi-detached properties with three bedrooms; 36 colonies with two bedrooms and 110 flats with two bedrooms and two flats with three bedrooms.

Development of the site is laid out into three distinct zones; the northern portion, which predominantly faces The Wisp, the southern portion, which mainly relates to Old Dalkeith Road, and the woodland at the western side, adjacent to the former site of Edmonstone House and the remains of the stable block. Both the north and southern portions contain a mix of flats, houses and colonies, and are bisected by a linear area of open space. The western portion within the woodland contains three blocks of flats.

The flats along the edges of The Wisp are three storeys in height with flat green roofs, and there are four storey flats internal to the site. The flats in the woodland are all four storeys.

The houses and flats have a simple palette of materials, including brick and natural slate. Green roofs are proposed for the flats with flat roofs. The design of the properties within the main parts of the site are simple and contemporary. Within the woodland portion of the site, the flats are proposed to be finished in natural stone with a glazed upper level.

Vehicular access is proposed to be taken from two separate points along the Wisp and pedestrian and cycle access being proposed from Old Dalkeith Road to the south. This access from the south is via the existing listed gate piers and past the existing listed South Lodge. The northern most access on The Wisp is also through existing listed gate piers and past the listed East Lodge.

Internally, the main route connects the two access points from the Wisp and provides access to the blocks in the south. A network of secondary streets and lanes then provide access to the residential blocks.

Parking is provided within courtyards for the flats and terraced houses, and within the curtilage for the detached houses and colonies. Cycle storage is provided at a rate of 200% across the flats, and provision is made for electric vehicle charging points and city car club, where six spaces are proposed. There are around 50 spaces for disabled users across the site.

With regards to trees, the whole site is covered by a Tree Preservation Order. Throughout the site, parkland encompasses most of the area, with a scattering of widely-spaced trees of varying ages, including some which are up to 200 years old. Across the site, there are a number of vegetation types including:

- Ornamental woodland extending from the south into the site providing a robust natural buffer between the development and the BioQuarter;
- A series of tree belts, which add structure and enclose the site from adjacent open spaces; and
- Recent woodland planting, which is located along the southern and eastern boundary of the site along Old Dalkeith Road and The Wisp.

It is proposed that the majority of these trees and planting are retained, with the exception of individual trees which are required to be removed for arboricultural reasons, and some groups of plantation around the central core of woodland and a thin strip of planting along The Wisp and Old Dalkeith Road at the development side. A total of 18 trees are proposed to be removed to enable the development, and 60 are being removed for arboricultural reasons (mainly the health of the trees).

Additional trees are proposed within the site along streets and within existing tree belts.

Open space is provided within the site in various locations around existing tree clusters and belts. The main areas of open space are on an east/west axis extending from The Wisp to the main area of woodland on the north/south axis. There are other areas of incidental open space throughout the site around trees, as well as areas of tree planting along the boundaries of Old Dalkeith Road and The Wisp. The total amount of open space (excluding streets, semi-private courtyards and private gardens) is 9.34 hectares.

The historic features on the site, including the Ha-Has and remains of Edmonstone House are proposed to be retained within the landscape. The outline of the foundations of Edmonstone House are proposed to be reinstated as a gravel trench.

The wall along Old Dalkeith Road and The Wisp is not proposed to be removed or reduced in height. Areas where the wall is in a poor state of repair, or where the height is inconsistent, will be repaired and reinstated.

At the existing junction between the A7(Old Dalkeith Road) and The Wisp, junction improvements are proposed in the form of road alterations and the installation of signal improvements.

Previous Schemes

The original scheme was for a total of 800 units. It contained four blocks of flats in the central woodland area, and there was less woodland retained along The Wisp. Some houses also had a frontage onto the Wisp.

Supporting Statements

The following documents were submitted in support of the application:

- Environmental Statement addendum;
- Landscape Strategy;
- Surface Water Management Plan;
- Design and Access Statement;
- Tree Survey and Tree Shadow Plan; and
- Sustainability statement.

These documents are available to view on the Planning and Building Standards Online Service.

Scheme 1

The original scheme was for 800 units and the units came closer to The Wisp.

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 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 development complies with the planning permission in principle;
- (b) The details of the development are acceptable;
- (c) There are any other material issues, including representations; and
- (d) There will be any equalities or human rights impacts.

(a) Compliance with the Planning Permission in Principle

The site is allocated for residential development (HSG 40) in the Edinburgh Local Development Plan (LDP). The principle of a residential development, of which 25% will be affordable, is established by the planning permission in principle (PPP) to which this application for approval of matters specified in conditions relates.

The Planning Permission in Principle was granted following an appeal in 2015. The Reporter's key findings in the determination of the appeal related to the shortfall in the five year housing land supply, and the ability of the development to satisfy the greenbelt objectives, as per SESplan Policy 12.

SESplan Policy 12 requires local development plans to define and maintain green belts around Edinburgh to:

- (a) Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the local development plan settlement strategy;
- (b) Direct planned growth to the most appropriate locations and support regeneration;
- (c) Maintain the landscape setting of these settlements; and
- (d) Provide opportunities for access to open space and the countryside.

Following the appeal decision, the site was allocated for housing in the LDP. As part of this allocation, a site brief was produced, which aimed to set the parameters of an appropriate development on the site that would be in accordance with the aims of SESplan Policy 12.

The site brief shows woodland on the southern and eastern boundaries of the site, with new footpath/cycle connections on both an east/west and north/south axis. This was broadly similar to the indicative site layout that was submitted to support the PPP application, and was intended to comply with the aims of SESplan Policy 12.

The proposed layout is derived from the indicative PPP layout in terms of building plots and developable area. The locations of the development plots are similar to the layout shown at the PPP stage, albeit the quantum of development is increased within the plots. In addition, the areas of woodland along the southern and western boundaries are retained, and footpath linkages are provided along the periphery, as per the LDP site brief.

In terms of the Reporter's findings, he noted that:

"Development of the site would bring the city edge close to Danderhall but it would help consolidate the disparate urban form in the wider local area. It would form a logical extension to the BioQuarter and approved housing at Edmonstone Estate. The layout and orientation of Danderhall ensures that it would retain its separate identity and character."

The proposed development layout retains the woodland edge along The Wisp and is similar to the indicative PPP layout. While visual permeability into the site is constrained by the woodland along the boundaries, development of the site will allow increased access and physical permeability from the wider areas. This cannot currently be achieved due to ground instability. It will regenerate the area and help consolidate the urban form as the development of the site will act as a transition from the urban developments into the parkland to the north. The site will retain its visual separation from Danderhall as a result of the retained woodland and boundary wall, and hence there would be no visual coalescence.

Therefore, it is consistent with the LDP site brief and would not result in coalescence with Danderhall.

Increase in unit numbers

Although the LDP site brief has an indicative unit capacity of 170-370, the proposed development is for 696 units. The LDP capacity was derived from the indicative layouts that were shown during the assessment of the PPP application, including the accompanying Environmental Statement.

At this stage, the increase in units is supported and makes better and more effective use of the land. The increase in units also provides a greater number of affordable homes, which is supported.

Communities and Families was consulted in order to ensure that the additional units would not have a detrimental impact on the capacity of local schools. The proposal is expected to generate more pupils than anticipated in the Council's Education Appraisal. The education infrastructure actions within the Council's Action Programme that are applicable to this site may have to be revised to accommodate the increase in the cumulative number of new pupils expected in the area as a result of development. The level of contribution which will be available from this development site for the delivery of new education infrastructure will be determined under the terms of the legal agreement attached to the planning permission in principle (14/01057/PPP), and the contribution is being sought on a per-unit basis. This identifies a per unit contribution which will be applied to all units.

It is anticipated that the additional contribution that will be received as a result of the higher number of units now proposed will enable the impact of the increase in the number of pupils to be mitigated.

The application was supported by a new Transport Assessment (TA), as well as an addendum to the Environmental Statement, which examined the increase in units and the effects on air quality, views and landscape impact, as well as transport impacts.

With regards to transport impacts, junction capacity assessments were undertaken for the road links within the vicinity of the site, as detailed in the TA. The assessments indicate a potential capacity issue at the existing signals of Old Dalkeith Road and The Wisp. This will, however, be addressed through a scheme of junction widening at the A7/The Wisp junction to aid the future flow through this junction, as per the legal agreement attached to the PPP consent. This has been taken into account when assessing potential transportation and access impacts arising from the proposed Development. It is concluded that no further specific mitigation measures are required as a result of the increase in unit numbers, however the timing of the widening is subject to a condition of this application to ensure that all necessary works are delivered prior to the occupation of the first unit on site.

The Roads Authority is satisfied that the junction improvements will mitigate the impacts of the proposed development.

An air quality impact assessment was provided in support of the application which concludes that the proposed development will not have an adverse impact on local air quality. The air quality impact assessment considered the potential adverse impacts on local air quality as consequence of vehicle exhaust emissions from road traffic generated by the proposed development.

The main increase in road traffic generated by the scheme has been identified as being on Old Dalkeith Road and The Wisp. The air quality impact assessment predicts that the contribution to the annual mean nitrogen dioxide measurements is not significant.

Environmental Protection is satisfied that the air quality impacts of this proposed development on its own will be limited, although there are concerns over the impact on air quality of the cumulative impacts of other developments in the area. The air quality impact assessment has taken account of other committed developments in the area, as well as developments that are under construction and found that the impacts of this development were acceptable.

Environmental Protection would require the applicant to provide electric vehicle charging points which are fully installed and operational prior to occupation serving 100% of the spaces. However, at this stage, the Edinburgh Design Guidance 2017 states that one in six spaces require to have an electric vehicle charging point and this is secured as an informative.

Therefore, the air quality impacts of this development are acceptable.

With regards to the landscape impact, the updated Landscape and Visual Impact Assessment shows that although the development sits near the Edmonstone ridge, the overall visual impacts are negligible. This is primarily due to the established woodland within the site, which is mostly being retained. Furthermore, the scheme proposes to retain the majority of the woodland along the boundaries of the site, hence the development will have little impact on the overall landscape in local views. In longer views, the development will sit within the context of the existing suburban housing areas, as well as the BioQuarter, and will not appear incongruous.

Therefore, the general principles and layout of the proposal is acceptable and in accordance with the PPP application.

(b) The Details of the Proposal

Condition 1(a) and (b) - Site Layout and Building Design

LDP Policies Des 1 to Des 9 of the adopted Edinburgh Local Development Plan (LDP) sets the policy framework for the design of developments. Also relevant is the LDP site brief for this site and the Edinburgh Design Guidance (2017). The LDP site brief sets out basic principles for development on this site, including footpath connections and key frontages.

Policy Des 1 (Design Quality and Context) requires that proposals will create or contribute towards a sense of place, drawing on positive characteristics of the surrounding area. The Edinburgh Design Guidance (2017) states that new suburban developments should make an efficient use of land and contain a variety of different housing types.

The surrounding built environment of Fernieside/Moredun and Danderhall contains a mix of detached, semi-detached and flatted properties with varying materials. The proposed mix of houses and flats will complement the built form of the existing residential areas.

In terms of the design of the houses, there are a range of different house types proposed throughout the site, finished in a range of materials. The use of brick, natural slate and natural stone is appropriate given the unique setting of the site, and it will enhance the quality of the built environment. In addition, the proposal incorporates site-specific design elements; for example, where there is a double frontage at a corner, the house at the corner addresses this by incorporating additional windows and landscaping.

The buildings range in height across the site, with two and three storey properties closest to The Wisp, and four storey flats sitting further into the site. The Landscape and Visual Analysis shows that the buildings will not be readily visible from key viewpoints, due to the amount of screening provided by the trees. The main visual impact would be on the Edmonstone House Special Landscape Area (SLA), where the analysis shows a major adverse impact. The main reason for the designation of Edmonstone House as an SLA is the value of the trees and parkland landscape. The introduction of houses on this SLA would change its character. However, this site is allocated for housing, and the design and layout of the proposal has sought to retain many of the trees as possible to retain the mature character of the site.

In terms of more localised views along The Wisp, some buildings may be visible, particularly the three storey colonies and flats. However, the buildings are set behind the landscape buffer and planting along Old Dalkeith Road and The Wisp, so it will only be glimpse views that are offered. This is appropriate in this location.

The proposals therefore comply with the requirements of Policy Des 1 (Design Quality and Context) and the Edinburgh Design Guidance (2017).

In terms of layout, LDP Policies Des 4 (Development Design - Impact on Setting) and Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site, and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces. Similarly, the Edinburgh Design Guidance (2017) states that new suburban developments should be laid out to give a variety of different streets and spaces. These should integrate with the hierarchy of the streets in the surrounding area.

The Reporter also noted that:

"It would be possible to develop a housing layout on the appeal site that would achieve the following objectives:

- fit within the landscape below Edmonstone Ridge without impacting adversely on the setting of this part of the city;*
- create a development layout that retained and enhanced core historic woodland;*
- incorporate sizeable areas of open space and parkland to retain internal views and open aspects to the south and east;*
- retain important elements of the historic landscape structure including the Ha-Has and perimeter retaining walls;*
- ensure the visual separation from Danderhall through sensitive design and screen planting;*
- integrate a network of footpaths, cycleways and open space to be part of the wider CSGN in South East Edinburgh, and*
- regenerate a degraded site and return it to beneficial use."*

Taking the policy framework and the Reporter's findings into account, the positioning and fit of development on the site is appropriate and the layout and landscape structure will protect the more sensitive landscape edges to the east, as well as being discrete against the Edmonstone Ridge. This scale is appropriate for the site and surrounding context. In particular, the houses are set within the landscape, particularly in relation to the central core historic woodland, and this forms an appropriate response in this location.

Development on the site will be visible from the east, west and south, but will sit adjacent to existing housing at Moredun and Danderhall, albeit these areas are not readily visible from key historic viewpoints such as Craigmillar Castle. In accordance with the requirements of the South East Wedge: Edmonstone Site Brief, the woodland will be retained and enhanced along the southern and eastern edges of the site. The landscape proposals will strengthen the existing landscape along these edges and will enhance connections and open space between this site and the surrounding areas to the east and north. The existing perimeter stone walls around the site are being retained and repaired where required. This enhances the edges in this location, which contributes to the objectives of Policy Des 9 (Urban Edge Development).

Linear green spaces have been introduced within the site, running on an east/west and north/south axis. This green space contains a network of footpaths and cycleways, which traverse this space and link to other areas outwith this application site. This will create an attractive and site-specific footpath network, which will contribute to a sense of place. In addition, the existing historic Ha-Has and outline of Edmonstone House have been retained and incorporated into the designs within the open space areas.

Footpath links are shown along the western edge of the site, which will connect the site to other housing areas to the west (Danderhall and Shawfair beyond) as required by the site brief. A further footpath is provided to the south of the site, linking into Old Dalkeith Road and Moredun beyond. This provides further linkage opportunities and fits with the objectives of policy Des 7 (Layout Design) which seeks to enhance connectivity across sites.

The legal agreement for the Planning Permission in Principle secured improvements to the cycle network by requiring a cycle track linking the development to Ferniehill Road. This is proposed as part of this application, and will improve footpath and cycle connections and permeability to other areas beyond the site.

The design, scale and height of the buildings is acceptable and accords with the design policies of the LDP by drawing on the positive characteristics of the existing area, strengthening the landscape features within the site and providing footpath links to surrounding areas.

Amenity for Residents

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Existing Residents

The neighbours most affected by the proposals are located across The Wisp in Danderhall. However, the houses along The Wisp in Danderhall are set behind a landscape buffer and (for the most part) do not have a frontage onto The Wisp. In order to maintain amenity afforded to the existing houses, the proposed development has been sited in order to maximise the distance between the existing and proposed houses. There is also a buffer of retained landscaping within the development site along The Wisp. This will ensure a minimal impact on outlook and ensure that there is no privacy or overlooking between the existing and proposed houses. In addition, the distance between the properties ensures that there will be no loss of sunlight or daylight as a result of new houses or flats.

It is acknowledged that the area will experience a change in character from an open space to a residential site and this may have an initial impact on existing amenity through different patterns of use. However, the proposed land uses and design are complementary to the neighbouring area, and therefore, the development is in accordance with policy Des 5.

Future Residents

Sunlight and Daylight

The flats are dual-aspect and many of the living spaces face west and south and so will obtain sunlight into the main living areas. All of the properties will benefit from the required amount of sunlight and daylight as set out in the Edinburgh Design Guidance.

Privacy

The windows for the new houses will be greater than 18m apart or greater than 18m from existing windows. The units therefore have adequate levels of privacy.

Housing mix

Across the site, the applicant is also proposing a mix of property sizes in the form of houses, flats and colonies. The proportion of units with three bedrooms is in accordance with the Edinburgh Design Guidance, which states that 20% of units across the site should be homes for growing families with at least three bedrooms. The units are also offered as townhouses, colonies, terraces and flats, therefore providing a range of options available.

The overall development represents a positive contribution to meeting a range of housing needs and meets the policy requirements of Hou 2 - Housing Mix.

Open Space

Policy Hou 3 (Private Green Space) requires 10 square metres of open space to be provided for each flat. The applicant has demonstrated that this requirement has been met through a range of shared amenity spaces and private garden areas for ground floor flats.

The terraced houses and townhouses have private garden ground to the front and rear. The colonies share amenity space, where there is shared garden ground per three units.

In addition to the amenity space, there are areas of parkland throughout the site. In total, greenspace within the site exceeds the required 20% as required in policy Hou 3.

A condition is recommended requiring the management and maintenance of the landscaping to be submitted to ensure that all plants are established. The level and quality of open space proposed is therefore acceptable.

The proposal is therefore in accordance with policy Des 5.

Environmental Protection sought further details regarding the glazing specifications of the windows. However, this issue was not raised by the Reporter in the appeal decision, or conditioned as part of the PPP consent.

Overall, in terms of design and amenity, the proposed layout complies with LDP policies Des 4 (Impact on Setting) and Des 5 (Amenity) by providing an appropriate network of streets and open spaces which are well overlooked by residential properties. A strategy of boundary treatments has been proposed which provides good definition between public and private spaces, as required by Policy Des 5 (Amenity). It provides a legible environment which connects new housing to the existing street network effectively, in accordance with Policy Des 7 (Layout Design). There will be no impact on existing properties in terms of privacy, loss of sunlight or daylight.

Condition 1(c) and (d) - Car Parking, Access and Cycle Routes

Car Parking

LDP Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Car parking is provided at differing rates across the site. All detached properties have in-curtilage parking, and there are 603 other spaces across the site for the other properties types, mostly provided in shared parking areas. There are also six City Car Club spaces within the site.

The detached houses have parking in the front gardens, which is contrary to the technical guidance of the Edinburgh Design Guidance. The guidance states that high amenity residential areas generally have car parking located on the street, set to the side or concealed from public view. This is in order to reduce the number of streets which are dominated by cars.

There are approximately 40 detached units where parking is located to the front of the house. Therefore, the parking for the majority of the site (i.e. the remaining 656 units) is concealed within parking courts or along the sides of the units. The aims of the guidance is therefore met, whereby the majority of the streets will not be dominated by cars.

Issues of air quality and impacts of additional traffic on the road network were assessed as part of the planning permission in principle and considered acceptable. The addendum to the EIA also states that there will be no adverse impacts as a result of the additional units.

Access and Cycle Routes

Vehicular access into the site is proposed to be taken from two accesses off The Wisp.

It is noted that the junction of The Wisp and the A7 is often congested, leading to long tailbacks along The Wisp. Representations also highlighted the current problems with traffic at this junction. However, the junction improvements as noted in the transport assessment are sufficient to negate any problems arising as a result of this development.

The Roads Authority has expressed no objections to the proposals.

There are a series of pedestrian/cycling accesses into the site, which link onto the central cycle/footway within the site and onto other areas to the east and west. This is in accordance with the Council's strategy for cycling and active travel.

Transport Scotland had no comments to make with regards to the application.

Therefore, the proposal is acceptable in terms of LDP Policy Tra 2.

Condition 1(e) - Waste Management and Recycling

It is important that adequate provision is made for the storage of waste off-street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams. Adequate provision should also be made for the effective segregation of materials within a building; not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location.

Through discussions with the architect, a waste strategy was agreed for this site, and Waste Services are satisfied at this stage.

Condition 1(f) - Surface Water and Drainage Arrangements

The proposals include three SUDS basins, as well as swales and additional underground infrastructure. Scottish Water and SEPA have expressed no objections to the proposals, and Flood Planning is satisfied that the proposals are acceptable.

Condition 1(g) - Ground Levels

A plan was submitted showing the ground levels in relation to ordnance datum. The levels shown are acceptable.

Condition 1(h) - Sustainability

A Sustainability Statement was submitted in support of the application.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections, including the use of photovoltaics.

The sustainability measures are therefore acceptable.

Condition 1(i) - Hard and Soft Landscaping and Open Spaces

Landscape Quality

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

The main areas of existing and proposed landscaping within the site are located along The Wisp/Old Dalkeith Road frontage, where there is a wide strip of planting and trees. These trees are of moderate quality when considered individually, but when considered as a whole they form a landscape feature of high value and with an extensive visual impact along these boundaries. This planting along these main roads provides a critical interface between the city boundary and surrounding local authority areas. This landscape feature is highly valued by local residents.

There is also the area of woodland leading from Old Dalkeith Road to the former site of Edmonstone House, which contains a number of mature trees of varying qualities.

An Arboricultural Report has been provided for all the trees within the site and shows the trees that are to be removed from the site. The removals are due to both the health of the trees and to enable the development. The 18 trees that are proposed to be removed to enable the development comprise a mix of holly, yew, cypress, ash, silver birch and cherry. These are all category B or C trees.

In assessing the loss of the trees, it is noted that all the trees are protected by a Tree Preservation Order, and that they are important to the area and form part of the established character. In terms of LDP Policy Env 12, the loss of the trees can be justified for arboricultural reason as many of them are in poor health, or are hindering the development of surrounding trees. While there are areas where trees are being removed to enable the development, Policy Env 12 allows for the removal of trees where replacement planting of appropriate numbers and species are provided.

New trees will be planted within the open space areas and streets, as well as within the woodland areas. The landscape strategy has been developed around the objectives of retaining as many of the trees possible. The strategy has also considered improving planting densities around the remaining trees (particularly in the woodland) in order to improve ground conditions and allow the trees to develop unhindered; enhancing the species mix and biodiversity by incorporating additional species, and; replacing lower amenity and non-native species with species more appropriate to the setting.

The proposed landscaping has been designed to complement the development as well as being sensitive to the historic setting. The Ha-Has and Edmonstone House are being reinterpreted into the landscape, and there will be no changes to the historic listed gatepiers at South Lodge.

The proposed landscaping also takes into account the lifespan of the existing trees and the constraints of the ground conditions. Supporting visualisations show how the area will look with the new tree planting and it indicates that the landscaping will enhance the area.

From a design viewpoint, the new landscaping will complement the existing on site, and will contribute positively to the character of the area.

Therefore, the proposed landscaping and new planting is suitable and will provide a robust landscape with increased longevity. The proposal is therefore in accordance with policy Env 12.

LDP Policies Env 15 (Sites of Local Importance) and Env 11 (Special Landscape Area) are relevant as the site is within a Local Nature Conservation Site and Special Landscape Area. Therefore the impacts of the development require to be assessed in terms of the impacts on these designations. Policy Env 15 states that development likely to have an adverse impact on the flora, fauna, landscape or geological features will not be permitted unless it can be demonstrated that the reasons for allowing the development are sufficient to outweigh the nature conservation interests, and the adverse consequences of allowing the development have been minimised and mitigated in an acceptable manner. Policy Env 11 states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscaped Area.

In this instance, the proposed development will not be readily visible in local views due to the retention of the tree buffers and woodland.

Scottish Natural Heritage (SNH) raised concerns that the generally increased height and changed positioning of the proposed blocks within the woodland areas near the site of the former Edmonstone House will generally test the principles of visual containment that have previously been discussed and explored in the PPP application. This is in part due to the overall increase in AOD levels and the positioning of blocks closer to the western edge of the site where woodland cover is narrower. In this regard, SNH also noted that there may be a degree of visual permeability of the woodland cover, particularly in winter conditions, this is noted, although these flats in the woodland will be closest to the BioQuarter. When developed, the BioQuarter will reach the higher slopes of the Edmonstone Ridge, and this housing development will be viewed in a more urban context. The design of the flats is high quality, using robust natural materials, and any incidental visual permeability will be acceptable.

Although the character of the area will change from being parkland to housing, the benefits of allowing development on the site in order to remediate the land and provide greater accessibility, outweigh any (albeit short-term) negative impact on the flora, fauna or landscape.

The proposal is therefore acceptable in terms of LDP Policies relating to the quality and impacts on the landscape.

Ecology

A Bat Survey and separate Ecological Survey were carried out for the site. The aim of the survey was to assess the trees within the site to support bats and to identify the presence and location of any bat roosts.

During previous surveys carried out in 2011, a total of six active bat roosts were identified, of which five were located within the site boundaries and one within woodland to the immediate west of the site. The active bat roosts within the site boundary were located as being three roosts within stable ruins associated with Edmonstone House in the northwest former stable block and two tree roosts within woodland in the southwest.

The dusk emergence surveys undertaken between June and August 2013 detected no bats roosting at any of the six roost sites that had been identified during 2011, other than at the south western end of the site. This roost was occupied by a single Common Pipistrelle bat.

The recent surveys carried out in 2017 indicate that only one of the bat roosts identified in 2011 was active. The roost was located within the stables and was occupied by a single Soprano Pipistrelle. No activity was identified within the other five previously identified bat roost locations and no new bat roosts were found.

A preliminary assessment of the trees in the open parkland was made in May 2017. This survey indicated that six trees had high roost potential, 18 had moderate roost potential, and 22 had low roost potential. However, as the trees had full leaf cover that could have obscured potential roost features, no further detail on these trees is provided within the Ecological Appraisal (including Extended Phase I Habitat Survey), and further assessment of these trees would be required prior to any works being commenced on the Site.

This is recommended as a condition.

No Badger setts or any signs of Badger activity were found within the Site or within 30m of it. However, two abandoned Badger setts were found to the west of the Site at approximately 100m and 150m from the Site boundary. Evidence noted during surveys indicate that these setts had not been occupied since 2011.

With regard to breeding birds, the EIA addendum noted that they are not considered to pose a significant ecological constraint to the development of the open areas of the site, as few breeding birds were present in the open field areas.

In the 2017 surveys, most of the breeding birds that were identified within the site were found within the peripheral woodland habitats, most of which will be retained. Development within the woodland would result in disturbance and/or habitat loss. However, impact on the species that would lose breeding habitat is considered to be at the site level only and would not significantly impact the breeding populations in the wider area. As the loss of the woodland habitats is minimal, this impact is acceptable.

Therefore, the ecological impact of the development is acceptable.

Landscape Design Details

Public open spaces are provided within the development in the form of linear parks on an east/west axis and north/south axis through the site. There are also three separate areas for SUDS basins in the centre of the site, as well as areas of informal open space throughout the site. Policy Hou 3 (Private Green Space in Housing Development) states that at least 20% of the total site area should be useable greenspace and this is met.

The linear open space layout through the centre of the site is positive and the locations of the cycleway/footways is supported.

Garden fences within the site are located outwith public areas and are not visible. Other boundary treatments comprise hedges and walls, and this is supported. The southern and eastern boundaries of the site have retained the trees and planting, which is a suitable edge on this approach into the city. The location and species of the trees and other soft landscaping is appropriate and in accordance with the Edinburgh Design Guidance, and a condition is recommended to ensure the long-term maintenance of the landscaping.

Condition 6

Condition 6 relates to surface water drainage scheme. SEPA were consulted as part of the proposals and offered no objections. This is on the basis that after the site is developed, overland flow pathways will remain as they are currently. SEPA does not consider there will be an increase in flood risk to nearby receptors if the SUDS are designed and installed appropriately.

Flood Planning were also consulted and offered no objections to the surface water drainage scheme.

This is acceptable and in accordance with LDP Policy Env 21 (Flood Protection).

(c) Other Material Issues

Material Objections

Representations were received for the various schemes during the consideration of the application. Earlier representations related to the previous schemes, which were for a higher number of units and had buildings closer to The Wisp, resulting in the loss of trees and woodland along The Wisp frontage. As a result of design changes carried out in subsequent schemes, many of these objections were addressed. However, the following are still relevant:

- Traffic impacts and road capacity issues (assessed in 3.3(b));
- Loss of wildlife (assessed in 3.3(b));
- Loss of trees within a Tree Preservation Order area (assessed in 3.3(b));
- Impact on sunlight and daylight (assessed in 3.3(b));
- Impact on amenity (assessed in 3.3(b));
- Flooding issues (assessed in 3.3(b));
- Infrastructure impacts (assessed in 3.3(b); and
- Excessive building heights (assessed in 3.3(b)).

The Danderhall Community Council noted objections relating to:

- traffic generation from residential units plus visitor spaces and the impact on traffic flows along The Wisp and farther afield;
- Impact on existing facilities;
- the local but nonetheless significant, adverse impacts with respect to landscape character, visual amenity and ecological/nature conservation integrity along The Wisp and the Old Dalkeith Road; and

- the loss of separation between Edinburgh and Midlothian at this point and thereby the erosion of identity at Danderhall through coalescence.

Non-material representations related to the principle of development on the site, and amenity issues during construction.

All representations were taken into account during the assessment of the application, and influenced the amendments sought.

(d) Equalities and Human Rights

The application has been assessed for any potential impacts on equalities and human rights.

The proposal would lead to the loss of the existing open area, though it would provide new housing, including 25% affordable and the provision of publicly accessible areas, which are currently inaccessible by mine workings, which could aid in improving the standard of life.

In relation to equalities, the design statement indicates that development will be fully accessible to disabled people and that the houses will be designed to accommodate changes in lifestyle and mobility that can be anticipated over the lifetime of their occupants.

The Edinburgh Access Panel was consulted and supported the number of accessible parking spaces, however commented on the lack of housing for the elderly or disabled owners/tenants.

As noted above, the houses can be accessible to a range of occupants. In addition, the adjacent site (the Walled Garden) currently has 47 houses under construction as Elderly Amenity housing.

Therefore, the site provides housing for a range of users, and the wider area has a proportion of housing specifically for elderly residents.

Overall Conclusion

The site is allocated for housing and accords with the broad principles of the Local Development Plan site brief and the Reporter's recommendations. The increase in unit numbers has been assessed through the submission of an addendum to the EIA and the impacts are acceptable.

The design and layout of the proposal is acceptable and provides a range of housing types and sizes. The landscape impacts are acceptable and will not adversely affect local views or views across the City.

Although a number of trees are proposed to be removed, the majority are for arboricultural reasons. A total of 18 are proposed to be removed to enable the development. The loss of these trees is compensated by the additional planting across the site. The landscape proposals are acceptable.

The proposal will provide 696 homes, including 25% affordable provision. It will regenerate an area where there is currently restricted access due to ground conditions and provide accessible open space and allow for the interpretation of the historical artefacts on site.

The proposal is in accordance with the LDP and meets the requirements of the PPP conditions. No material considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall commence on site until the signalised junction of The Wisp with Old Dalkeith Road is upgraded to include a system of control by Microprocessor Optimised Vehicle Actuation or such other alternative system as may be agreed by the Planning Authority, together with carriageway widening and all additional measures required as shown on Transport Planning Ltd's plan, number TP430/SK/001 dated October 2017.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. For the avoidance of doubt, the roof materials for all the pitched roofs on site shall be natural slate, and the flats roofs shall be living green roofs, the details of which shall be submitted for approval by the Planning Authority prior to the commencement of works on site. Samples of these shall be submitted as per condition 2.
4. The approved landscaping scheme shall be fully implemented within 6 months of the completion of each phase of the development. Any trees or plants which, within a period of five years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
5. The trees to be retained on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 "Trees in relation to design, demolition and construction".
6. Notwithstanding the plans hereby approved, there shall be no changes or alterations to the listed gate posts or walls at the South Lodge, including widening.
7. For the avoidance of doubt, no vehicular access shall be taken from or onto Old Dalkeith Road/A7.

8. Prior to the commencement of works on site, a Species Protection Plan shall be submitted for consideration and approval by the Planning Authority. The Species Protection Plan should be informed by a further survey as recommended in the Ecology chapter 9 of Volume 1: Environmental Statement Addendum - Main Text (February 2018).
9. Prior to the commencement of works on site, a phasing plan shall be submitted showing the phasing for the delivery of the landscaping, active travel routes and SUDS throughout the site. This phasing plan shall then be approved by the Planning Authority (as appropriate) and works on site shall be carried out in accordance with this phasing plan.

Reasons:-

1. In order to mitigate the traffic impacts of the proposed development.
2. In order to enable the planning authority to consider these matters in detail.
3. To ensure the roofs are finished in an appropriate material, commensurate with the historic landscape and sustainability.
4. In order to ensure the landscaping is established, in the interests of amenity of the site and wider area.
5. In order to adequately protect the trees on site.
6. To define the permission.
7. In the interests of road safety.
8. In the interests of nature conservation.
9. To ensure the satisfactory delivery of the infrastructure on site.

Informatives

It should be noted that:

1. 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.
2. As soon as practicable upon the completion of each phase 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.

3. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
4. In accordance with the Council's Local Transport Strategy Travplan3 policy, the applicant should develop a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
5. The developer of each phase shall ensure that one in every six parking space shall include a 7Kw (type 2 socket) charging provision, with a number of rapid 50Kw electric vehicle charging points installed to charge taxis, service vehicles and possibly buses. Information on chargers is detailed in the Edinburgh Design Standards -Technical Information Design Standards.
6. The final locations for the City Car Club spaces shall be agreed prior to the commencement of development.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

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 20 February 2018 and nine letters of representations were received, comprising eight objections and one general comment.

Following the submission of amended plans, the application was advertised again on the 27 April 2018. During this consultation period, 21 letters of objection were received, and one general comment.

The third scheme was advertised on 15 June 2018, and this attracted nine letters of objection and one letter of general comment.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- 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 allocated housing site (HSG 40) in the Edinburgh Local Development Plan. The site is also a Special Landscape Area and Local Nature Conservation Site.

Date registered

5 February 2018

Drawing numbers/Scheme

01, 02B, 03C, 04C, 05A, 06C, 07C, 08C, 09B, 10B, 11B, 13-27,, 28B, 29-32, 33B, 35B, 36C, 37B, 38B, 40, 41, 42A, 43, 44, 45A, 46, 47, 48A - 53A, 54B, 55A, 56A,, 57B, 58, 59, 60A, 61, 62, 63A, 64A, 65A, 66B, 67, 68, 69A,, 70A, 71A, 72B, 73A-74A, 75B, 76, 77, 78A, 79, 80, 81A, 82-86, 87A-91A, 92B, 93-102, 103A.,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

Links - Policies

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in 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 Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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.

Appendix 1

Application for Approval of Matters Specified in Conditions 18/00508/AMC

At Land 447 Metres Northeast Of 545, Old Dalkeith Road, Edinburgh

Application for Approval of Matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, Ancillary Uses and Associated Development on Land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh.

Consultations

Coal Authority - date 05 March 2018

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority commented on this outline application to which this submission relates in a letter to the LPA dated 7 May 2014. In this letter we noted that we would expect the layout of the development to avoid locating any built development on or within the influencing distance of the mine entries in order to comply with our adopted policy.

It is noted that the current submission is for approval of matters relating to Conditions 1 and 6 of the planning permission. The Coal Authority notes that Condition 7 is the one which relates to coal mining legacy.

However, we would have expected the exact location of the mine entries to have been established in order to inform the site layout in order to ensure that adequate separation is provided between these features and any buildings proposed. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

As no information has been provided to demonstrate that the layout proposed has been informed by the exact location of the mine entries, or that detailed consideration has been given to how these features relate to the layout, the Coal Authority objects to this current submission.

It is requested that the applicant provides additional information to demonstrate how the layout proposed has been informed by the coal mining legacy issues present on the site.

Transport Scotland - date 5 March 2018

Director, Trunk Roads Network Management Advice:

The Director does not propose to advise against the granting permission

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

Historic Environment Scotland - date 6 March 2018

Thank you for your consultation of 15 February and the accompanying addendum to the Environmental Statement for the above matters specified in conditions 1 and 6 for this development proposal.

Having reviewed the Addendum to the Environmental Statement I can confirm that we have no comments to offer on the updated predicted impacts or the application.

SEPA - date 13 March 2018

Thank you for your consultation email which SEPA received on 15 February 2018.

Advice for the planning authority

We have no objection to this planning application, but please note the advice provided below.

On 09 June 2014 (our ref PCS/133598) we removed our objection to planning permission in principle for this development on the grounds of lack of information on impacts to the water environment from Pulverised Fuel Ash grouting, Sustainable Urban Drainage Systems and impacts to Niddrie Burn.

1. Pulverised Fuel Ash (PFA)

1.1 SEPA only requires that the PFA grouting is undertaken in accordance with General Binding Rule 16 of the Controlled Activities Regulations and that the developer has assessed the risks to the water environment in their own interests.

1.2 SEPA would only become involved if there was evidence of impact on the water environment from grouting. We would not normally want to see evidence that the works had been completed (as per the condition). However, if the information is sent to us for review we will comment if there is anything useful we could add.

2. Sustainable Urban Drainage Systems (SUDS)

2.1 The proposals for SUDS do not appear to be accompanied by the output of the Simple Index Approach (SIA) Tool. Especially before this application is determined we advise you to ask the applicant to provide this in order to demonstrate that the SUDS proposed are adequate and appropriate. We do not need to review this SIA output but we will provide comments on it if you would find this helpful.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at

Midlothian Council - date 12 April 2018

Background

In granting planning permission in principle for this development, Scottish Ministers adopted the conclusions and recommendations of the Scottish Government reporter. The reporter's description of the development (Report to the Scottish Ministers, p.12) refers to two indicative site layouts which accompany the application showing development of the 27 ha site for either 173 or 368 dwellings, both layouts having roughly the same 12 hectare development footprint split into four main development areas separated by open space, footpaths and some existing woodland. Other drawings accompanying the application show housing limited to two stories.

The reporter notes (p.40) that the greatest visual impact arising would be from local viewpoints close to the site around Danderhall, particularly at the junction of The Wisp/Old Dalkeith Road and along nearby sections of both roads, but that these impacts could be mitigated "by additional planting along both road boundaries and by retaining open [emphasis added] and planted areas closest to the junction." This Council had been pleased to note that these issues had already been addressed to some degree in the indicative site layouts, with substantial tree belts proposed along The Wisp and Old Dalkeith Road and a large open meadow proposed next to The Wisp/Old Dalkeith Road junction.

The reporter states (p.33) that in the event of planning permission in principle being granted, "further refinement [emphasis added] of the site layout would be required to address landscape and open space matters"; and that a suitably designed site layout could (p.7) "incorporate sizeable areas of open space and parkland; [and] ensure the visual separation [emphasis added] from Danderhall", etc.

The legal agreement accompanying the planning permission in principle requires improvements to the traffic signals at The Wisp/Old Dalkeith Road as mitigation of effects on local transport infrastructure.

Current Application

It is difficult to see how the current proposals for 800 dwellings represent a 'refinement' of either of the two indicative schemes, schemes relied on by the reporter in deciding to support the principle of development. The development footprint has increased, the main development areas have merged, and housing has increased in height and been brought nearer to the site boundary. As a result, the meadow/open space next to The Wisp/Old Dalkeith Road junction has been lost to housing and the tree belt along The Wisp to avenue trees. Housing now sits prominently when viewed from local viewpoints, not least around The Wisp/Old Dalkeith Road junction, along The Wisp, and at Edmonstone ridge; this is clearly illustrated in Viewpoint 10 (Edmonstone Road), Viewpoint 15 (The Wisp), Viewpoint 16 (Junction of A7 Old Dalkeith Road & The Wisp), and in the Site Layout Overview Edmonstone.

It will be understood that Midlothian Council is concerned by the landscape impact and lack of visual separation from Danderhall that would result were this development to proceed, and suggests the applicant is asked to address the above issues raised by the reporter.

In relation to transport, Midlothian Council agrees with the requirement identified in the Transport Assessment (TA) for improvement to the existing The Wisp/Old Dalkeith Road traffic signal controlled junction, which improvement is already a requirement of the legal agreement. The physical alterations to the Wisp, to allow the improvements identified in drawing TP430/SK/001 (Signalised Junction with Widening Indicative Layout) and described in section 9.27 of the TA, should be undertaken at the earliest opportunity. The introduction of a MOVA traffic signal control at the widened junction, as described in section 9.33 and 10.18 of the TA, will also be a minimum requirement to allow the junction to operate safely with the additional traffic flows arising from an increase in dwelling numbers. If necessary to ensure these further improvements, the existing legal agreement should be revisited. Technical details of the alterations to the existing junction will require to be approved by Midlothian Council Road Services staff and works within or affecting the public road including works in the footway/verge must be authorised in advance by the roads authority and will require a 'Road Opening' permit.

Gilmerton and Inch Community Council - date 30 April 2018

issues are a huge concern. 800 residential units with visitor spaces will have a very negative effect on the traffic flow in this area. The adjoining walled garden development - 100 units - will compound this issue with an exit also leading onto the Wisp. GICC sees no acceptable resolution to this unavoidable issue. Infrastructure issues are a huge concern. Local services are already overstretched and there is no resolution to accommodate the needs arising from 800 units. The overall landscape of the area will be adversely affected. 800 Units will adversely affect the visual character along The Wisp and Old Dalkeith Road. The ecological impacts on the local area will be negatively affected. Local wildlife will diminish with the loss of their habitats.

This Snaefell proposal is significantly altered to the schemes which were submitted to the Public Inquiry. 800 units is more than double these previous schemes.

GICC asks the City of Edinburgh Council to object to this proposal for previous 5 issues.

As an important addendum: GICC does indeed cover a section of this land. Please could you reflect this in the contents section both in relation to our area's local councillors as well as this Community Council.

Management Service - date 14 June 2018

Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development. We have been in discussion with the architect at this site and agreed on the waste strategy. However I would like to reiterate the following:

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location.

In view of these factors the developer must contact Waste Services on 0131 529 3030 or hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. Any changes to the current agreement will need to be discussed.

Waste Management Service – date 31 July 2018

Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development. The application form refers to agreeing to CEC waste guidelines but not in detail.

I would assume from the files that this is a mixture of houses and flatted properties. We would require to see this to ensure waste and recycling requirements have been fully considered.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly Hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

Roads Authority – date 16 August 2018

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site, including suitable access to waste bin locations. The applicant is recommended to contact the Council's waste management team to agree details. The area also has extensive mine workings which may require appropriate measures and structural approval;*
- 2. A Quality Audit, as set out in Designing Streets, will be required to be submitted prior to the grant of Road Construction Consent. For the avoidance of doubt, the proposed layout is not approved at this stage and will require amendment to address a number of issues, including proposed parking layout and carriageway widths;*
- 3. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents / occupiers as part of any sale of land or property;*
- 4. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority;*
- 5. In support of the Council's LTS Cars1 policy, the applicant should consider the introduction of car Club vehicles within the area. The introduction of such vehicles would require a contribution of £5,500 per vehicle plus £1,500 for the required order;*
- 6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

7. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport;*

8. *The applicant should note that new road names will be required and they should be asked to discuss this with the Council's Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of any traffic regulation orders.*

Note:

A. A Minute of Agreement has been signed and registered (30 June 2015) in relation to the outline permission (ref.14/01057/PPP) including a requirement for the developer to address the following transport matters:

a. Carry out improvements to traffic signals at The Wisp/Old Dalkeith Road to the satisfaction of the Council;

b. Construct a 2m wide footway within the development between the northern access road and Edmonstone Road;

c. Construct a cycle track linking the development to Ferniehill Road;

d. Contribute £6,000 for traffic orders to: (i) designate disabled parking places; (ii) introduce waiting and loading restrictions (yellow lines); and (iii) introduce a 20mph speed limit within the development;

e. Contribute £2,000 to introduce a 30mph speed limit on The Wisp;

B. The Council's Action Programme identifies the site as being within the Sheriffhall Contribution Zone. There are currently no identified contributions for this work;

C. The proposed parking provision is in line with the Council's former parking standards (dated 2009) which applied at the time the appeal was granted in 2015;

D. Motor vehicle access to the development will not be permitted at the junction of Old Dalkeith Road and Ferniehill Road;

E. The proposed road layout will not be permitted to allow motor vehicles to travel directly through the site between The Wisp and Old Dalkeith Road.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 18/02696/FUL
At 597 Queensferry Road, Edinburgh, EH4 8EA
Demolition of existing house and garage and erection of six
new terrace townhouses. Revised planning application
following Planning Reference 18/01100/FUL refusal
(28/05/18).**

Item number	7.4
Report number	
Wards	B01 - Almond

Summary

The proposal complies with the Edinburgh Local Development Plan and relevant Non-statutory Guidance. The principle of residential development on this site is acceptable. The proposal will not have a detrimental impact on the spatial character of the area and is of an appropriate design quality. There will be no adverse impact on the amenity of existing neighbours and a satisfactory level of amenity will be provided for the future occupiers of the townhouses. The proposal raises no issues in respect of transport.

Links

Policies and guidance for this application	LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02,
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Report

Application for Planning Permission 18/02696/FUL At 597 Queensferry Road, Edinburgh, EH4 8EA Demolition of existing house and garage and erection of six new terrace townhouses. Revised planning application following Planning Reference 18/01100/FUL refusal (28/05/18).

Recommendations

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

Background

2.1 Site description

The application site covers a total area of 1380 square metres. The site is bounded by Queensferry Road to the north east and Cammo Road to the south. Queensferry Road is a busy arterial route that connects Edinburgh city centre and Queensferry.

There is an existing residential dwelling on the site, which will be demolished. The house is a large, two storey detached villa with its principal elevation fronting Queensferry Road. The property is not listed. The principal elevation is approximately 8.5 metres from Queensferry Road. There is a sizeable garden to the rear of the property with a stand-alone, detached garage in the north west corner.

The existing property has two vehicle access points, one from Cammo Road and one from Queensferry Road. The site slopes downhill slightly.

The area surrounding the application site is almost exclusively residential in nature. The properties to the east of the site on the south side of Queensferry Road are primarily detached or semi-detached, with large rear gardens and defined feu boundaries. These properties are between one and two storeys in height with pitched roofs, finished in stone, render, harling, tiles and slate.

The residential dwellings along Cammo Road and on the northern side of Queensferry Road have largely the same spatial character.

However, there are existing anomalies within this. To the immediate south of the application site there are two flatted complexes. These are higher in density than the typical spatial pattern of the surrounding area. To the north west of the site at Strathalmond Park, Strathalmond Green and Strathalmond Road there are also a range of terraced properties.

2.2 Site History

25 May 2018 - Planning permission refused for the demolition of the existing house and garage and erection of six new terraced townhouses. (Planning application reference 18/01100/FUL). Reasons for refusal expressed by the Development Management Sub-Committee:

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the gable design is inappropriate given the characteristics of the surrounding area.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the detailing on the gable will not have a positive impact on the character of the site and the surrounding townscape.

14 December 2017 - Enforcement enquiry for the removal of trees and shrubs on site concluded there was no breach of planning control (17/00685/EOPDEV).

Main report

3.1 Description Of The Proposal

The application is for the demolition of the existing detached house and garage on site. The existing fence, gate and gate posts will also be removed.

The application proposes to erect six town houses, arranged in a terrace. The dwellings will be located towards the centre of the site. Each dwelling will be three storeys in height with a mansard roof.

The principle elevation of the properties will face on to Cammo Road. Each dwelling will have one allocated parking space fronting Cammo Road and an internal garage at ground floor level. A dropped kerb is proposed in three locations for accessing the driveways.

The existing, stone boundary wall at the north east elevation of the site, fronting Queensferry Road, will be retained. There is an existing drive way opening in this wall. This will be infilled with a 1.6 metre high, close boarded timber fence and a pedestrian access gate. This gate will lead on to a concrete path that will give Plots 1 to 4 access to their rear gardens. A 1.8 metre high, close boarded timber fence is proposed to the rear, north west boundary of the site and the side, south west boundary. The south east elevation, fronting Cammo Road, will have hedging as the boundary treatment.

The rear gardens will be grassed with an area of timber decking. 1.8 metre high, close boarded timber fencing will be used to separate the back gardens of the proposed dwellings and the communal access path to Plots 1 to 4. Each townhouse will have four bedrooms. Plot 1 will have a gross internal floor area of 170.8 square metres and Plots 2 - 6 will all have a gross internal floor area of 165.4 square metres.

The dwellings will be finished in smooth, off white render with concrete tiles to the pitched parts of the mansard roof and single ply membrane to the flat parts. Each property will have dormer windows on the sloping parts of the mansard roof on both the south east and north west elevations. The dormer windows will be clad in metal. The front, south east elevations of each property will have a glass and metal balustrade at first floor level. All doors and windows will be timber.

Amendments to the Scheme following refusal:

- position of first parking space adjusted to 17.236 metres from the junction with Queensferry Road; and
- gable elevation to Queensferry Road adjusted to a hipped roof, window articulation altered and porch entrance features added.

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 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 proposal is acceptable in principle;
- b) the proposal is acceptable in regards to the spatial characteristics of the neighbourhood;
- c) the proposal is acceptable in design;
- d) the proposal will have an adverse impact on neighbouring amenity;
- e) the proposal will provide sufficient amenity for future occupiers;
- f) the proposal raises any concerns in relation to transport;
- g) there are any other material considerations; and
- h) any material comments made in representations have been addressed.

a) Principle

Policy Hou 1 in the Edinburgh Local Development Plan (LDP) supports the delivery of housing on suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

The application site is designated urban area as defined by the LDP. The principle of residential development is acceptable in this location. The proposal complies with Policy Hou 1.

b) Spatial Character

Policy Hou 2 seeks the provision of a mix of housing types and sizes to meet a range of housing needs, including for families, having regard to the characteristics of the area surrounding a site and its accessibility. Policy Hou 4 states that the Council will seek an appropriate density of development on a site having regard to its character and accessibility. There is a need to create an attractive residential environment and safeguard living conditions within the development, as stated in Policy Hou 4. The Edinburgh Design Guidance (EDG) states that in new suburban developments, the Council encourages the efficient use of land and a mix of housing types.

The proposal is for six terraced town houses within a predominantly residential area. The plot is sufficiently large enough to accommodate these townhouses and their provision is encouraged by the EDG, which recognises that having a range of different dwelling types in an area improves social sustainability.

The density of the housing proposed in this application is higher than the density of surrounding houses. However, the development is of a domestic scale and can be inserted into the site without having a detrimental impact on the wider amenity or character of the area.

The footprint of the proposed development differs from the wider established spatial character of the area. However, in the context of the sites immediate vicinity on the south side of Queensferry Road, there are existing anomalies in development density and spatial arrangement. There are two, higher density flatted complexes on Cammo Crescent, directly across from the application site and also a range of terraced properties to the north west of the site at Strathalmond Park, Strathalmond Court and Strathalmond Green. In comparison with the properties located to the east and south of the site, where there is a more rigid spatial pattern of large detached plots with defined boundaries, the application site is in an area that has developed more fluidly, which has a varied character and arrangement of properties.

As a result, the increased density of development proposed on this site is acceptable and will not have a detrimental impact on the spatial character of the immediate area, which is already diverse.

The development is located in close proximity to the existing amenities of the Whitehouse Road Local Centre as defined by the LDP and Queensferry Road, which is an arterial route to and from the city centre and Queensferry. The application site is in an accessible location and will deliver family housing, as sought in Policy Hou 2.

The proposal complies with Policy Hou 2 and Policy Hou 4 in the LDP and the EDG.

c) Design

Policy Des 1 in the LDP states that 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. Policy Des 4 states that 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, having regard to the height and form of the development, its scale and proportions, its position on site and any materials and detailing.

Height, Form, Scale and Proportions

The townhouses will be three storeys high. Despite having a third level of living accommodation, the proposed townhouses are still of a domestic scale and relate well to the existing roof ridges of neighbouring properties. The topography of the site, slopping downhill on Cammo Road, means that the townhouses are stepped down and are only marginally taller than the neighbouring properties to the west and north.

Given the location of the proposed townhouses at the corner of Cammo Road and Queensferry Road, the change in building height in relation to the more traditional two storeys is supported by the EDG. The EDG states that modest increases in building heights at nodes such as transport intersections of arterial and other significant roads will be supported.

The height, form, scale and proportions of the proposed development is acceptable.

Design

The proposed townhouses are stepped forward slightly when compared with the existing building line on Cammo Road. However, when looking at the position of the development in a wider context, this step forward does not have a detrimental impact on the spatial character of the area.

The previous scheme was refused on the basis that the proposals failed to address Queensferry Road in the design of the gable. The applicant has revised the treatment of this elevation and incorporated a hipped roof to reflect the varying roof styles of other properties along Queensferry Road. A frontage has also been created within this property and one of the residential properties will have a front door facing Queensferry Road. On balance it is considered that the amended gable design will have a positive impact on the character of the area.

The position of the development on site is acceptable.

The proposal utilises a palette of colours and materials in keeping with the character and appearance of the immediate area surrounding the site. This includes the use of off-white render on the walls and orange concrete roof tiles.

Having regard to the character of the surrounding area, the proposal is of an appropriate design. The development will have a positive impact on its surroundings and is acceptable in terms of height, form, scale, proportions, position, materials and detailing. The proposal complies with Policy Des 1 and Policy Des 4 in the LDP and the EDG.

d) Neighbouring Amenity

Policy Des 5 in the LDP states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected. Consideration must be given to neighbouring properties to ensure that there are no unreasonable noise impacts or loss of daylight, sunlight or privacy and immediate outlook.

The townhouses have been positioned so that reasonable levels of daylight and sunlight to neighbouring buildings and gardens north and west are maintained. The spacing between the townhouses and the existing buildings is acceptable.

To the streetward side of a development, privacy to some degree is already compromised by the fact that people in the street can come relatively close to the windows of dwellings. The properties on the streetward side of the application site will be, at their nearest point, approximately 32 metres away from the proposed townhouses. This is a sufficient distance, which will ensure that the privacy of neighbours living there is protected.

There are a number of windows present on the gable of the development beside 2 Cammo Road. Both daylight and privacy to gables and side windows is not protected, as stated in the EDG. However, all the gable windows proposed are located in non-habitable rooms.

The proposal will not have an adverse impact on neighbouring amenity and complies with Policy Des 5 in the LDP and the EDG.

e) Amenity for Future Occupiers

Policy Des 5 in the LDP states that planning permission will be granted for development where it is demonstrated that future occupiers will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook.

The proposed townhouses will achieve reasonable levels of daylight. The windows to the front and back of the properties are relatively large and tall and as such, will ensure that daylight can penetrate within them into all habitable rooms. The orientation of the townhouses will ensure that reasonable levels of sunlight will hit the front and back of the properties at different times throughout the day.

The EDG states that a property with three or more bedrooms must have a minimum internal floor area of 91 square metres. The six townhouses will all have up to four bedrooms. Plot 1 will have a gross internal floor area of 170.8 square metres and Plots 2 - 6 will all have a gross internal floor area of 165.4 square metres. All of the townhouses will have an internal floor area in excess of the minimum standard set by the EDG.

Each townhouse will have an individual, private garden. Policy Hou 3 in the LDP states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. Each back garden is longer than 9 metres and the smallest garden has a total area of 45 square metres. Adequate green space will be provided for future occupiers.

A clear distinction has been made between the private gardens, using 1.8 metre high timber board fencing. This is an acceptable treatment to separate back gardens as stated in the EDG. The existing stone boundary wall surrounding the application site on the Queensferry Road side will also be retained.

The proposal is acceptable in terms of daylight, sunlight, privacy and outlook for future occupiers and complies with Policy Des 5 in the LDP and the EDG.

f) Transportation Issues

Policy Tra 2 in the LDP deals with private car parking and states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

Car Parking Standards are set out in the EDG. The application site is located within Zone 3 and is permitted a maximum of two car parking spaces per dwelling, inclusive of garage space. Each townhouse has both a private garage and a front driveway, giving a total of two parking spaces. Cycle storage can be provided within the private garages. The proposal complies with the maximum standard set in the EDG and Policies Tra 2 and Tra 3 in the LDP.

The position of the first driveway has been marginally adjusted in relation to the position from the road junction to fully comply with the requirements of Transport. The Roads Authority were consulted and raised no objections to the application, provided a number of informatives were attached.

The application raises no issues in respect of transport.

g) Other Material Considerations

Children and Families

This site falls within Sub-Area W-1 of the 'West Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

The total infrastructure contribution required is £88,815. The total land contribution required is £19,650. This gives a total contribution of £108,465.

A legal agreement is recommended to secure the required contribution.

h) Material Comments

The material comments made in the 36 objections generally reflect the comments submitted to the original application 18/01100/FUL:

- the proposal is not in keeping with the spatial character of the area; addressed in Section 3.3 b).
- the proposal is unacceptable in terms of mass, scale and height; addressed in Section 3.3 c).
- the proposal is over development of the site; address in Section 3.3 b).
- the building is positioned in front of the established building line on Cammo Road; addressed in Section 3.3 c).
- the proposal will adversely affect the amenity of neighbours in terms of privacy, lighting, overlooking; addressed in Section 3.3 d).
- the car parking provision and access taken from Cammo Road is contrary to safe road design and will cause hazard to the safety of pedestrians and drivers; the Roads Authority were consulted and raised no objections to the application, as stated in Section 3.3 f).
- a gable end facing Queensferry Road is unacceptable and the gable is featureless; addressed in Section 3.3 c).
- the terraced nature of the development is unacceptable in a villa area; addressed in Section 3.3 b).
- the proposal will have an adverse impact on traffic and pollution in the area; the Roads Authority were consulted and raised no objections to the application, as stated in Section 3.3 f).
- the style of housing is not characteristic of the area; addressed in Section 3.3 b) and 3.3 c).
- the property will be less than 9 metres from the boundary at 599 Queensferry Road; addressed in Section 3.3 d).

The material comments made in the 7 representations that support the application generally reflect the comments of support submitted to the original application 18/01100/FUL:

- the properties will complement the area in terms of their design; and
- the properties provide more family homes for the area.

Conclusion

The principle of residential development on this site is acceptable. The proposal will not have a detrimental impact on the spatial character of the area and is of an appropriate design quality. There will be no adverse impact on the amenity of existing neighbours and a satisfactory level of amenity will be provided for the future occupiers of the townhouses. The proposal raises no issues in respect on transport. The proposal complies with the Edinburgh Local Development Plan and relevant non-statutory Guidance.

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

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. Parking provision for Electric Vehicles should be considered for this development. That is, charging facilities or the ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 43 letters of representation have been submitted on the application. Thirty-six letters object to the proposed development and 7 letters in support. Barnton and Cramond Community Council have submitted comments in objection to the proposals.

Background reading/external references

- 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 located within the urban area.

Date registered

11 June 2018

Drawing numbers/Scheme

1 - 12,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team Manager

E-mail: elaine.campbell@edinburgh.gov.uk Tel: 0131 529 3612

Links - Policies

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 Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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.

Appendix 1

Application for Planning Permission 18/02696/FUL At 597 Queensferry Road, Edinburgh, EH4 8EA Demolition of existing house and garage and erection of six new terrace townhouses. Revised planning application following Planning Reference 18/01100/FUL refusal (28/05/18).

Consultations

COMMUNITIES AND FAMILIES

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

5 Houses (one of the proposed houses has been excluded as seen as replacement of existing house).

This site falls within Sub-Area W-1 of the 'West Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£88,815

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£19,650

Note - no indexation to be applied to land contribution.

Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Car parking for the proposed development to be provided generally in accordance with the approved planning drawings;*
- 2. Off-street parking space should comply with the Council's Guidance for Householders dated 2017 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines_including);*
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;*
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
 - d. Any gate or doors must open inwards onto the property;*
 - e. Any hard-standing outside should be porous;*
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point*
- 3. Parking provision for Electric Vehicles should be considered for this development. That is, charging facilities or the ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Note:

- 1. It is noted that the proposals will affect an existing street lighting column. The applicant is advised to seek guidance in this regard with the City of Edinburgh Council's North West Locality Team.*
- 2. It is noted that the proposals will potentially affect existing telecoms infrastructure. The applicant is advised to liaise with the relevant telecoms provider(s) in this regard.*
- 3. The application has been assessed against the, "Edinburgh Design Guidance October 2017," parking standards as Zone 3. Each dwelling comprises 5 habitable rooms. Accordingly, the current standard permits a maximum of 2 parking spaces per dwelling - a total of 12 spaces (inclusive of garage space) for the development.*
- 4. The current parking standards require a minimum provision for 3 bicycles (per dwelling) to be stored at the development. It is considered that sufficient storage space is provided either by the integral garage or the private rear gardens associated with each dwelling.*

Barnton and Crammond Community Council

Thank you for your letter of 29 June seeking Cramond and Barnton Community Council's views on the above re-submitted application. The Community Council has considered the revised application and the views of members of the local community on this development. The Community Council maintains its opinion that the City Council should refuse planning permission for this development for the reasons outlined below, including that the proposed development is contrary to the Council's planning policies (e.g. Des 1 - Des 5; Des 8), Edinburgh Design Guidance and Villa Areas and The Grounds of Villas guidance

Specifically, the Community Council's reasons for seeking refusal are based on the following material planning considerations -

i. The proposals ignore the settled character of the surrounding area. The proposed development fronts onto Queensferry Road, an important entrance/exit route to the City, and Cammo Road - both of which predominantly comprise substantial villas or bungalows, set back from their road frontages and surrounded by relatively large gardens with considerable vegetation cover. The proposals present a form of built development, which will dominate the site in terms of its mass and height and occupy a much larger proportion of the site than neighbouring properties, which have extensive garden grounds. By comprising a roadside terrace of 6 buildings with a building line in proximity to the road frontage, the development will dominate the Cammo Road frontage. In these respects, the proposed development is contrary to LDP policies Des 1 and Des 4 and Edinburgh Design Guidance.

ii. The proposals represent over-development of the site. Surrounding houses are predominantly single- or two-storey, some with modest dormer windows within the gable or hipped roofs. This proposal is for three-storey terraced homes, with large dormer windows and an extensive flat roof top-section enabling a depth and bulk of built form totally out of scale and character with surrounding buildings (see 'Photomontage' and 'Contextual Elevations').

In particular, the end gables comprise three-storey development along their entire length and height. Thus, the proposals are contrary to LDP policy Des 4 and Edinburgh Design Guidance, which states that ... new buildings should sit within the form set by the eaves and ridge of neighbouring buildings. This is particularly important in situations where there are established building heights, for example ... villa areas.

iii. The building line along the Cammo Road frontage is substantially in front of the building lines of neighbouring houses on Cammo Road. This is contrary to Edinburgh Design Guidance, which advocates ... Position new buildings to line up with the building lines of neighbouring buildings.

iv. The scale and height of the proposed monolithic terrace of 6 homes, in close proximity to adjacent properties at 599 Queensferry Road and 2 Cammo Road, will significantly affect the amenity, privacy and natural lighting of these properties, contrary to LDP policy Des 5(a), which seeks to avoid adverse impacts on neighbouring properties.

v. Removal of the substantial number of mature trees and shrubs along the site boundaries in advance of submission of this application has left the site with no landscape context within which the development can be appropriately set. (see previous landscape setting at <https://www.google.co.uk/maps/@55.9616793,-3.3129933,3a,75y,291.71h,92.08t/data=!3m6!1e1!3m4!1s-MCivboKyUL7b2nvlJWglA!2e0!7i13312!8i6656?hl=en>,

The scale and positioning of the development and parking areas within the site greatly restrict the scope for significant planting to enhance the amenity of the site, match the extensive landscaping around neighbouring properties and contribute to sense of place. The application is deficient in landscaping provision and is therefore contrary to LDP policy Des 3.

Edinburgh Design Guidance states that ... The size of gardens can contribute to the character and attractiveness of an area. This is particularly the case in villa areas. Gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area. The proposed provision of small, largely over-shadowed, garden areas for each home (except the unit adjacent to Queensferry Road) is contrary to the above guidance and the lack of provision for planting and creation of a robust landscape structure is contrary to LDP policy Des 8 'Public Realm and Landscape Design'.

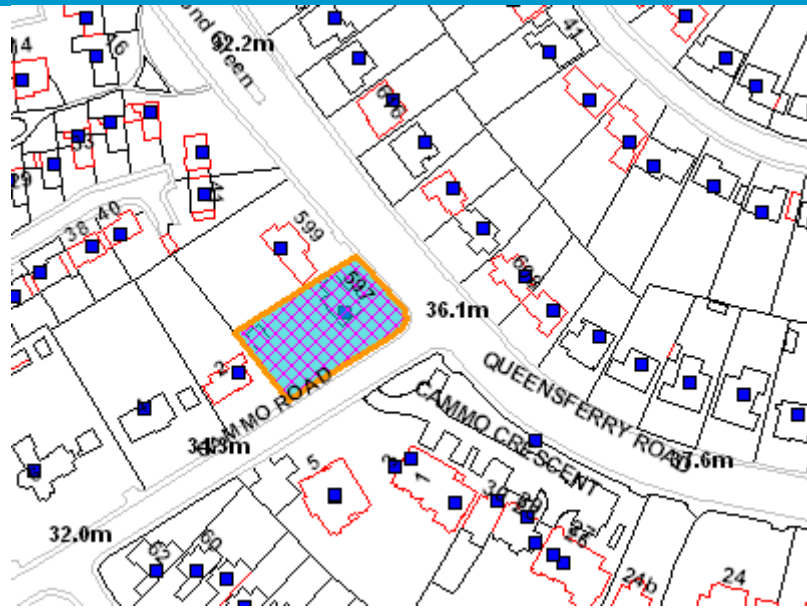
vi. Provision of individual parking areas and accesses onto Cammo Road is contrary to safe road design - particularly as the individual accesses are in close proximity to the Cammo Road/Queensferry Road junction, which is hazardous for traffic turning into/out of Cammo Road, due to restricted forward sightlines and the speeds and volumes of traffic heading northwards on Queensferry Road.

Edinburgh Design Guidance (p. 51) indicates that parking in the immediate frontage between a dwelling and the street should be avoided. Also, as many of the homes are likely to be lived in by two-vehicle families, there is likely to be pressure to extend the parking spaces and access to cover the full length of the road frontages to these homes.

vii. Should the application be approved, a specific condition should require that all refuse/recycling containers be put out onto Cammo Road, not Queensferry Road, for road safety reasons. The 'Site Plan as Proposed' shows a path at the rear of four of the terraced houses. If used for the movement of refuse/recycling receptacles onto Queensferry Road footway for collection, there could be up to 16 bins/containers congesting the relatively narrow, well-used footway on collection days. Importantly, also, collection vehicles will cause substantial congestion and road safety hazards on this fast, busy section of Queensferry Road.

The Community Council will be happy to discuss any aspects of the proposed development and looks forward to the Council's staff and members giving full consideration of the deficiencies in the applicant's proposals and reasons for refusing this application, as outlined in this submission.

Location Plan



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