

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 24 October 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 22 October 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 Minute of Development Management Sub-Committee of 26 September 2018 (circulated) – submitted for approval as a correct record

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 1 - 5 Baltic Street, Edinburgh, EH6 7BR – Mixed Use Commercial (classes 1, 2, 3 and 4) and Residential development including the restoration and re-use of listed buildings – application no 18/07468/PAN – report by the Chief Planning Officer (circulated)

Applications

- 4.2 11 Carlton Street, Edinburgh, EH4 1NE – Alterations to townhouse attic studio space including formation of double doors accessing new roof terrace to valley and additional and enlarged rooflights – application no 18/04041/LBC – report by the Chief Planning Officer (circulated)

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

- 4.3 194 Fountainbridge, Edinburgh (Land Adjacent to) – Application for Modification of s75 Agreement relating to planning consent 15/02892/PPP – application no 18/05214/OBL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **ACCEPTED** and the agreement be **MODIFIED**.

- 4.4 100 Niddrie Mains Road, Edinburgh, EH16 4DT – Demolition of existing Lidl building and erection of new build residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping – application no 18/02744/FUL – report by the Chief Planning Officer (circulated)

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

- 4.5 132 Slateford Road, Edinburgh (At Advertising Hoarding 57 Metres Northeast Of) – Application for Advert Consent – Digital LED Displays – application no 18/04321/ADV – 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 None.

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 None.

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.

- 7.1 128 Lower Granton Road, Edinburgh, EH5 1EX – Alterations to house to form a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures – application no 18/06386/LBC – report by the Chief Planning Officer (circulated)

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

- 7.2 18 Pipe Lane, Edinburgh (At Site 30 Metres North Of) – Application for 13 residential units and associated development – application no 18/01368/FUL – report by the Chief Planning Officer (circulated)

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

- 7.3(a) 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD – Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (as amended) – application no 18/03272/FUL – report by the Chief Planning Officer (circulated)

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

- 7.3(b) 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD – Internal and external alterations to include rear extensions replacing existing two-storey 1960s office extension, alteration of boundary wall and curtilage building – application no 18/03273/LBC – report by the Chief Planning Officer (circulated)

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

- 7.3(c) 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD – Internal and external alterations to enable change of use from banking hall and associated offices to hotel, including roof-top extension and alteration to boundary wall (as amended) – application no 18/03274/LBC – 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 4240, 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 www.edinburgh.gov.uk/meetings .

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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).

Item 3.1 - Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 26 September 2018

Present:

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

1. Minutes

- 1) To approve the minute of the Development Management Sub-Committee of 29 June 2018 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of 1 August 2018 as a correct record.
- 3) To approve the minute of the Development Management Sub-Committee of 15 August 2018 as a correct record.
- 4) To approve the minute of the Development Management Sub-Committee of 29 August 2018 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.2 – Jack Kane Community Centre, Hunters Hall Public Park, Edinburgh as requested by Councillor Child.

Declaration of Interests

Councillor Dixon declared a non-financial interest in item 4.2 – Jack Kane Community Centre, Hunters Hall Public Park, Edinburgh as he was a Director of Edinburgh Leisure, left the room and took no part in consideration of the item.

Councillor Osler declared a non-financial interest in item 4.2 – Jack Kane Community Centre, Hunters Hall Public Park, Edinburgh as she was a Director of Edinburgh Leisure, left the room and took no part in consideration of the item.

Councillor Staniforth declared a non-financial interest in item 4.2 – Jack Kane Community Centre, Hunters Hall Public Park, Edinburgh as he was a Director of Edinburgh Leisure, left the room and took no part in consideration of the item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1(a) - 24 Hugh Miller Place, Edinburgh, EH3 5JG</u></p>	<p>Remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation (as amended) application no 18/02448/FUL</p>	<p>To issue a MIXED DECISION:</p> <ol style="list-style-type: none"> 1. To GRANT planning permission for the installation of the canted style dormer on the west elevation of Hugh Miller Place subject to the condition and informatives as set out in section 3 of the report by the Chief Planning Officer. 2. To REFUSE planning permission for the replacement of the existing rectangular dormer with a new canted dormer for the reasons set out in section 3 of the report by the Chief Planning Officer.
<p><u>Item 4.1(b) - 24 Hugh Miller Place, Edinburgh, EH3 5JG</u></p>	<p>Remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation with associated internal alterations (as amended) application no 18/02446/LBC</p>	<p>To issue a MIXED DECISION:</p> <ol style="list-style-type: none"> 1. To GRANT listed building consent for the installation of the canted style dormer on the west elevation of Hugh Miller Place subject to the condition and informatives as set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>2. To REFUSE listed building consent for the replacement of the existing rectangular dormer with a new canted dormer for the reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.2 - Jack Kane Community Centre, Jack Kane Sports Centre, Hunters Hall Public Park</u></p>	<p>Construction of a new outdoor velodrome bmx track pump track and 3G pitches. Refurbishment of the Jack Kane Centre building. Demolition of derelict janitors' houses. Construction of new car parking and associated access routes and paths as well as improvements to existing car parking and paths (as amended) application no 16/03107/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1. The conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer. 2. A further condition that the completed tree planting scheme shall be maintained by the applicant and its successors in accordance with the tree planting plan. This will include the replacement of any plant stock which fails to survive for whatever reason from five years from implementation to ensure its establishment in accordance with the approved tree planning scheme.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>3. Additional informatives as follows:</p> <p>i) the applicant will give consideration to the expansion of the community garden on the ground currently occupied by the janitors' houses.</p> <p>ii) the applicant shall examine the potential for a new access for cyclists from Niddrie Mains Road.</p> <p>iii) the applicant shall consider the upgrading of the CCTV at all the cycle parking areas.</p>
<p><u>Item 4.3 - 128 Lower Granton Road, Edinburgh</u></p>	<p>Proposed two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures</p> <p>application no 18/04433/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.4 - Old Dalkeith Road (at Land at Edmonstone Estate)</u></p>	<p>Application to modify the existing legal agreement</p> <p>application no 18/02853/OBL</p>	<p>To APPROVE the application and modify the existing legal agreement subject to the informatives detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.5 - 67 Prestonfield Avenue, Edinburgh</u></p>	<p>Application for 9 No. two bedroom flats and associated car parking on vacant plot (as amended)</p> <p>application no 17/04942/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.6 - 29 Sealcarr Street (at Land 71 Metres Southeast of)</u>	Application for Approval of Matters Specified in Conditions 18/01145/AMC Development of Health Hub (Class 2) and retail units (Class 1) (as amended) application no 18/01145/AMC	To APPROVE the application subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1 - 14 Bonnington Road Lane, Edinburgh</u>	Application for planning permission, in principle, for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, Bonnington application no 17/05742/PPP	To GRANT planning permission, in principle, subject to: <ol style="list-style-type: none"> 1. The conditions, reasons, informatives and a legal agreement for affordable housing and education as detailed in section 3 of the report by the Chief Planning Officer. 2. Adding to informative (4) that a particular focus on linkages and pedestrian and cycling priorities should be applied in terms of connectivity to existing routes
<u>Item 7.2 -101 Edinburgh Park, Edinburgh</u>	Application for Matters Specified in Condition 5 of planning permission 09/00430/FUL (amended) application no 17/04341/AMC	To APPROVE the application subject to: <ol style="list-style-type: none"> 1. The conditions, reasons, informatives and a legal agreement for transport infrastructure detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>2. A further condition that prior to the commencement of development, a phasing plan for the delivery of the footpaths and linkages shall be provided and the footpaths and linkages shall be implemented in accordance with this plan prior to the occupation of the first development hereby approved</p>
<p><u>Item 7.3 - Lochside Way, Edinburgh (at Land adjacent to)</u></p>	<p>Application for full planning permission for new and upgraded road and infrastructure works with associated landscaping (amended) application no 17/04391/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement for transport infrastructure as detailed in section 3 of the report by the Chief Planning Officer.</p>

Development Management Sub Committee

Wednesday 24 October 2018

Report for forthcoming application by

Sundial Properties. for Proposal of Application Notice

18/07468/PAN

At 1 - 5 Baltic Street, Edinburgh, EH6 7BR

Mixed Use Commercial (classes 1, 2, 3 and 4) and

Residential development including the restoration and re-use of listed buildings.

Item number	4.1
Report number	
Wards	B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for a mixed use development comprising commercial use (classes 1, 2, 3 and 4) and residential (flats) development including the restoration and re-use of listed buildings with associated access roads, landscaping, public realm and car parking at land at 1-5 Baltic Street, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice on 14 September 2018 (18/07468/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 approximately 0.8ha in area. It comprises the former Gasworks site, located to the north of Baltic Street, and south of Tower Street.

To the north of the site are commercial/ industrial units along Tower Street; the site is bound by a high wall along this boundary. The southern site boundary has a number of existing structures which front Baltic Street. To the south are tenement flats on the opposite (southern) side of Baltic Street, the majority of which are four storeys. To the east are commercial/ industrial buildings along Salamander Street fronted by a high wall. Directly to the west, the site is bound by the former Corn Exchange building which is category A listed, and a scrapyard merchants.

There are a number of existing buildings on the site, some of which are category B listed. These buildings include the remains of an original gas works building, a former gasometer house (now reduced in height), former processing house, and former retort house and offices (LB26744).

This application site is located within the Leith Conservation Area.

2.2 Site History

Various alterations have been approved 1999-2015.

History of neighbouring sites

1 Bath Road (to east of the site)

23 May 2018 - a Proposal of Application Notice (PAN) report was approved for a residential development with commercial units and associated landscape, drainage, roads and infrastructure (18/01154/PAN).

Main report

3.1 Description Of The Proposal

Applications will be submitted for full planning permission, conservation area consent and listed building consent comprising a mixed use development of commercial (classes 1,2,3 and 4) and a residential development including car parking. The proposal will include the demolition and the restoration and re-use of some existing buildings.

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 Edinburgh Local Development Plan (LDP) allocates the site as within the Edinburgh Waterfront. The site is in the Central Leith Waterfront Area, in an area of commercial and housing-led mixed use development sites (Proposal EW1b).

A route is safeguarded for cycleway/ public transport along Constitution Street to the west of the Corn Exchange building and scrapyards site.

The Leith Docks Development Framework LDDF (2007) covers this site. The aim of the framework in terms of uses in the area, is to 'create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.'

b) The design, scale and layout are acceptable within the character of the area and wider regeneration;

The proposal will be considered against the provisions of the Edinburgh Local Development Plan, Edinburgh Design Guidance and the Leith Docks Development Framework. The LDP policy Del 3 Edinburgh Waterfront, requires new development in principle to be comprehensively designed which maximises the development potential of the area, make provision for a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods, provide a mix of house types, sizes and affordability, make provision for open space, make provision of local retail facilities, and leisure and tourism attractions, and provide transport measures as agreed with the Council.

A Design and Access Statement will be provided with the application.

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

The proposals should have regards to the Leith Docks Development Framework, the Council's parking standards, LDP transport policies and the requirements of the Edinburgh Street Design Guidance. Permeability through the site will be an important consideration, as well as links to the surrounding area. Transport information will be required to support the application to assess the effect of the proposal on local roads and the accessibility of the site, including active travel and cycle infrastructure.

d) The effect of the proposals on the character and setting of listed buildings and the character of the Leith Conservation Area is acceptable;

The proposal will need to protect the character and setting of listed buildings within and in close proximity to the site, and ensure that the character and appearance of the Leith Conservation area is preserved and enhanced.

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

The applicant will be required to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity.

The proposal will be assessed in line with the supplementary guidance on Developer Contributions on Infrastructure Delivery (now awaiting approval by Scottish Ministers) and the relevant Development Plan provisions. An affordable housing contribution will be required as the total number of units is likely to exceed 12. The provision of affordable housing should reflect the mix of units and be tenure blind.

Preservation of the site's industrial heritage is a key archaeological concern and an archaeological assessment must be submitted.

The site is located within the Salamander Street Air Quality Management Area and an air quality assessment will be required.

There are a number of potential noise sources within the vicinity of the site. An acoustic survey must be submitted to address all these noise sources.

The application will need to be screened for an Environmental Impact Assessment (EIA) including the cumulative impact of the proposals.

In order to support the application/s, submission of the following documents is anticipated:

- Planning Statement;
- Design and Access Statement;
- Daylighting, Sunlight and Privacy analysis;
- Landscape and Visual Impact Assessment;
- Pre-Application Consultation report;
- Site investigation report;
- Transport information;
- Flood Risk Assessment and Surface Water management Plan;
- Drainage Impact Assessment;
- Archaeological Assessment;
- Ecological surveys;
- Full detailed hard and soft landscape proposals and maintenance schedule;
- Air Quality Impact Assessment;
- Noise Impact Assessment; and
- Sustainability statement.

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

A public exhibition will take place on Wednesday 31 October between the hours of 3pm and 7pm, at the Malmaison Hotel, Tower Place, Edinburgh.

Leith Harbour and Newhaven Community Council, Leith Links Community Council and Leith Neighbourhood Partnership have been provided with copies of the PAN notice, as well as Councillors Chas Booth, Adam McVey and Gordon Munro. .

8.2 Publicity summary of representations and Community Council comments

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

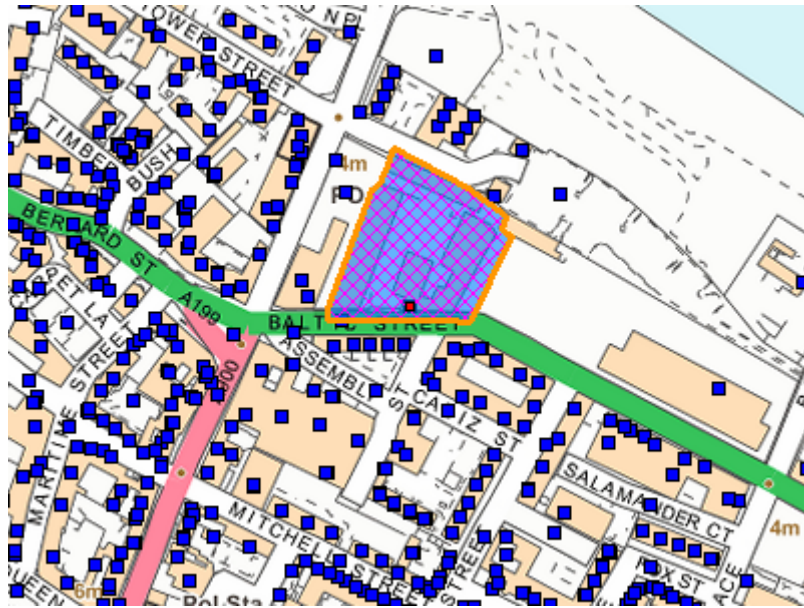
Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Karen Robertson, Senior Planning Officer
E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

Location Plan



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END

Development Management Sub Committee

Wednesday 24 October 2018

**Application for Listed Building Consent 18/04041/LBC
At 11 Carlton Street, Edinburgh, EH4 1NE
Alterations to townhouse attic studio space including
formation of double doors accessing new roof terrace to
valley and additional and enlarged rooflights.**

Item number	4.2
Report number	
Wards	B05 - Inverleith

Summary

The proposals do not have special regard to the desirability of preserving the building or its setting and adversely affect its roof which is a feature of special architectural and historic interest. The proposals will neither preserve nor enhance the character or appearance of the conservation area.

Links

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

Application for Listed Building Consent 18/04041/LBC At 11 Carlton Street, Edinburgh, EH4 1NE Alterations to townhouse attic studio space including formation of double doors accessing new roof terrace to valley and additional and enlarged rooflights.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application property relates to the town house that is no. 11 Carlton Street (but not including its basement) and the basement of no. 9 Carlton Street which is accessed from no. 11. The buildings are part of a two storey terrace designed by James Milne and built in 1824.

The building was A listed on 12 August 1965.

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

2.2 Site History

07 October 2015 - Planning permission and listed building consent granted to form a separate basement flat, internal alterations and form studio room within the attic with new rooflights. (as amended) (Application references: 15/03362/FUL and 15/03363/LBC).

14 January 2016 - Planning permission and listed building consent refused to remodel and extend the existing rear off-shoot to form a small east facing contemporary garden room that will provide an indoor / outdoor space at all times of the year regardless of the weather. (Application references: 15/04729/FUL and 15/04731/LBC).

25 April 2016 - Appeal dismissed for the above listed building consent application (Application reference: 15/04731/LBC) (Appeal Reference LBA-230-2073).

20 October 2016 - Planning permission and listed building consent granted for contemporary lean-to glass extension to existing rear off-shoot to form a small garden room with visual and physical to garden (Application references: 16/03926/FUL and 16/03927/LBC).

Main report

3.1 Description Of The Proposal

This application is for alterations at the roof top level of this A listed dwelling.

The building has an M form roof with two pitched roofs and a concealed roof valley between the two pitched sections. It is proposed to remove a section of the rear of the front pitched roof and to form a set of double doors that would open out to a roof terrace that would be formed by the cut out. The floor of the roof terrace would be largely glazed, lighting the shower room below. Immediately adjacent to the cut away roof would be formed a large glazed area in the roof that would light the stair to the attic. It would be a 'frameless' glass roof with glazed cheek to one side of the cut-out. In addition, it is proposed to form two additional conservation rooflights, one in the rear face of this roof and one in the front (or street) face, bringing the total in the front to three.

Supporting Statement

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

- Planning Design Statement

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 of the listed building;
- 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 of the Listed Buildings

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

Policy Env 4 of the LDP states that alterations to listed buildings will be permitted where these alterations are justified and where there is no diminution of the building's interest. The Guidance on Listed Buildings and Conservation Areas presumes against any alterations that would seriously detract from the character of the listed building.

The proposed works are all in inconspicuous locations. The cut-away in the roof valley will not be able to be viewed from the street or the rear. The additional rooflight to the front of the building will not be seen from the street owing to the height of the parapet. Furthermore, the applicant argues that the roof was substantially repaired in the 1980s and that the structure is not original. However, part of the essential character of the listed building is formed by the characteristic M profile roof. Cutting away part of the roof would substantially change this characteristic roof profile and would introduce an incongruous feature in the roofscape which would diminish the building's special interest.

The Guidance on Listed Buildings and Conservation Areas states that *the roof, which includes parapets, skews, chimney heads and chimney pots, is an important feature of a building. The retention of original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material) and ornament is important.*

The proposals will not retain the original shape of the roof and the large area of glazing will introduce an uncharacteristic material and texture to the roof finish.

The introduction of two additional rooflights will not be visible from the street. However four rooflights would be uncharacteristic and the balance between slated roof and glass would become disproportionate, changing the fundamental character of the roofscape.

Although the proposed works will not be visible from the street or the rear gardens, the proposed works would introduce an uncharacteristic element that would be to the detriment of the character of the building and its special interest.

The proposals are not justified, as the alterations will not sustain or enhance the beneficial use of house as a dwelling and the successful use of the house will work without this alteration. The building is not under threat. The proposals will adversely affect the special interest of the building.

Comments have made reference to the quality and innovation of the proposed design and this is not disputed. However the design does not override the more statutory requirement to assess whether the proposals preserve the special interest of the building and its setting.

The proposals do not have special regard to the desirability of preserving the building or its setting and adversely affect its roof which is a feature of special architectural and historic interest.

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

The New Town Conservation Area Character Appraisal (NTCACA) notes that:

Most roofs in the First New Town are steeply pitched, with a high central ridge. Roofs in later developments were more likely to have two parallel ridges making a double-pitched 'M' profile roof with a central leaded platt.... The roofs are covered with graded slate with lead flashings leading to parapet or valley gutters. and that the overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area.

Policy Env 6 presumes against development that does not preserve or enhance the special character and appearance of the conservation area or that is inconsistent with the conservation area character appraisal.

The form of roof is characteristic of this part of the conservation area. Aerial views show the dominance of M profile roofs in this area with a glazed cupola over the stair. The NTCACA notes the significance of the roof forms and the slate finish. The Guidance on Listed Buildings and Conservation Areas, with respect to the installation of solar panels, states that *in the New Town Conservation Area and World Heritage Site, aerial views will also be considered*. Although the proposal is not for solar panels, the large area of flat reflective glazing, that is dissimilar to the traditional faceted cupolas, would introduce an uncharacteristic feature that could be seen in photographic images from above. The proposals will have no impact on the appearance of the conservation area as viewed from the ground but will have an impact on aerial views of the New Town. The change to the form of the roof will alter the character of the area and will be inconsistent with features identified in the NTCACA.

The proposals will not preserve nor enhance the character or appearance of the conservation area.

c) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified.

d) Public Comments

Material objections

- The integrity and character of the range of buildings will be eroded. This is addressed in Sections 3.3a) and b).
- The loss of structure, shape, pitch and cladding is contrary to Env 4. This is addressed in Sections 3.3a) and b).
- Loss of original fabric. This is addressed in Sections 3.3a).

Material reasons for support

- The proposals will not be visible and will not alter the character of the area. This is addressed in Sections 3.3a) and b).
- The design is interesting and of good quality. This is addressed in Section 3.3a).

- The proposals are sympathetic to the building. This is addressed in Section 3.3a).

Community Council Comments

There have been no comments from the community council.

Conclusion

In conclusion, the proposals do not have special regard to the desirability of preserving the building or its setting and adversely affect its roof which is a feature of special architectural and historic interest. The proposals will neither preserve nor enhance the character or appearance of the conservation area.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposals do not have special regard to the desirability of preserving the building or its setting and adversely affect its roof which is a feature of special architectural and historic interest. The proposals will neither preserve nor enhance the character or appearance of the conservation area.
2. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals do not retain the original shape, pitch and cladding of the existing structure.

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 10 August 2018.

There have been 27 letters of representation which include one letter of objection from the Architectural Heritage Society of Scotland and 24 material letters of support from neighbours and members of the public. Two non-material letters of support were submitted that gave no reason for supporting 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 located within the urban area as identified by the Local Development Plan.

Date registered

30 July 2018

Drawing numbers/Scheme

1-3,

Scheme 1

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.

Other Relevant policy guidance

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

Appendix 1

Application for Listed Building Consent 18/04041/LBC At 11 Carlton Street, Edinburgh, EH4 1NE Alterations to townhouse attic studio space including formation of double doors accessing new roof terrace to valley and additional and enlarged rooflights.

Consultations

Historic Environment Scotland

Our Advice

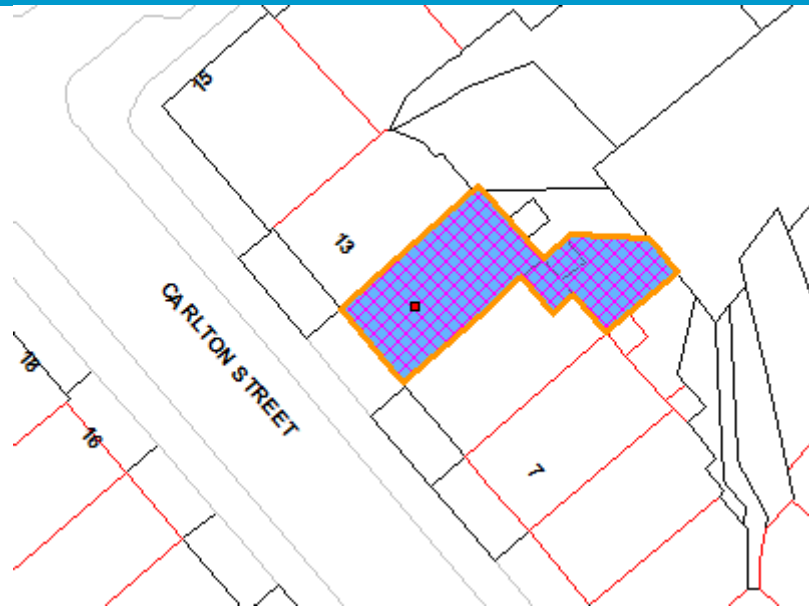
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, 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 24 October 2018

**Application for Planning Obligation 18/05214/OBL
At Land Adjacent To 194, Fountainbridge, Edinburgh
Application for modification of s75 Agreement relating to
planning consent 15/02892/PPP**

Item number	4.3
Report number	
Wards	B09 – Fountainbridge/Craiglockhart

Summary

The proposed modified clause is acceptable and the applicants' request for the modification of the 2016 planning obligation can therefore be accepted.

Links

[Policies and guidance for this application](#) LDPP, LDEL01, SGDC,

Report

Application for Planning Obligation 18/05214/OBL At Land Adjacent To 194, Fountainbridge, Edinburgh Application for modification of s75 Agreement relating to planning consent 15/02892/PPP

Recommendations

1.1 It is recommended that this application be accepted and the agreement be modified

Background

2.1 Site description

The site forms part of the redundant brewery which lies on the north side of Fountainbridge, now known as Springside (formerly known as Fountain North). The wider site has now been partly built out to both the west and to the east. The application site, of approximately 2.15 hectares, covers the central area of the wider site.

The site is bounded to the west by Dryden Road, linking Dundee Street and the West Approach Road, with two large blocks of student accommodation lying beyond. Fountain Park Leisure Complex lies behind these. To the east lies Melvin Walk a pedestrian access route linking Fountainbridge with the West Approach Road. The Springside flatted development is on the opposite side. Beyond these lie the tenemental streets of Upper Grove Street, Brandfield Street and Grove Street.

To the north is the West Approach Road and to the south is Dundee Street/Fountainbridge. Beyond the West Approach Road, to the north, is Morrison Crescent, a residential development of affordable dwellings. To the south of Fountainbridge/Dundee Street is the remaining part of the brewery site which has also been partially built out with student accommodation within its western part.

2.2 Site History

The relevant site history is:

6 December 2006 - outline planning permission was granted for a mixed use development on the wider brownfield site (application reference 05/00106/OUT).

6 December 2006 - a planning legal obligation was concluded for the outline permission.

4 June 2007 - reserved matters consent issued for public realm works (application reference 06/05235/REM).

18 April 2013 - discharge of the 2006 planning obligation and its replacement with a modified agreement taking account of the £18 million of losses sustained by the proprietor and the future apportionment of any net profit in excess of 15% (application reference 13/00480/OBL).

13 December 2016 - planning permission in principle was granted for a mixed use development of residential, Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business), and/or Hotel/Class 7; including detailed matters for the siting and maximum height of building blocks, points of vehicular access, location of pedestrian routes, detailed matters for the North block (building A1) and a new public square and pavilion building (application reference 15/02892/PPP).

13 December 2016 - a planning legal obligation was concluded for this planning permission in principle, one that mirrored the 2013 planning obligation.

Main report

3.1 Description Of The Proposal

The application seeks the modification of the planning obligation, made under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, regarding the mixed use development of the Fountain North site and concluded with the Council on 13 December 2016.

That obligation comprises principle clauses that require:

Clause 2: Developer contributions calculated with regards to the distributable profit earned by the developer based on the relevant disposal of the site and/or buildings. Of that the Council's proportion was 4.7% subject to a maximum set at the original contribution of £895,570. The clause also provides that the developer shall make the accounts for each phase available to the Council but provided that the information always remains commercially confidential, and

Clause 3: Affordable housing setting a maximum number of open market residential completions of 416 before the requirement of 25% of the subsequent residential completions being affordable units. The clause also included for circumstances where the affordable housing provision shall be made by means of a financial contribution.

This application seeks to modify the agreement by means of the discharge of Clause 2 but ensures that the provisions of Clause 3 remain in force.

3.2 Determining Issues

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness

3.3 Assessment

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

- (a) the discharge of the obligation, as proposed, is considered to be acceptable;
- (b) the proposals have any equalities or human rights impacts; and
- (c) finance implications of the decision.

a) The Modification of the Obligation is Acceptable

The Council's planning records confirm that the subject site was sold by the developer in October 2017 in accordance with the terms of the planning obligation as a single entity. The developer at that time provided the Council with the full details as required by the methodology set out in the planning obligation. Those records confirm that the sale receipts did not result in a distributable profit and that consequently no contribution was required to be paid.

Accordingly, it is appropriate to delete clause 2 from the 2016 planning obligation.

Therefore this request can be accepted in this instance.

b) Equalities and Human Rights Impacts

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

c) Finance

The contribution clause has been fulfilled by the developer. Accordingly, there would be no financial implications to granting these modifications to the 2016 obligation.

Conclusion

The proposed modified clause is acceptable and the applicants' request for the modification of the 2016 planning obligation can therefore be accepted.

It is recommended that this application be accepted and the agreement be modified

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

The contribution clause has been fulfilled by the developer. Accordingly, there would be no financial implications to granting these modifications to the 2016 obligation.

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, to discharge an obligation, is required to be notified to any other parties to the original agreement, in accordance with the provisions of Regulation 5 of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

The necessary notifications were carried out under the Regulations and no representations have been received.

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**

Edinburgh Local Development Plan - Urban Area.

Date registered

23 August 2018

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

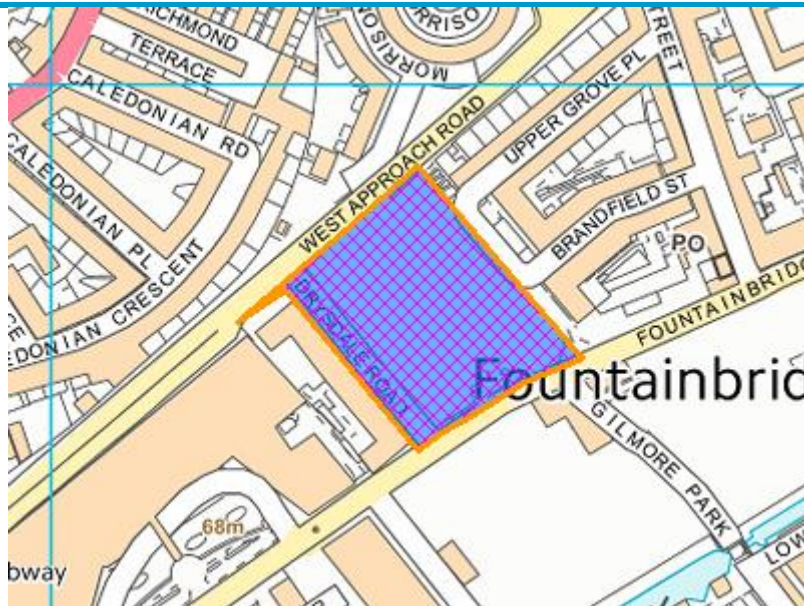
Appendix 1

Application for Planning Obligation 18/05214/OBL At Land Adjacent To 194, Fountainbridge, Edinburgh Application for modification of s75 Agreement relating to planning consent 15/02892/PPP

Consultations

No Consultations received.

Location Plan



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Development Management Sub Committee

Wednesday 24 October 2018

**Application for Planning Permission 18/02744/FUL
At 100 Niddrie Mains Road, Edinburgh, EH16 4DT
Demolition of existing Lidl building and erection of new build
residential development comprising of 136 flatted units
across 5 no. blocks; with associated parking, roads and
landscaping.**

Item number	4.4
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The principle of housing on the site is acceptable and the proposed mix, layout, scale, design and access arrangements are acceptable and appropriate to their context. The proposal will provide an appropriate level of amenity to existing and future occupiers and will make a positive contribution to the regeneration of the wider Craigmillar neighbourhood. It provides the opportunity for future regeneration to take place within the Craigmillar Local Centre on Niddrie Mains Road. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES06, LDES07, LDES08, LEN09, LEN16, LEN20, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA04, NSG, NSGCDF, NSGD02,
-------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Report

Application for Planning Permission 18/02744/FUL At 100 Niddrie Mains Road, Edinburgh, EH16 4DT Demolition of existing Lidl building and erection of new build residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping.

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 1.35ha and is located to the south of Niddrie Mains Road, in the Craigmillar neighbourhood. It is located within the Craigmillar Local Centre boundary, as defined in the Edinburgh Local Development Plan.

The site is currently occupied by a variety of building forms. The south of the site is now vacant land, previously occupied by a Lidl supermarket and associated car parking area. There are a number of commercial shed buildings located in the central area of the site, and an area of scrubby woodland. A parade of single storey shops is located along the northern edge of the site on Niddrie Mains Road, with associated car parking and servicing area to the rear of these. It is noted that no changes are proposed to the shops or parking/ serving area as part of this planning application.

There are two existing access points into the site on its northern boundary. Site levels change across the site from north to south, with an approximately 3m drop in level between the former Lidl site and the small commercial buildings to the north of the site.

The site is bounded to the north by Niddrie Mains Road. To the south and west, boundaries are formed by rear gardens of residential properties on Craigmillar Castle Ave, and Craigmillar Castle Loan respectively. The eastern edge of the site is defined by the boundary of the Craigmillar Medical Centre and the rear garden grounds of properties located at Niddrie Farm Grove.

The existing landscaping located in the centre of the site has an informal and unmaintained appearance and does not make a significant contribution to the wider landscape character.

The wider area has a mixture of uses, characteristic of the town centre setting. A number of small and medium sized shop units stretch along the southern side of Niddrie Mains Road westwards from the site and Craigmillar Medical Centre is located directly to the east of the site. The Craigmillar Library and community hub building is located on the opposite side of Niddrie Mains Road to the north of the site. Land to the east and south of this is currently subject to significant regeneration, with housing development underway. A newly built strip of retail units and associated car parking is located approximately 100m to the east of the site, on the northern side of Niddrie Mains Road. Land to the immediate south, east and west of the site is predominantly residential in character.

There are no listed buildings on the site or within its immediate vicinity. The White House (Category B listed) is located approximately 50m from the western site boundary, but is separated by existing built form along Craigmillar Castle Loan and its setting is not directly affected by the proposed development.

2.2 Site History

20 September 2017 - Proposal of Application Notice approved for residential flatted development at former Lidl retail site, 100 Niddrie Mains Road (application reference 17/03400/PAN).

Adjacent site at 80 Niddrie Mains Road

Planning application for a four storey residential/retail development (application reference 17/05243/PPP) under consideration.

Surrounding area

24 September 2015 - Planning permission granted for mixed use development inc. retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business + employment (class 4); residential institutions (class 8); residential (class 9); assembly + leisure (class 11); sui generis flatted development + other associated works including car parking, public realm, access arrangements + works in general at Niddrie Mains Road Edinburgh (application reference 14/03416/PPP).

9 December 2016 - Application approved to extend the public realm in front of the neighbourhood hub at Craigmillar Town Square connecting the two spaces through uniform materials and building on the existing design framework (application reference 16/02697/AMC).

Main report

3.1 Description Of The Proposal

The applicant seeks full planning permission for the following;

Demolition of the existing building and erection of new build residential development. This will comprise 136 flatted units across five blocks, providing a mix of one and two bed properties. Blocks will range between three and four storeys in height. The design is contemporary with blocks arranged around a central open space. Materials include two-tone facing brick and zinc feature cladding with grey windows.

Associated parking, road and landscaping will also be provided as part of the development. The proposal will form a new roadway between the site and Niddrie Mains Road along the western boundary of the site. Car and cycle parking is provided across the site. A total of 82 car parking spaces are to be provided with 16 spaces equipped for electrical vehicle charging. Cycle parking is to be provided at the rate of two spaces per apartment in secure covered cycle shelters within the rear courtyards with some provision within the buildings. A total of 925 sq m of amenity greenspace will be formed in the central area of the site. Additional shared private greenspace will be provided around each residential block.

The proposed development seeks to form part of a longer-term phased development of the wider block, including redevelopment of the existing retail frontage along Niddrie Mains Road as a future mixed-use regeneration development. The proposed development seeks to safeguard the opportunity to expand development into this area, and has been designed to allow for the continuation of the masterplan layout in the future.

Supporting Statements

The following documents have been provided in support of the application:

- Design and Access Statement;
- Site Investigation Report;
- Pre-application consultation report;
- Sunlight and Daylight Study;
- S1 Sustainability Statement Form;
- Preliminary Ecology Report;
- Bat Survey;
- SUDs and drainage strategy; and
- Additional flooding info.

Copies of these documents are available to view on Planning and Building Standards On-line Services.

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) Layout, density, design, heights and materials within the context of the area;
- c) Access, road safety and parking arrangements;
- d) The proposal will provide an acceptable level of amenity for existing and future occupiers;
- e) The proposal has any equalities or human rights impacts;
- f) Developer contributions;
- g) The public comments have been taken into account; and
- h) There are any other material considerations.

a) The principle of the development is acceptable

The site is located within the Urban Area in the Edinburgh Local Development Plan (LDP). Within the Urban Area, a range of uses including residential are supported where they accord with other policies in the plan. Criterion (d) in part 1 of Policy Hou 1 of the LDP gives priority to the delivery of housing at sites in the Urban Area, subject to compatibility with other policies in the LDP.

The site is already partly vacant following the demolition of the former Lidl supermarket. Introducing housing at the site in place of commercial units will not prejudice or inhibit the activities of any nearby employment uses and will contribute to regeneration and improvement in the wider area, meeting the requirements of LDP policy Emp 9 (a) and (b).

Policy Emp 9 (c) notes that for sites exceeding one hectare in size, development proposals are required to include floorspace designed to provide for a range of business users.

In this case, the proposed development exceeds the one hectare threshold, but does not include any employment space. Policy Emp 9 notes that redevelopment proposals on all employment sites, regardless of size, need to take account of impact on the activities of neighbouring businesses and any regeneration proposals for the wider area.

In this case, it is of note that the wider Craigmillar masterplan has delivered new commercial space in the neighbourhood, including a relocation of the Lidl supermarket which previously occupied the application site. In total, approximately 1.77ha of new employment land has recently been provided on land to the immediate north of Niddrie Mains Road. This has provided a focused provision of new retail space along the northern side of Niddrie Mains Road as part of the wider regeneration scheme in Craigmillar, and includes relocation of the previous employment premises on the site to this new employment location.

It is also of note that the development proposals forming this planning application are part of a longer term plan for the wider site, which includes redevelopment of the existing retail frontage onto Niddrie Mains Road. Future development phases for the wider site seek to enhance the retail and commercial frontage along Niddrie Mains Road as part of a mixed use development. Employment uses will therefore be retained on this part of the wider site.

Given this context, it is reasonable to accept a relaxation of policy Emp 9 (c). This is further supported by the position of the subject site, which does not offer a direct frontage onto the main commercial thoroughfare of Niddrie Mains Road, and therefore offers a restricted commercial opportunity. The proposal does not introduce an incompatible non-retail use to the local centre and will not have a detrimental impact on the function of the centre. It is compliant with policy Ret 5 in this regard. It would be unreasonable to refuse the application on these grounds given the overall contribution to the regeneration of Craigmillar that development of this site could make.

In balance, the principle of development on the site is acceptable and will make a contribution of 136 affordable units towards meeting Edinburgh's housing need.

b) Layout, density, design, heights and materials within the context of the area

(i) Context and layout

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance. The Craigmillar Urban Design Framework provides specific guidance to inform the development in this neighbourhood and is also applicable to this development.

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 previous layout of built form on the site was piecemeal and informal in nature. The proposed development layout provides an opportunity to enclose the rears of the existing residential properties to the west, south and east of the site, creating a new, more robust development structure within the site. A new local street frontage will be created through the site connecting to Niddrie Mains Road at a new location to the west of the site and adjoining the existing access road which serves Craigmillar Medical Group at the north east of the site. The area of open space provides a central focus, landscape character and amenity space for residents. The positioning and fit of flatted blocks on the site form a straightforward and legible layout which connects well with the existing street network and is acceptable.

The proposed development provides a mix of three and four storey flats which will sit within a context of one, two and three storey residential developments to the south, east and west of the site. The Craigmillar Urban Design Framework identifies that four-storey development is appropriate within the Local Centre area, within which this site is located. The four storey elements of the proposal will incorporate a flat roof, meaning that their overall massing does not significantly exceed the three-storey parts of the development. Lower building heights (three-storey) are proposed to the east of the site, where the closest adjacent residential properties are single storey. The distance between the closest flat block (A) to a principal elevation (rear) of the single storey properties is 20m, which provides an adequate separation to ensure that there will be no detrimental impacts on these properties. Density across the rest of the site varies between three and four storeys, and whilst slightly higher than the surrounding built form which is one to three storeys in height, this will not have a negative impact on these in terms of setting or amenity, and is acceptable.

There are five flat blocks (blocks A to E) which are positioned around a central area of open space. The proposed layout complies with LDP Policies Des 3 (Impact on Setting) and Des 5 (Amenity) by providing an appropriate network of street and open spaces which are well overlooked by residential properties. The central area of green open space provides a strong landscape focus for the development, and will provide an attractive outlook for flats, as well as a flexible area of space for outdoor use.

The Craigmillar Urban Design Framework specifies a preference for the formation of small street blocks within a traditional street pattern. The proposed development will achieve an appropriate block size, and the layout provides a clear route hierarchy, division of public and private space. This creates an effective, well overlooked space for pedestrians and vehicles that has been designed to allow for future expansion northwards to form a new development block facing onto Niddrie Mains Road in the future.

A satisfactory strategy of boundary treatments is proposed which provides a good definition between public and private spaces, as required by Policy Des 5 (Amenity). Rear garden areas are secure and enclosed. The detail of boundary materials to require to be approved by the Planning Authority prior to the commencement of development. The layout allows for future phases of the wider development site to the north to be accessed in the future and complies with policy Des 2 (Co-ordinated Design).

The development provides a new vehicular and pedestrian route through the site, connecting with Niddrie Mains Road to the east and west. Blocks A and D punctuate the entrance to the site from the site from the existing access road at the east of the site, and the central open space provides a sense of arrival into the development. Pedestrian routes are legible, well overlooked and acceptable.

The Edinburgh Urban Design Panel (EUDP) considered an early iteration of the proposal at the pre-application stage. The comments raised at this discussion have been noted in the consideration of this application.

The layout and design of the proposal are acceptable and will make a positive contribution to the wider townscape.

(ii) Mix, density, design, heights and materials

Mix

The development comprises 136 dwellings. Housing is provided in the form of one bedroom (41 units) and two bedroom (95 units) flats and is all affordable. The provision exceeds the requirements of policy Hou 6 (Affordable Housing). The proposal will contribute to the Scottish Government's Mid-Market Rent (MMR) initiative, which intends to build 1000 MMR homes by March 2021 as part of wider housing provision targets.

It is noted that the proposal does not include 33% of properties of a family size (three bedrooms or more), and consequently does not meet the guidance set out within the Craigmillar Urban Design Framework (CUDF). The CUDF states that within higher density developments, it may be appropriate to reduce the guideline percentage of 33% affordable housing, but any reduction resulting from this approach will need to be offset by a higher provision of family housing within lower density developments. Sites recently consented as part of the wider Craigmillar masterplan to the north of Niddrie Mains Road each exceed the requirement for 33% family housing (Craigmillar plots 12-15: 34%; Craigmillar plots 19-20: 50%; Wauchope development 40%).

In addition, the applicant has advised that their recent experience of the affordable rental market in Edinburgh suggests that one and two bedroom properties let far quicker and produce less void properties in the longer term.

Housing and Regulatory Services are satisfied that the proposed mix of unit sizes is appropriate for this location. They note that affordable housing should be designed and built to the standards of the Registered Social Landlord (RSL). The size of all flats meet the standards set out in the Edinburgh Design Guidance and are acceptable. Given this context, and combined with the site's windfall status, the proposed mix of one and two bedroom flats is considered to appropriate in this location.

Density and Height

A total of 136 units are proposed across the site. This equates to a density of 99 units per hectare. Whilst denser than the existing surrounding built form, this density is appropriate to the site's local centre location, and proximity to local services and the public transport corridor of Niddrie Mains Road.

Building heights are a mix of three and four storeys. Three storey buildings will have pitched roofs, and four storey buildings will have flat roofs. The fourth storey accommodation will be approx 0.9m (max) higher than the roof apex of the adjacent three storey sections of the building, and therefore will not introduce a significant increase in building height compared to the adjacent three-storey sections. The variation in roof line will define the building corners, providing continuity of streetscapes whilst adding distinctiveness to corner elevations.

Whilst of a higher density than the adjacent single storey retail frontage along Niddrie Mains Road, adjacent residential properties at Niddrie Farm Grove (single storey) and two/three storey flats on Craigmillar Castle Loan and Craigmillar Castle Avenue, the proposed density is appropriate for aspirations for local centre densities as set out in the Craigmillar Urban Design Framework, which identifies that development of up to four storeys is appropriate in this location. The proposed layout provides a reasonable set back (minimum 20m) between existing surrounding properties and new development and is acceptable in this regard. The provision of a central area of open space within the site breaks up the density and provides balance in the layout.

The proposed mix of building height and massing is reflective of new development to the north of Niddrie Mains Road, and provides some distinctiveness to the development within its immediate setting, whilst responding effectively to the design features of the wider regeneration area. The mix of building heights and massing is acceptable and appropriate for this location.

Materials

The surrounding built environment is a mix of residential and commercial properties with varying materials. The proposed palette will predominantly be two brick types, a light buff colour (Crest Titan Multi) and grey colour (Edenhall Steel Blue) with some further details provided by occasional areas of zinc panelling, defining common close areas on the building elevations. Brick is a prominent material in the wider Craigmillar regeneration area, and the proposed palette of materials is appropriate for this scheme. A condition is attached requesting approval of material samples prior to the commencement of construction.

Projecting header brick detailing (Flemish bond brick style) will be used to provide subtle detailing to elevations, and will reflect similar architectural detailing that has been approved for other developments within the wider Craigmillar masterplan area. Large windows have been used and there is an appropriate balance of solid to void across the elevations. A good amount of gable fenestration is proposed ensuring that all building elevations are activated.

The proposed dark grey roof tiles, Juliet balustrades, fascias, soffits and rainwater goods are appropriate. Photo voltaic (PV) panels are proposed for all blocks and are acceptable.

In summary, the proposed density, design, heights and materials are appropriate and will provide an acceptable mix in relation to the surrounding built context.

(iii) Landscape, and open space

The landscape strategy for the site provides a central greenspace extending to 925 sqm. A central play area will be provided in the middle of the space and general amenity greenspace is positioned on either side of this. Surrounding properties will face onto this space, providing a good level of natural surveillance and opportunities for interaction between users of the open space.

The play area is surrounded by an appropriately secure boundary (low metal fence/hedge) to allow for safe play of young children, whilst integrating the play area into the green landscape. This provides an appropriate amount of play space for this scale of development. The specification of play equipment will be determined via condition.

High canopy trees and low level species shrubs will be planted around the perimeter of the greenspace and will help to provide some variety within the greenspace, whilst allowing for natural surveillance to occur. The exact mix of proposed species including a detailed planting plan, maintenance and management plan will be required to be approved as part of a subsequent application for the approval of matters specified in conditions.

Semi-private greenspace is also provided around each of the development blocks A to E. Rear shared gardens will provide secure areas of open space for amenity use by occupiers.

The secure areas provide back court amenity spaces for the surrounding occupiers. These back courts will also provide amenity drying areas and additional secure cycle storage for residents. Cycle storage has been located in this area of the basis of Secure by Design guidance. An appropriate mix of landscape treatments and species will be agreed for these areas at a later stage.

Amenity greenspace is provided to the fronts of the flat blocks and meets the recommended 2m set back identified in the Craigmillar Urban Design Framework.

SUDs will be provided in the form of underground attenuation in the central green area of the site. The Edinburgh Design Guide has a general presumption against underground SUDs. This approach is considered acceptable in this instance due to the nature of the site as an infill brownfield site, in order to maximise the usable amenity space within the site.

There are no watercourses or existing surface water drainage sewers in the vicinity of the site and it is proposed that surface water run-off will be attenuated to underground storage tank, prior to discharge into the existing combined sewer network in Niddrie Mains Road. Permeable paving will be utilised on a proportion of the surfacing (60%) and filter trenches are proposed around blocks to allow for roof drainage. The proposed SUDS and water management scheme is acceptable to Flooding and Scottish Water.

Boundary treatments across the site have a presumption against the use of timber fencing in the public realm and instead utilise a mix of hedge and low shrub planting. 900mm high metal fencing will be used in rear garden areas and to define entrances to the flats. There is an existing brick wall around the perimeter of the site at present, and the developer will seek to retain this in situ if condition surveys deem it appropriate for retention. If not, 1.8m timber fencing is proposed for rear boundaries to ensure a secure division is established between the garden grounds of existing flatted properties and the proposed development.

The proposed boundary treatments provide good definition between public and private space, as required by Policy Des 5 (Amenity) and are acceptable.

The usable greenspace across the site exceeds the 20% of total site area required by policy Hou 3 (Private Green Space in New Development). Pedestrian footpaths link through the central greenspace and around its perimeter allowing for safe access and connectivity options across the site.

The landscape strategy provides a legible environment and a new area of open space on the site which will provide amenity and biodiversity value. Site levels have been provided and are acceptable. The landscape strategy for the site is appropriate and is acceptable.

c) Access, road safety and parking arrangements

Transport impacts

The development is well located for access to the surrounding walking, cycling and public transport networks. A Transport Assessment has been submitted in support of the application which concludes that the traffic estimated to be generated by the proposed development will have no noticeable effect on the operation of the surrounding road network. Transport has raised no objection to the application in this regard.

Access

Access to the site will be taken from two locations on Niddrie Mains Road. The existing access to the site adjacent to Niddrie Medical Practice will be used, and a new access will be formed to the west of the site. Transport has noted that the status of the proposed medical centre access is unclear. Council records show that this was constructed under a road construction consent in 1997 (Ref. ED/97/0002) and is therefore a 'road' under the meaning of the Roads (Scotland) Act 1984. The existing street lighting is adopted and maintained by the Council. However, the road, including footways and parking has not been submitted for adoption and is therefore maintained by others. The applicant is aware of this position.

The new access route to the west of the site will be overlooked by the northern gable end of block E which contains a shared entrance door and several windows which will ensure that the route is visible at all times from adjacent properties. A Quality Audit has been submitted for the development.

Pedestrian routes are provided across the site from west to east. These will require to be suitably lit, and a condition will be added to any consent to this effect. The pedestrian footpath at the northwest corner of the site has been reconfigured to improve the safety of the crossing point following comments from Transport and Active Travel. The access arrangement is acceptable to Transport.

Parking

A total of 82 parking spaces are provided across the site (approx. 60% provision). The total parking provision has been reduced by approx 15% (15 spaces) across the site, following comments from Active Travel, and on the basis that the site occupies an accessible site in close proximity to the public transport corridor of Niddrie Mains Road. The Transport Assessment submitted for this application notes an average car ownership in the area of 51%. Given this, the proposed amount of parking is considered to be acceptable for this location.

Parking is provided in on-street parking bays in line with the Craigmillar Urban Design Framework. The layout allows for provision electrical vehicle charging points (sixteen spaces/ one in every six spaces) and accessible parking (seven spaces/ 8% of total provision) in line with Edinburgh Design Guide parking standards. Eight motorcycle parking spaces are provided. The car parking strategy is acceptable.

Cycle parking provision for the scheme has been provided in accordance with the Edinburgh Design Guidance at a ratio of two spaces per apartment. Secure cycle storage is provided internally in blocks A and B. Blocks C, D and E have secure, enclosed cycle parking provision provided in the rear court areas, at locations in agreement with Secure by Design principles. These cycle parking locations will be overlooked by the flats. Additional visitor cycle parking is also provided at shared entrances to the flat blocks. The cycle parking strategy is acceptable.

d) The proposal will provide an acceptable level of amenity for existing and future occupiers

Existing residents

Policy Des 5 (Amenity) relates to the amenity of existing and future occupiers and seeks to ensure that amenity is not adversely affected by new development. There are neighbouring residents located at Craigmillar Castle Loan, Craigmillar Castle Ave and Niddrie Farm Grove in proximity to the site.

Privacy

New development is generally located a minimum of 20m from existing flatted properties, which provides an acceptable level of privacy between new and existing dwellings. There is an exception between block A and the existing terraced housing at Niddrie Farm Grove where a distance of 16m separates the buildings. This is acceptable in this instance as only the blank gable end of the terraced property is affected and will have no negative impact on the amenity of this property in this regard.

Sunlight/ Daylight

A sunlight study has been submitted by the applicant which assesses available sunlight on an hourly basis on 21 March. Blocks C and E are positioned to the east of existing properties on Craigmillar Castle Loan and will not overshadow the garden grounds of these properties. Block B is located to the north of existing properties on Craigmillar Castle Avenue, and has no overshadowing impact on these existing properties. Block D will not impact on any surrounding dwellings or garden grounds.

Block A is located to the west of existing single storey housing on Niddrie Farm Grove. The sunlight analysis shows that garden grounds of properties will be affected by additional overshadowing after 4pm. This is a minor impact on the existing situation but given the overall levels of amenity across the site and proposed improvement to boundary treatments between the existing properties and the site, the layout is considered to be acceptable in this instance.

Daylight analysis to existing buildings has been carried out using the 25 degree method. This has identified that there are no adverse impacts on existing properties and is acceptable.

Future Residents

Privacy

The layout allows for a reasonable distance to be provided between habitable rooms in buildings whilst achieving a good density of development.

Open Space

The total greenspace proposed on the site is 26% of the overall site area. This exceeds the requirements of policy Hou 3 (Green Space in New Developments) and is acceptable. A mix of public and shared private greenspace is provided. The provision of open space on the site is of a good mix and amenity value.

Sunlight/ Daylight

The Council's Edinburgh Design Guidance recommends that half of new gardens should be capable of receiving at least three hours sunlight during the spring equinox. Sunlighting analysis has been provided for the site which indicates that the proposed development will meet this requirement. Buildings have been positioned on the site to allow for good solar gain to properties, and roof-mounted photo voltaic panels are provided on south-west facing roofscapes within the scheme.

Daylighting analysis has been provided which shows that the proposed built form is sufficiently set back from existing adjacent properties to ensure that there will be no adverse impact on daylighting on either properties. This is acceptable.

Accommodation

All flats exceed the minimum space standards for accommodation set out within the Edinburgh Urban Design framework and are acceptable. Some ground floor flats provide an opportunity conversion to accommodation for wheelchair or other disabled users.

Waste

Refuse and recycling facilities will be provided in communal areas for flats, which are positioned in an appropriate location within close walking distance of the front doors, and within acceptable distance for collection from the local authority. A swept path analysis has been completed and Waste Services is satisfied with the proposed waste management strategy.

Secure by Design

The applicant will employ a range of Secure by Design principles across the development including controlled access to communal areas, gable fenestration to deter antisocial behaviour, appropriate boundary treatment to rear gardens and provision of secure bike stores and motorcycle parking.

Conclusion

The proposed residential development is compatible with the surrounding area and will afford an acceptable level of amenity to both existing and future residents.

e) The proposal has any equalities or human rights impacts

An initial Integrated Impact Assessment (IIA) checklist has been completed for this application and has concluded that the development will not require any further assessment in this area. A range of living accommodation will be provided that will support different users. The site is accessible for those with mobility issues. The proposed development will give good access to public transport, greenspaces and local facilities. There are no identified equalities issues.

f) Developer contributions

LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of the development. The Council approved finalised Supplementary Guidance on Developer Contributions and Infrastructure Delivery on 22 August 2018 which is currently with Scottish Ministers but is a material planning consideration. The new finalised guidance supersedes the previous version of the guidance approved in September 2017, and the draft Supplementary Guidance (January 2018), Where an application was submitted prior to the 22 August, the previous guidance will be used when these are lower than the new levels. This is to ensure that the transition to the new guidance is implemented in a fair and transparent manner. Financial contributions will be secured through a Section 75 Agreement.

Education

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. The site falls within Sub-Area C-2 of the Castlebrae Education Contribution Zone. The Council assessed the impact of the growth on the area through Education Appraisal which took into account school roll projections. The Appraisal considered the impact of new housing sites allocated in the LDP, including this site and identified that contributions are required to mitigate the cumulative impact of development.

The following contributions are required towards education actions in the Castlebrae Education Contribution Zone. The level of education infrastructure contribution has been taken from the January 2018 finalised Supplementary Guidance which equates to £216,500 in total.

Healthcare

The site is located within the Niddrie Healthcare Contribution Zone as identified in the Finalised Developer Contribution and Infrastructure Delivery supplementary guidance (August 2018). A financial contribution of £128,520 is required for healthcare.

Greenspace

The site falls within the South East Wedge/ Little France Park Contribution Zone as set out in the draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery (January 2018), which introduces a requirement for greenspace contributions that was not included in the approved Supplementary Guidance on Developer Contributions and Infrastructure Delivery (September 2017). As pre-application discussions on this site pre-dated the publication of the draft guidance, it is not considered reasonable to request a contribution for greenspace in this instance. This is to ensure that the transition to the new approved guidance is implemented in a fair and transparent manner.

g) The public comments have been taken into account

Objections to the application have been received from three members of the public.

Material comments:

- The site should be redeveloped as greenspace (addressed in section 3(a) above).
- Lack of recreational areas for children in wider area - play park proposed isn't good enough. (addressed in section 3 (b) above).
- No need for additional residential in this area as there are existing vacant sites for housing (addressed in section 3(a) above).
- Overlooking/ loss of privacy to existing properties backing onto the site. Only approx. 20m between properties (addressed in section 3(e) above).
- Reduction in daylight to existing properties (addressed in section 3(e) above).
- Lack of security for existing properties backing onto the site. (addressed in section 3(e) above).
- Overshadowing of private garden ground (addressed in section 3(e) above).

- Noise pollution from traffic flows closer to existing residents at all hours of the day than with previous supermarket use of the site (addressed in section 3(i) below) (check this one is covered).
- Impact of night time light pollution from the proposed development and associated communal lighting (addressed in section 3(i) below).
- Traffic concerns from additional development (addressed in section 3(c) above).
- Clarification sought on boundary treatments between proposed development and existing properties (addressed in section 3(b) above).
- Don't want bike sheds backing onto existing boundary walls (addressed in section 3(b) above).

Non-material comments:

- Disruption from ongoing demolition works.
- Why has demolition commenced prior to planning permission, and why are public comments being sought following commencement of demolition?
- Change of use should be an application on its own, not including the proposed design.
- Loss of views from existing properties and public areas.

h) There are any other material considerations

Environmental Protection

Environmental Protection has raised no objection to the application, subject to compliance with conditions relating to completion of a site survey prior to the commencement of development, and where necessary, the preparation of a detailed schedule of any remedial and/ or protective measures for the site. No concerns regarding noise levels have been raised.

Ecology

A preliminary Ecological Survey has been carried out for the site. The ecology survey identified the potential for bats within the site, and therefore a supporting Bat Survey has been completed. The aim of the bat survey was to assess the potential for buildings within the site to support bats and to identify the presence and location of any bat roosts.

This development will have an effect on a European protected species, in this case bats, which in accordance with the Habitats Regulations 1994, requires the applicant to obtain a derogation licence from Scottish Natural Heritage. The applicant has received the required licence and has already undertaken demolition of the existing buildings on site under permitted development rights. These works were registered with SNH as per the licence conditions and are acceptable.

Birds were noted to be using the building during the nocturnal surveys. Thus, if works are due to commence within the bird breeding period (i.e. March to September inclusive), a pre-works nesting bird survey should be carried out. An informative will be added to the planning consent to this effect.

Flooding

Flood Prevention has reviewed the proposals and has confirmed that it is satisfied with the scheme and its associated flooding self-certification report.

Archaeology

The Council's Archaeologist has undertaken an assessment of the archaeological and historical assessment of the site and has concluded that there are no known archaeological implications of the site.

Sustainability

The applicant submitted the Council's Sustainability Form S1. The proposal will utilise a brownfield site within the urban area. The LDP does not require or give priority to the re-use of buildings and the applicant has provided relevant sustainability information. The proposal is a major development and is assessed against Part B of the standards.

The applicant has included sustainability features such as passive solar design, use of sustainable timber, and desirable features such as design for energy efficiency and the incorporation of low or zero carbon technologies will be incorporated in compliance with relevant building standards.

The sustainability measures are acceptable.

Conclusion

The principle of housing on the site is acceptable and the proposed mix, layout, scale, design and access arrangements are acceptable and appropriate to their context. The proposal will provide an appropriate level of amenity to existing and future occupiers and will make a positive contribution to the regeneration of the wider Craigmillar neighbourhood. It provides the opportunity for future regeneration to take place within the Craigmillar Local Centre on Niddrie Mains Road. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Notwithstanding the approved plans.

Prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Council as planning authority, in the form of a detailed layout of that phase of the site and include;

a) 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. This will include;

- i) Provision of a hardworks plan including details and materials for all surfacing, walls, fences, gates, street furniture and any other boundary treatments;
- ii) The location of all new trees, shrubs and hedges within the residential area;
- iii) A schedule of plants to comprise species, plant size and proposed number/ density;
- iv) Programme of completion and subsequent maintenance of landscaping;
- v) Details of street lighting to ensure footpaths are appropriately and safely lit;
- vi) Detailed specification of the proposed play equipment and safety surfacing;
- vii) Details of phasing of these works.

The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development. Any trees or plants which within a period of five years from the completion 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.

2. 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 remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Council as planning authority. 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 council as planning authority.
3. 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 ensure that the landscape strategy is delivered and maintained to an acceptable standard, in the interests of amenity of the site and wider area.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. 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. 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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to infrastructure. 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.

The applicant will be required to contribute:

a. The sum of £216,600 (based on £2280 per dwelling excluding 1-bed properties) towards the Castlebrae Education Contribution Zone, and the sum of £128,520 (based on 136 x £945 per dwelling) towards the Niddrie Healthcare Contribution Zone.

The above sum is to be indexed linked using the all-in tender price index from the last date of signing the Agreement until the date of payment. The use period for the contribution should be 10 years from the last payment.

b. 100% of the units are to be of an agreed affordable tenure.

c. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

d. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

e. 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;

5. We would draw the applicant's attention to the recently approved Edinburgh Design Guidance for City of Edinburgh Council, particularly section 2.4: Design, Integration and Quality of Parking, which provides new parking standards for the city and minimum standards for electric car charging places. The Council's 2017 Parking Standards indicate that a minimum of fourteen of the proposed 82 parking spaces should have electric charging capability.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and shall be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, access, 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.
7. Any off-street residential hard standing should be porous, to comply with Guidance for Householders published in August 2017.
8. 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. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicle in the area;
9. 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 and layout. The Council expects all roads built under road construction consent to be adopted for maintenance by the Council;
10. 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), 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;
11. 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;

12. Any parking spaces adjacent to the carriageway will 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 as part of any sale of land or property;
13. The applicant should note that the markings for the proposed disabled parking spaces do not meet the requirements of legislation. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved. 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.
14. The applicant is encouraged to provide details of tree-pits in both hard and soft landscape areas to control quality of implementation of new trees.
15. If development on site commences between March and September a pre-works nesting bird survey should be submitted and approved by the Planning Authority before work is commenced on site.
16. For the avoidance of doubt window materials must be recycled UPVC, timber or aluminium.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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

The Proposal of Application Notice (reference: 17/03400/PAN) outlined public exhibitions to be held on 4 September 2017 at the Craigmillar East Neighbourhood Centre and Library, Niddrie Mains Road.

Also notified of the proposals were:

- Craigmillar Community Council
- Northfield & Willowbrae Community Council
- Musselburgh and Inveresk Community Council
- Danderhall and District Community Council
- Gilmerton and Inch Community Council
- Portobello Community Council
- Grange & Prestonfield Community Council
- All ward councillors
- Craigmillar Partnership
- CRE8TE
- CEC Housing Department
- Thistle Foundation
- Castlerock Housing Association
- Craigmillar Medical Group
- Craigmillar East Neighbourhood Centre (Library)
- Castleview Primary School
- Castlebrae Community High School
- Police Scotland

The Edinburgh Urban Design Panel were supported the principle of residential led development and the desire to create a good design led solution through consolidation of the wider site with effective phasing. They also welcomed the general design concept based around the notion of a central area of open space and the intention to obtain 'Secure by Design' accreditation for the development.

8.2 Publicity summary of representations and Community Council comments

Three letters of objection were received in relation to this application. An assessment of these 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 Craigmillar Local Centre as identified in the adopted Edinburgh Local Development Plan.

The Craigmillar Urban Design Framework sets out design principles which are applicable to the site.

Date registered

13 June 2018

Drawing numbers/Scheme

01, 02C, 03A, 04A, 05B, 06, 07, 08A-9A, 10B, 11, 13A-14A, 1,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 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 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 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 16 (Species Protection) sets out species protection requirements for new development.

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 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 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 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

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 18/02744/FUL
At 100 Niddrie Mains Road, Edinburgh, EH16 4DT
Demolition of existing Lidl building and erection of new build
residential development comprising of 136 flatted units
across 5 no. blocks; with associated parking, roads and
landscaping.**

Consultations

Affordable Housing

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

Affordable Housing Provision

This application is for a development consisting of up to 136 homes and as such the AHP will apply. This proposal is funded by the MMR initiative awarded to Places for People as part of the Scottish Government 50,000 homes. Delivery of 100% of homes to the MMR initiative would satisfy the section 75 obligation for the delivery of these homes.

The homes should be fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The applicant has stated there will be a mix of one and two bedroom flatted homes on site.

Summary

The applicant has made a commitment to provide affordable housing through the MMR initiative. This department welcomes this approach which will satisfy the section 75 requirement for the site and assist in the delivery of a mixed sustainable community.

- o The affordable homes should be designed and built to the RSL design standards and requirements.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

We would be happy to assist with any queries on the affordable housing requirement for this application.

Scottish Natural Heritage

We are unable to provide advice on this consultation until a survey for bats is completed and, if appropriate, a species protection plan has been produced. Once these are available we will be happy to advise but only if you are uncertain about:

- o the adequacy of the survey and protection plan;*
- o whether a species licence will be needed; or*
- o the prospects of a species licence being granted.*

Advice for planners and developers can be found on our website.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing Lidl building and erection of new build residential development comprising 136 flatted units across 5 blocks with associated parking, roads and landscaping.

The site lies at the centre of Craigmillar which largely developed in the 20th century, though has farming origins dating back to the medieval period. The current site lies to the rear of the site of the 19th century Craigmillar Creamery, which stood across the front of Niddrie Mains Road and under the current access to the store. This site of local archaeological significance grew throughout the 20th century enveloping all but the SW corner of this site. Given the previous significant development history on this site and background

HER information, it is considered unlikely that significant archaeological deposits and remains will have survived insitu on this site. Therefore I have concluded that there are no known archaeological implications in regards to this application.

Children 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:

95 Flats (41 one bedroom flats excluded)

This site falls within Sub-Area C-2 of the 'Castlebrae 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 contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£216,600

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.

Environmental Assessment

The proposed development is set off Niddrie Mains Road and bounded by residential properties to the west, south and east. To the north are commercial premises and a medical centre. Historically this area was part of the Craigmillar Creamery and there also appeared to be commercial / industrial depots onsite. Therefore Environmental Protection has concerns that this historic use of the site may have resulted in ground contamination. A condition is recommended to ensure the site is suitable for the proposed use.

Environmental Protection has no objection to the application, subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) 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.

Informative:

In addition, we would draw the applicant's attention to the recently approved Edinburgh Design Guidance for City of Edinburgh Council, particularly section 2.4: Design, Integration and Quality of Parking, which provides new parking standards for the city and minimum standards for electric car charging places.

Active Travel

1. This development is of particular interest in light of the wider investment into Active Travel links around the Bioquarter and Royal Infirmary and connections into the NCN1. These routes add value to the development by providing safe, convenient and attractive links to the City Centre for walking and cycling.

2. It is imperative that this new development supports the design principles of the Local Development Plan (LDP) and Edinburgh Street Guidance (ESDG), to avoid this new neighbourhood being built at odds with the council's active travel agenda. We need to encourage a move away from reliance on the car and support residents to adopt sustainable travel options from the point of occupation through a reduction in car parking provision and clear pedestrian and cycle priority throughout the site and integrated into the wider network, particularly in light of the tram proposals.

3. We note there are plans for around 97 car parking spaces. The landscape risks being dominated by car parking - levels of parking provision and hard standing dominate the frontages and have an impact on private amenity - which is explicitly noted to be avoided in the Edinburgh Design Guidance.

In all new developments, car parking should be designed to have a minimal visual impact on the site and surrounding area. Large expanses of uninterrupted car parking, particularly located to the front of new developments, will not be acceptable as they have an adverse visual impact and encourage non-essential car trips.

Given there are ample public transport links in close proximity of the units, a more ambitious approach to car parking numbers and public transport provision should be proposed at the development site. In particular, the access street into the site is lined on both sides with parking which can both detract from the pedestrian experience, but also pose a danger to cyclists passing behind reversing vehicles.

4. More information is needed on cycle parking, and at present it looks hugely unacceptable. All external bike stores must be easily accessible from the road, overlooked, attractive, and located close to building entrances. They should take precedence over vehicular access to buildings to reinforce cycling as a convenient travel option. The locations of the parking at the north and south of the site (Block D and B) don't meet any of these requirements - being awkwardly positioned to access from the entrance, a significant distance from the entrance to the blocks, and the only paved access being through the buildings. It is not clear if they are overlooked. There needs to be sufficient space for single storey cycle parking rather than relying on two-tiered options.

5. There must be adequate internal space for non-standard bikes/trailers/bikes with child seat attachments/maintenance in the blocks. Doorway options to be suitable for manoeuvring a bike out without too much effort. Bike stores should lead directly into main stairwells where possible rather than requiring users to leave the building again (internal and external access points). ESDG Factsheet C7 - Cycle Parking should be consulted.

6. Integrated network of footpaths, cycleways and open space should be suitably lit and meet standards set out in the Edinburgh Street Design Guidance (ESDG). There are concerning details where paths appear disjointed and end abruptly, particularly where footpaths meet roads - active travel routes should be coherent, direct, and convenient, and take precedence over vehicles at junctions (raised tables, formal crossings or continuous footways). The disjointed footpath leading out of the north west corner of the site is compromised, since pedestrians will have to cross at what could be a very awkward corner with end-on car parking.

7. Reduce splays/corner radii on the roads to ensure pedestrians are prioritised over junctions and do not need to deviate from natural desire lines.

8. The Design Access Statement makes little to no mention of cycling or walking which is reflective of the proposals produced, and needs to be addressed. Please look at guidance produced to amend this, in particular, the Edinburgh Design Guidance pp50-55.

Waste

Response 1;

I have been asked to consider this application on behalf of the Waste Management Service and I have concerns over bin store locations and the swept path analysis.

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 Cleansing Services would expect to be the service provider for the collection of waste as this appears to be a residential development.

The planning application form refers to the details of bin stores being used for storage of waste and recycling. However, we need to quantify appropriate capacity for waste and recycling streams as the allocation of capacity has recently changed. We would require to confirm 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 me on 07872 048 943 or email Trevor.kelly@edinburgh.gov.uk at the earliest point to ensure adequate provision of segregated household waste bins include all of the above materials and suitable access for the refuse collectors.

Response 2;

Proposed New Development at: 100 Niddrie Mains Road, Edinburgh, EH16 4DT

18/02744/FUL

Demolition of existing Lidl building and erection of new build residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping.

Please ensure that a copy of this letter is provided to the builder/developer, site manager and the property management company.

I refer to our correspondence regarding the above new development which will consist of 136 flatted properties with no provision for garden waste. Garden waste is now a separate chargeable service and consideration should be allowed for the storage of a garden waste bin for each individual property out with collection. Residents are required to register and pay for this service individually.

I can confirm receipt of the drawing for this development showing the agreed Swept Path layout and previously agreed bin store provision/allocation shown below.

We have agreed pull distances conform with the Architects guidance with the exception of bin store 7 (agreed 14m) and a revised swept path analysis for a thirteen meter vehicle showing clear access/egress from the development.

This letter is confirmation that we agree on the waste strategy and that you have covered all requirements as per Architects Instructions. Please note that the following conditions will apply.

Waste strategy for new developments;

The City of Edinburgh actively promotes the provision of recycling facilities in all new developments and throughout the city. The Waste (Scotland) Regulations 2012 make mandatory the provision of specific household waste recycling services and our own waste strategy supports this. Recycling collections are integral to the overall waste collection system, so it is necessary to incorporate recycling facilities within your development.

Provision and collection of waste containers;

For flatted developments we normally require that communal wheeled containers are used for household waste and recycling. This would consist of containers for residual waste, mixed recycling, glass and food waste, detailed below.

Information showing the dimensions of the communal containers has already been provided for your information in the Architect Instructions.

For this development we have agreed the following quantity and capacity on waste containers:

Refuse Store 1 - Block A1 (8 flats/units)

*1 x 1280 litre Landfill
2 x 1280 litre Mixed Recycling
1 x 240 litre Food Waste
1 x 360 litre Glass*

Refuse Store 2 - Block A2-A3 (12 flats/units)

*2 x 1280 litre Landfill
2 x 1280 litre Mixed Recycling
1 x 240 litre Food Waste
1 x 360 litre Glass*

Refuse Store 3 - Block B (32 flats/units)

*5 x 1280 litre Landfill
3 x 1280 litre Mixed Recycling
1 x 500 litre Food Waste
1 x 660 litre Glass*

Refuse Store 4 - Block C+E1 (30 flats/units)

*4 x 1280 litre Landfill
3 x 1280 litre Mixed Recycling
1 x 500 litre Food Waste
1 x 660 litre Glass*

Refuse Store 5 - Block E2 (16 flats/units)

*2 x 1280 litre Landfill
2 x 1280 litre Mixed Recycling
1 x 500 litre Food Waste
1 x 660 litre Glass*

Refuse Store 6 - Block D2-D3 (18 flats/units)

*3 x 1280 litre Landfill
2 x 1280 litre Mixed Recycling
1 x 240 litre Food Waste
1 x 360 litre Glass*

Refuse Store 7 - Block D1 (16 flats/units)

*2 x 1280 litre Landfill
2 x 1280 litre Mixed Recycling
1 x 240 litre Food Waste
1 x 360 litre Glass*

To ensure safe and efficient access for waste collection vehicles to collect waste and recyclable materials, access arrangements to empty bins, turning circles, interactions with pedestrians have been evaluated and agreed as per Architects Instructions.

Summary of the agreement for the development are covered as follow:

- All roads that will be used by vehicles to collect waste and recycling from the properties should be to adoptable standard and able to withstand the Gross Vehicle Weight (GVW) of the collection vehicle of up to 26 tonnes.*
- Yellow line marking (hatching) must be provided to stop people parking and causing access problems at the hammerhead or on the road accessing to the bin store. It will be the architect's responsibility to contact the Roads Department if line markings or pavement blisters are required to ensure access from the bin storage area to the collection vehicle, (this applies both within developments and externally)*
- All bin stores' should respect the Architects Instructional requirements and allow the safe storage of all waste and recycling bins, efficient and convenient access to the bins for residents and collection crew services. The bin store will have a clear doors width of a minimum 1600mm giving direct access to the street.*
- A straight pull of no more than 10m between each bin store and the vehicle collection point will be provided*
- Budget locks will be fitted on the bin store door.*

It will be the builder/developer's responsibility to provide the residual and recycling containers in line with our requirements, as outlined in the Architect Instructions. We can assist with this and will recover the costs of doing so. We require twelve weeks notice for bin orders, in order to arrange the ordering, manufacture and delivery of bins. These should be submitted as a purchase order to the officer responsible for your development.

It will be the builders or developers responsibility to provide unrestricted access to the bin storage areas during the building stage and occupation of the properties. Containers will not be delivered or collections will not be made until adequate vehicle access is provided.

Temporary street signage should be installed if permanent signage will be unavailable at the time of delivery/servicing

Responsibility for the bin storage areas will lie with the builder/developer until handed over to the property management company.

Property management

On completion of the building or individual block and when handover from the builder/developer has taken place the following requirement will apply:

Property management company responsibility includes:

- o Ensure that all material, residual or recyclable, are deposited within the communal bins prior to collection*
- o Removal of excess waste where residents do not use the containers provided*
- o Removal of any dumped items e.g. furniture, carpets, white goods etc*
- o General cleaning of the bin storage areas*
- o Ongoing provision and maintenance of associated infrastructure, e.g. bin lifts, bin stores etc*

The City of Edinburgh Council responsibility includes:

- o Provide initial guidance documentation for residents in using the recycling facilities*
- o Servicing of residual and recycling waste containers as scheduled*

We do appreciate that new occupiers may initially have large quantities of cardboard and other recyclable material generated from new appliances. We request that householders flatten cardboard boxes and deposit them in the mixed recycling bins provided. Excess waste can be taken to the local Community Recycling Centre, which are open 7 days a week. More information about these is on our website. Information on the Council's special uplift service for the removal of bulky household items may be obtained by contacting 0131 608 1100.

Coal Authority

Thank you for your consultation notification of the 22 June 2018 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Edinburgh Access Panel

1 - The panel was disappointed that Clause 5 Access Statement, that included many references to Accessible Design codes and publications (but many now out of print) did not produce the access possibilities claimed. BS 8300 was rewritten in January 2018 and contains the latest advice. The opportunity should be taken to design to the latest standards.

2 - None of the flats are designed for wheelchair living, and floors 2 - 4 are not wheelchair accessible, even for visitors, due to the exclusion of lifts. Only some ambulatory disabled people may be able to reach these upper floors. Wheelchair access is restricted to ground floor visitors only.

3 - The Panel is concerned that the street level of 52.25 outside Block A2 relates to a FFL of 52.6 might, depending on the distance to the main door platte, give a gradient of greater than 1:12.

4 - On the ground floors, space required for electric mobility scooters which tend to be longer than self-propelled scooters should be considered.

5 - Ground floor flat internal layouts all have sufficiently wide doors as specified, but wheelchair users will have to reverse into the bathrooms and in some layouts will find it difficult to get into the bathroom backwards. The kitchens seem to have adequate space between counters.

6 - It is possible that ground floor flats could be converted to living accommodation for wheelchair or other disabled users by re-designing the bathroom and kitchen interiors.

Police

I write on behalf of Police Scotland regarding the above planning application.

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Transport

Response 1

The proposed application should be continued.

Reasons:

Whilst there are no objections to the proposed application in principle, a number of issues require to be addressed:

i. No transport assessment has been submitted as required under the Local Transport Strategy. It is therefore unclear as to the potential transport impacts or extent of any mitigation which might be required. In addition, the proposed level of parking requires justification;

- ii. A number of disabled parking spaces are poorly located and likely to prove difficult for drivers to use. These spaces and proposed markings do not comply with current legislation;
- iii. The proposed cycle parking of 1 space per unit does not meet the Council's standards which require up to 3 spaces per unit depending on number of rooms;
- iv. The proposed internal cycle parking appears to be impractical for use and requires passage through a number of doors. It is unclear whether the external cycle parking meets the key requirement of being secure;
- v. There appears to be no motorcycle parking provision. Council standards require 1 space per 25 units;
- vi. There appears to be no electric vehicle provision. Council standards require 1 space in 6 to feature electric charging;
- vii. The proposed road layout appears to result in a number of potential conflict points for motor vehicles;
- viii. A number of doors open outwards on to footways etc.;
- ix. The applicant should be aware that the status of the proposed medical centre access is unclear. Council records show that this was constructed under a road construction consent in 1997 (Ref.ED/97/0002) and is therefore a 'road' under the meaning of the Roads (Scotland) Act 1984. The existing street lighting is adopted and maintained by the Council, however, the road, including footways and parking has not been submitted for adoption and is therefore maintained by other. This matter will require clarification in relation to the proposed development;

Response 2

Further to the memorandum of 17 August 2018, there are no objections to the proposed 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. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicle in the area;
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 and layout. The Council expects all roads built under road construction consent to be adopted for maintenance by the Council;

3. *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), 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;*
4. *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;*
5. *Any parking spaces adjacent to the carriageway will 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 as part of any sale of land or property;*
6. *The applicant should note that the markings for the proposed disabled parking spaces do not meet the requirements of legislation. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved. 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.*

Note:

Current Council parking standards:

- o The proposed 82 car parking spaces are considered acceptable. These include 16 electric vehicle charging points and 8 disabled spaces;*
- o A Quality Audit has been submitted.*
- o The applicant should be aware that the status of the proposed medical centre access is unclear. Council records show that this was constructed under a road construction consent in 1997 (Ref.ED/97/0002) and is therefore a 'road' under the meaning of the Roads (Scotland) Act 1984. The existing street lighting is adopted and maintained by the Council, however, the road, including footways and parking has not been submitted for adoption and is therefore maintained by others.*

Flooding

Response 1

In support of the above planning application the Flood Prevention Unit have reviewed the following documents,

- o E11468 - Niddrie Mains Road Edinburgh Drainage Strategy document*
- o E11648/0903 Rev A, Indicative Drainage Layout*

In order to better inform the planning application process further information is required with respect to drainage.

1. *Planning Committee on 30 March 2017 approved the permanent implementation of the certification procedure in the assessment of the flooding impact of new development during the planning application process.*
2. *The applicant has not completed a self-certification checklist or declaration for this application covering the design of the surface water network. The checklist should be completed to provide a summary of the information submitted in support of the application. As this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention.*
3. *The applicant has not completed a declaration for this application covering the flood risk assessment. As this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention.*
4. *Please confirm the impermeable area of the proposed development.*
5. *No information regarding the proposed surface water discharge rates are included in the drainage strategy. CEC Flood Prevention request a discharge rate equal to the 2 year Greenfield runoff rate or 4.5 l/s/ha is used, whichever is smaller. As per Sewers for Scotland Third Edition the outflow control must not be smaller than 75mm in diameter.*
6. *Please provide hydraulic modelling outputs for all underground pipework including rainfall data, manhole and pipe schedules (to mAOD), pipe surcharge report for all underground pipe connections. The manholes in the calculation should be cross-referenced to the drainage drawing to enable interpretation. The results should include the 30 year and 200 year plus climate change results. Should the model identify flood or flood risk in the system then drawings will be required to indicate where exceedence flow will be directed, how it will be contained within the site and lastly how it will be drained once the event has subsided.*
7. *Please identify existing and proposed surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. Firstly to understand if there is any significant re-direction of surface flows to surrounding land and secondly to identify if surface water will flow towards property entrances.*
8. *It should be noted that SEPA Pluvial flood maps show an area of pluvial flooding on the site. As this is a major development a Flood Risk Assessment must be submitted to support the application.*
9. *The results from the simple index approach outputs reference a detention basin however the indicative layout does not show this. Please confirm the water quality improvement methods to be incorporated in the development and update the SI approach tool to reflect them.*
10. *Please stipulate who will adopt and maintain the surface water network, including any SUDS.*

Response 2

In support of the above planning application the Flood Prevention Unit have reviewed the following documents,

- o *E11468 - Niddrie Mains Road Edinburgh Drainage Strategy document*
- o *E11648/0903 Rev A, Indicative Drainage Layout*
- o *E11468 - Surface Water Drainage & SuDS Strategy, August 2018*

In order to better inform the planning application process further information is required with respect to drainage.

1. *Planning Committee on 30 March 2017 approved the permanent implementation of the certification procedure in the assessment of the flooding impact of new development during the planning application process.*
2. *The applicant has not completed a declaration for this application covering the flood risk assessment. As this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention.*
3. *It should be noted that SEPA Pluvial flood maps show an area of pluvial flooding on the site. As this is a major development a Flood Risk Assessment must be submitted to support the application.*

Response 3

Additional information has been submitted and the Council's Flood Prevention Unit are now satisfied with proposals.

Urban Design Panel

1. Recommendations

The Panel supported the principle of residential led development and the desire to create a good design led solution through consolidation of the wider site with effective phasing. They also welcomed the general design concept based around the notion of a central area of open space and the intention to obtain 'Secure by Design' accreditation for the development.

In developing the proposals, the Panel suggested the following matters be addressed:

Pay due regard to guidance contained in the Revised Craigmillar Urban Design Framework;

Seek to bring coherence to the surroundings through architectural detailing and the materials palette;

Seek to contextualise with the scale and mass of neighbouring buildings and adjacent site conditions including the sheltered housing complex to the east of the site;

Response to any key views to and from the site, both in respect of layout and roofscape;

The approach to scale and massing including a modelling of the layout to facilitate passive solar gain;

The use of houses and larger flats (suitable for families) to achieve a diverse population mix;

The proposed nature and use of all open spaces to promote social cohesion including sub-division to create private gardens;

The integration and design treatment of the block fronting Niddrie Mains Road including the activation and treatment of public realm fronting the street;

The treatment of the proposed eastern entrance to the site and adaptation of the existing layout to ensure effective pedestrian movement and a high quality street environment;

The SUDS approach for the site to ensure effective design integration with the landscape and street design;

Consider cycle and bin storage arrangements from the outset to ensure effective design integration;

Consider sustainable design measures including passive solar gain, solar panelling and super insulation;

The introduction of defensible space to property frontages;

Maximise levels of fenestration to enhance passive surveillance;

Engage a Landscape Architect to further inform the design approach to landscape and open space.

The Panel welcomed the presentation of the proposals at an early stage.

2. Introduction

The site is located on the south side of Niddrie Mains Road and is currently occupied by a mix of uses. A vacant retail unit (formerly occupied by Lidl supermarket) and associated car parking are located on the south side of the site. The western and southern site boundaries are formed by the rear gardens of residential properties located along Craigmillar Castle Loan and Craigmillar Castle Avenue respectively. The eastern site boundary, forms the existing access road which leads from Niddrie Mains Road to the Lidl car park.

The proposal is located in the Craigmillar Local Centre as designated in the Edinburgh Local Development Plan, November 2016.

The site forms part of the study area for the Revised Craigmillar Urban Design Framework, August 2013.

No declarations of interest were made by the Panel.

This report should be read in conjunction with the pre-meeting papers.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

3. Proposed uses and phasing

The proposal would comprise residential development. The extent of development proposed on the site has been expanded since the approval of the initial Proposal of Application Notice in 2017. Development is proposed as a phased approach across the site to take account of ownerships, this commencing from the former Lidl site to the south. The Panel noted that this initial phase (1A) would comprise 136 units.

The Panel were supportive of the principle of residential led development for the site and had no issues regarding the proposed change from the existing commercial use. However, the Panel noted that the Council has not yet given permission for such a change of use and the loss of commercial use would need to be justified in policy terms.

The Panel noted that the existing Tesco store on Niddrie Mains Road, to the northern edge of the site, is subject to a long lease and this issue will take time to resolve.

4. Context

The Panel enquired as to whether any design principles were applicable to the site as identified in the Revised Craigmillar Urban Design Framework (UDF). Although it was confirmed during the discussion that there is no specific reference to this site in the Craigmillar UDF, the Panel felt that Niddrie Mains Road is not clearly legible with a mix of architectural styles, forms and materials. The design approach should seek to bring coherence to the surroundings with architectural detailing and materials palette requiring careful consideration.

The Panel commented that the design approach should seek to contextualise with the scale and mass of neighbouring buildings and adjacent site conditions.

The Panel remarked on the views from the site towards Arthurs Seat. The site may also afford some views towards Craigmillar Castle and these should be subject to further analysis. The design approach should therefore seek to respond to any such viewing opportunities also paying regard to the treatment of roofscape and how this would be perceived in distant views.

5. Scale and Massing

The Panel commented that the general scale of development in the locality is 2, 3 and 4 storeys. The Panel suggested that the scale and massing of development should therefore be subject to further design development with wider modelling undertaken across the site to facilitate passive solar design. To achieve this, the Panel suggested a greater variety of heights and improved articulation of scale and mass.

6. Layout and open space

The Panel welcomed that the proposed development would be arranged around a central focal space. However, the Panel enquired to how this area would be used given the proposed makeup of the development is for 1 and 2 bedroom flats, thus providing little scope for use by children and families. Larger dwelling, e.g. 3 bedroom properties suitable for families, would be required to start to activate this space. In relation to this, houses and larger flats (suitable for families) should be considered as part of the project to achieve a diverse population mix. The Panel commented that these matter should be discussed with the project client at the earliest opportunity.

The Panel noted that the rear garden areas would feature a minimum depth of 10 metres. But, the Panel expressed concern regarding the proposed communal nature of all open spaces. They considered that the use of private gardens could promote social cohesion and reduce overall maintenance costs. The Panel suggested that different approaches be further explored, including the subdivision of open space.

The Panel enquired whether there was scope to reduce density in response to the scale of the sheltered housing complex at the eastern end of the site. In relation to this, the Panel noted that a larger garden size was proposed in this area but this would still need to be subject to detailed sunpath analysis.

The Panel commented on the 2.5 metre change in levels across the site. However, the Panel noted that this would have a minimal impact in the context of the site and it would be preferable to work with the natural gradient and address through landscaping rather than introduce physical measures such as retaining walls.

The Panel remarked that the effective integration and design treatment of the block fronting Niddrie Mains Road will be key to the success of the project. Particular consideration must be given to the activation and treatment of the public realm fronting the street to the north including the needs of elderly people and integration of the bus stop.

The Panel expressed concern regarding the treatment of the eastern entrance to the site which presently comprises car parking for the medical centre. This arrangement is dictated by the current ownership but the layout would need to be adapted to ensure effective pedestrian movement and a high quality street environment.

The Panel enquired to proposed SUDS approach for the site. This will have a bearing upon the landscape and street design and needs to be fully integrated into the design proposals.

The Panel commented that matters including cycle and bin storage need to be considered from the outset to ensure effective integration with the layout of both open space and the built form.

The Panel recommended that a landscape architect should be engaged on the project as early as possible to further inform design approach to landscape and open space.

7. Transport and Accessibility

The Panel considered that the design concept should seek to enhance north-south permeability across the site.

The Panel noted that an average of 70% parking is proposed in respect of parking standards across the site. It may be possible to reduce this further given the proximity to Niddrie Mains Road and bus routes, and different client demands.

The Panel remarked that the Medical Centre is reliant on the area of existing car parking which would form the eastern entrance to the site. Further consideration would need to be given to how these parking requirements would be addressed in the future.

The Panel commented that the connections to the wider street network including Niddrie Mains Road require further consideration. The proposed road junction to the north east may not work effectively with existing layout and these issues will need to be explored in detail.

8. Sustainability

The Panel observed that the orientation of the site could provide scope for passive solar gain. The use of sustainable design measures including solar panelling and super-insulation was strongly encouraged by the Panel.

9. Secure by Design

The Panel remarked that 'Secure by Design' input and accreditation had been sought for previous Craigmillar regeneration projects. Particular area to address would include the need for rear garden areas to be secured. Other areas include the requirement for effective entry control systems to communal areas and secure mailboxes. The Panel welcomed that the developer would be seeking Secure by Design accreditation.

The Panel commented on the very tight defensible spaces evident to some of the property frontages. The extents of such areas should be maximised as has been pursued at Greendykes. However, boundary treatments should be designed so not to provide informal seating which can present security issues.

The Panel suggested that all key elevations should seek to maximise levels of fenestration to enhance passive surveillance.

Location Plan



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Development Management Sub Committee

Wednesday 24 October 2018

**Application for Advert Consent 18/04321/ADV
At Advertising Hoarding 57 Metres Northeast Of 132,
Slateford Road, Edinburgh
Digital LED Displays.**

Item number	4.5
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposal complies with regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The display of the proposed advertisements is acceptable in terms of amenity and public safety.

Links

Policies and guidance for this application	NSG, NSADSP,
------------------------------------------------------------	--------------

Report

Application for Advert Consent 18/04321/ADV At Advertising Hoarding 57 Metres Northeast Of 132, Slateford Road, Edinburgh Digital LED Displays.

Recommendations

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

Background

2.1 Site description

The site is a section of embankment located in between the northern side of Slateford Road and the Edinburgh-Carstairs railway line. The site has a total area of 263 square metres and slopes steeply from north to south. Four advertisement hoardings are located adjacent to the northern boundary of the site. The surrounding area is predominantly residential in character, with detached and semi-detached dwellinghouses located directly to the south. The Chesser Asda superstore is located directly to the north and a row of ground floor commercial units located directly to the west.

2.2 Site History

27 June 2017 - Application for advertisement consent for the removal of four advertisement hoardings and their replacement with two 48 sheet internally illuminated digital LED hoardings allowed on appeal by the Directorate for Planning and Environmental Appeals (DPEA) (Appeal Reference: ADA-230-2023). This application was originally refused advertisement consent at the Development Management Sub Committee meeting of Wednesday 19 April. An appeal against the non-determination of this application within the statutory determination timescale was received by the DPEA on the same day (application reference: 17/00465/ADV).

Main report

3.1 Description Of The Proposal

The proposal seeks express advertisement consent for the installation of two internally illuminated LED digital advertisement display hoardings in a triangular configuration adjacent to the southern boundary of the site. The hoardings will each measure six metres in length by three metres in height and will be positioned 2.1 metres above ground level at their highest point.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

- a) The proposal would have an adverse impact on amenity;
- b) The proposal raises any issues in respect of public safety;
- c) Any issues raised by objectors have been addressed, and
- d) The proposal raises any issues in respect of equalities and human rights.

a) Impact on Amenity

Regulation 4 (1) of the Town and Country (Control of Advertisements) (Scotland) Regulations 1984 states that advertisement control shall be exercisable only in the interests of (a) amenity and (b) public safety.

The advertisements are both of a suitable size and will be positioned in an oblique fashion to ensure they do not face directly onto the windows of any nearby residential property. Conditions will be attached to limit the intensity of any illumination to ensure that the visual impact of the advertisements on the surrounding area is suitably minimised.

The proposal will not have a detrimental impact on amenity.

b) Road Safety

The Roads Authority was consulted on the proposal and raised no objection subject to the inclusion of suitable conditions and informatives. A condition will be attached to ensure that any advertisements which are displayed are limited to static images only, with the planning authority able to exercise legislative control to ensure that no animation, video or full motion images are displayed.

The proposal does not raise any issues in respect of public safety.

c) Matters Raised in Representations

Objection Comments

Material Considerations

- Proposal will have an adverse impact on public safety - addressed in section 3.3 (b).

d) Equalities and Human Rights

The proposal has been assessed and raises no issues in respect of equalities and human rights.

Conclusion

The proposal will not have a detrimental impact on amenity, or an adverse impact on public safety; and does not raise any issues in respect of equalities and human rights. The proposal complies with regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The intensity of the illumination of the advertisements consented shall be restricted to 75 candelas per square metres during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.
2. Advertisements displayed shall be static images only, with no animation, video or full motion images permitted.
3. Consent is granted for a period of five years from the date of consent.

Reasons:-

1. In order to safeguard residential amenity.
2. In the interests of road safety.
3. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Informatives

It should be noted that:

1. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.
2. Phone numbers, web addresses details etc should be avoided.
3. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time.
4. Both screens shall be synchronised to change at the same time with a maximum change rate of one static advertisement every 15 seconds.
5. Advertisements where a message is spread across more than one screen are not permitted.
6. Advertisements resembling existing traffic signs or providing directional advice are not permitted.
7. The change in speed between advertisements shall be instantaneous.

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

One letter of objection was received from Spokes raising the following material considerations. One objection comment was also received from an elected member after the period for comments had expired. A full summary of the matters raised by objectors can be found in section 3 of 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 is located in the urban area in the adopted Edinburgh Local Development Plan.

Date registered

6 August 2018

Drawing numbers/Scheme

01 - 07,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

Links - Policies

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

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

Application for Advert Consent 18/04321/ADV At Advertising Hoarding 57 Metres Northeast Of 132, Slateford Road, Edinburgh Digital LED Displays.

Consultations

Roads Authority

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

ADVERTISING SIGNS

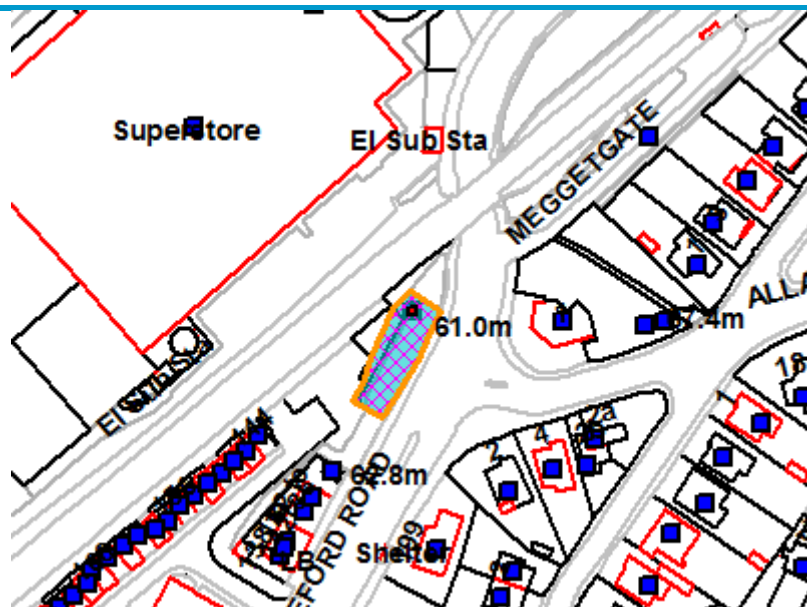
Note:

- 1. This location has been assessed as low risk;*
- 2. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:
 - a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
 - b) digital roadside billboards / hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
 - c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

*With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;**
- 3. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 4. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 5. There should be no message sequencing where a message is spread across more than one screen;*
- 6. Phone numbers, web addresses details etc should be avoided;*
- 7. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

8. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
9. Adverts should not resemble existing traffic signs or provide directional advice;
10. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
11. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
12. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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Development Management Sub Committee

Wednesday 24 October 2018

**Application for Listed Building Consent 18/06386/LBC
At 128 Lower Granton Road, Edinburgh, EH5 1EX
Alterations to house to form a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.**

Item number	7.1
Report number	
Wards	B04 - Forth

Summary

The proposal has special regard for the desirability of preserving the building and its setting and has no adverse impact on the special architectural or historic interest of the listed building. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) LDPP, LEN04, NSG, NSLBCA,

Report

**Application for Listed Building Consent 18/06386/LBC
At 128 Lower Granton Road, Edinburgh, EH5 1EX
Alterations to house to form a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.**

Recommendations

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

Background

2.1 Site description

The planning application relates to a C listed, two storey property with garden ground to the rear. The property forms part of a mid 19th century, long, curved 2-storey terrace built in brick as workers cottages. The interiors are plain with limited features of historic or architectural interest.

The property was listed category C on 19 December 1979, listed building reference: LB29888.

2.2 Site History

26 September 2018 - An application for planning permission for a first floor extension on the rear elevation of the property was granted (planning reference number: 18/04433/FUL).

Main report

3.1 Description Of The Proposal

The proposal is to change the facade of the existing rear ground floor extension from render to brick and add a first floor extension to it, with associated internal works.

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.

3.3 Assessment

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

- a) The proposal will have a detrimental impact on the unique architectural and historical character of the listed building; and
- b) Any issues raised by objectors have been addressed.

a) Architectural and Historical Character of the Listed Building

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

Policy Env 4 of the adopted Edinburgh Local Development Plan (LDP) states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.

The proposed first floor extension is of an acceptable scale, form and design to be an acceptable addition to the listed building. The design correlates with the neighbouring extension and rear extensions are a characteristic of the area. The extension will be an inconspicuous addition to the property and will not impact on the setting of the listed buildings or the visual amenity of the street.

The proposed roof form is appropriate. There are a variety of roof forms on the neighbouring extensions and the proposal is acceptable. The roof gives a clear differentiation between the new design and the existing building.

The extension will not have a detrimental impact on any features of special architectural or historic interest. The character of the property will be retained on the front elevation of the property and there are no significant internal features desirable to preserve.

b) Issues Raised by Objectors

Two objections were received from an amenity body and the community council. Issues raised are as follows:

Material planning issues:

- loss of internal layout; this is addressed in section a).
- scale, form and design; this is addressed in section a).
- contrary to the Edinburgh Local Development Plan; this is addressed in section a).

Non-material planning issues:

- non-compliance with housing regulations - not relevant to the planning process.

Conclusion

Overall, the proposals have special regard to the desirability of preserving the building or its setting and do not adversely affect any feature of special architectural or historic interest. It complies with the non-statutory Guidance for Listed Buildings and Conservation Areas. The first floor extension on the rear elevation of the property is an acceptable addition to the property and will provide an appropriate design finish when assessed in the context of the area. There is no adverse impact on the special interest of the listed building and there are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

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:

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 14 September 2018 and a site notice erected. Two objections were received from an amenity body and the community council.

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**

Edinburgh Local Development Plan

Date registered

4 September 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Assistant Planning Officer

E-mail: declan.semple@edinburgh.gov.uk Tel: 0131 529 3968

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.

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.

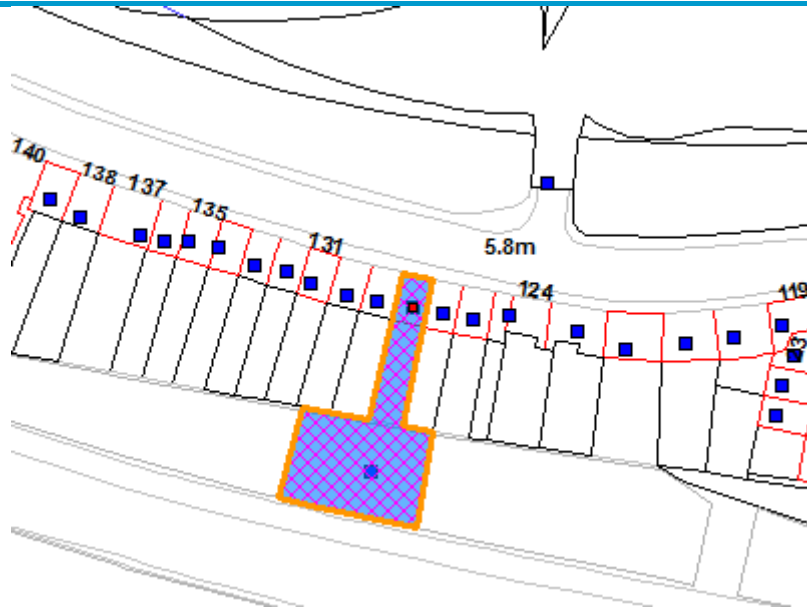
Appendix 1

**Application for Listed Building Consent 18/06386/LBC
At 128 Lower Granton Road, Edinburgh, EH5 1EX
Alterations to house to form a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 24 October 2018

Application for Planning Permission 18/01368/FUL At Site 30 Metres North Of 18, Pipe Lane, Edinburgh Application for 13 residential units and associated development.

Item number	7.2
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

Whilst residential use is acceptable in principle, the proposal is contrary to Local Development Plan policies in respect of its failure to contribute to affordable housing provision, adverse impact on archaeology, unacceptable design in terms of spatial structure, scale, proportions, height, massing, layout and parking, inadequate amenity for future occupiers of the townhouses, inferior access for those with disabilities and impracticality of proposed cycle parking. The development does not preserve or enhance the character or appearance of the conservation area. The extant planning permission does not outweigh these material considerations.

Links

Policies and guidance for this application	LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LDES11, LEN06, LEN08, LEN09, LEN13, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA08, CRPPOR, DBPOR, NSGD02, NSMDV, NSLBCA,
------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Report

Application for Planning Permission 18/01368/FUL At Site 30 Metres North Of 18, Pipe Lane, Edinburgh Application for 13 residential units and associated development.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The 0.11 hectare site is located at the western end of Portobello promenade. The site is flat and currently an area of under-utilised open space, with hardstanding and grass. Immediately to the north of the site are the promenade and the beach. The beach and foreshore are part of the Firth of Forth Special Protection Area (SPA). To the east is Pipe Lane, an area of hardstanding on the promenade, public conveniences and residential properties. To the south is a residential area and to the west are new residential flats and two pottery kilns. The kilns are approximately 12 metres in height and are of brick construction. The pottery kilns are Scheduled Monuments (ref: SM3317, designated 5th December 1973).

This application site is located within the Portobello Conservation Area.

2.2 Site History

15 August 2013 - planning permission granted for demolition of amusement arcade and erection of 73 flats with associated underground parking, amusement arcade and café with landscaped public and private gardens, at 1 Pipe Lane Edinburgh EH15 1BR (planning application reference: 09/00248/FUL). This planning permission was implemented on the adjacent site. The amusement arcade was demolished on site and the planning permission remains extant.

03 November 2017 - Non-material variation to planning permission 09/00248/FUL - minor alterations to the east block building, (Phase 2), comprising the internal layout and fenestration with a new gable wall on the east elevation (application reference 09/00248/VARY).

Main report

3.1 Description Of The Proposal

The proposal is for 13 residential units in the form of 11 flats and two townhouses and associated development.

The flats will be in one six storey block positioned on the northern boundary of the site. 11 three bedroom flats will be built, two on each storey with a penthouse on the top floor. The penthouse is set back from building edge at each side. The flats will have private balconies to the north and south with the penthouse flat having a 360 degree external roof terrace.

The two three storey semi-detached townhouses are curved in shape to the south of the application site. The houses will have integral garages and a communal hardstanding area to the north and a communal garden area to the south.

For both the flats and houses, the materials used will be off-white render, timber cladding, and reconstituted buff sandstone for the ground floor and an aluminium roof canopy. However the penthouse flat will be in zinc cladding for both elevations and roof.

Vehicle access is from Pipe Lane to the east. A car parking court would be provided to the rear of the flats accommodating 11 car parking spaces (including one accessible car parking space, one motorcycle space and one electric charging point space).

Pedestrian and cycle access is provide via the car park and adjacent path to ensure level access to the rear of the flatted block. There is also a double width fire escape only stepped entrance access to the Promenade.

A bin store and small areas of landscaping would also be provided. Basement cycle storage will be provided for 33 bicycles within the flatted block, accessed by a wheeled ramp on the communal stair.

The site would be surrounded by a boundary low level wall and railings. The materials used would be mainly concrete with some sandstone adjacent to the vehicle access and steel railings.

Affordable housing is not proposed on site.

Scheme 1

The applicant did not include any motorcycle car parking provision in Scheme 1. Scheme 1 showed the Promenade access with the steps to be an secondary access. In Scheme 2 it is proposed that this is a fire-door access only.

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 development in this location is acceptable;
- b) the impact on historic assets, scheduled monuments, or areas of archaeological significance is acceptable;
- c) the proposals preserve or enhance the character and appearance of the conservation area;
- d) the proposed scale, design, materials and layout are acceptable;
- e) the proposal is detrimental to the amenity of neighbours;
- f) the proposal provides sufficient amenity for occupiers of the development;
- g) the proposal has impacts on infrastructure;
- h) the proposal affects road safety, cycle parking and accessibility;
- i) representations raise issues to be addressed; and
- j) other material considerations have been addressed.

a) Principle

The application site is identified within the Local Development Plan (LDP) as within the urban area. Policy Hou 1 (Housing Development) supports housing development on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The extant planning permission was for a mixed use development including residential. The fact that residential development has previously been granted and implemented means the principle of residential development is acceptable.

Policy Hou 2 requires a mix of house types and sizes to meet a range of housing needs. The proposed 11 three bed flats and two three bed townhouses all meet the minimum internal floor area requirements. The three bedroom flats are a minimum of 114 sq.m (GIA). The townhouses are also a minimum of 122 sq.m. Both are well above Edinburgh Design Guidance (EDG) threshold of 81 sq.m and acceptable under policy Hou 2.

Policy Hou 4 seeks an appropriate density of development on each site having regard to its characteristics, those of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development. However proposals will not be permitted which result in unacceptable damage to local character, environmental quality or residential amenity.

The 13 properties gives a current density of 112 dwellings per hectare. This density is acceptable within the wider context where there is a mix of two storey housing and four/five storey flatted dwellings.

The previous amusement arcade has been demolished and the site is currently vacant. LDP policy Emp 9 (employment sites and premises) states that proposals to redevelop employment sites or premises in the urban area are acceptable provided they do not inhibit the activities of any nearby employment use, would contribute to the comprehensive regeneration and improvement of the wider area and include floorspace for a range of business users where the site area is larger than one hectare. The site is less than one hectare and there is no objection to the loss of the business use. The redevelopment of this site would make a contribution to the comprehensive regeneration and improvement of the area.

b) Impact on Historic Assets

Policy Env 8 (Protection of Important Remains) states that development will not be permitted which would adversely affect a scheduled monument or other nationally important archaeological remains, or the integrity of their setting; or which would damage or destroy non-designated archaeological remains which the Council considers should be preserved in situ.

Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission will be granted if it can be concluded from desk-based assessment and/or a field evaluation that no significant archaeological features are affected, or any such features will be preserved in situ or the benefits of allowing the proposed development outweigh the importance of preserving the remains in situ.

Scheduled Monuments

There are two bottle kilns (dated 1906 & 1909) immediately to the west of the site that are scheduled monuments. These form part of the industrial heritage associated with the nationally significant Portobello (Rathbone) Potteries. The North-West Portobello Development Brief states the kilns are in important link to the area's historical past and requires an improved setting which increases their visibility and links them directly to the Promenade. The proposal is adjacent to the two brick kilns.

The current proposal is not closer to the Kilns than the extant 2009 scheme. It retains the public realm and access around the kilns whilst increasing the range of views from the promenade to the kilns. It is concluded that it does not have a significant impact upon their setting. Therefore, subject to conditions securing an engineering mitigation strategy and monitoring of the kilns during construction, no objection is proposed due to impact on the kilns under policy Env 8.

Archaeological significance

The site overlies an area of archaeological significance in terms of industrial heritage associated with the nationally significant Portobello (Rathbone) Potteries, soap works and harbour. An assessment of the results of previous archaeological work in the area and recent excavations immediately adjacent to the site demonstrated that the Potteries and 18th century harbour has survived along with remains and artefacts dating back to the 18th century origins of the potteries. The remains of this early harbour due to their significance were preserved beneath the new development and the results written up for publication.

Given the results from these excavations, it is clear that this development site will contain archaeological remains associated with the potteries requiring recording and preservation in-situ. This site was operating as an amusement arcade at the time of the original application and therefore was not available for evaluation at this time. Development of the site must be regarded as having a potential significant adverse impact on remains that will necessitate preservation in situ e.g. harbour and early kilns/workshops, the former, due to the 2013 excavations, are now expected to have survived across the site.

A written scheme of investigation implemented prior to determination in line with policy Env 9 is required in order to accurately determine the scale of the potential impacts caused by the proposed development upon the buried archaeological resource, inform any engineering solutions required to ensure preservation in situ and inform what mitigation measures will be required to fully excavate, record, analyse and publish the results from any remains affected where preservation may not be a solution. 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.

In May 2018, a written scheme of investigation was agreed for this evaluation. The applicant is not prepared to authorise that it is undertaken prior to determination. The applicant is requesting that this issue is dealt with by condition. The applicant states that this approach is unnecessary and disproportionate and would delay the decision-making process when it could be addressed by planning condition.

Without the empirical results of an archaeological evaluation to inform the impacts of this proposal and in the absence of an agreement on a multi-staged approach which allows for investigation, recording and mitigation measures that allow preservation of significant remains in-situ, it is not possible to secure compliance with local plan policies.

Therefore, this application is contrary to policy Env 8 as the proposals would damage or destroy non-designated archaeological remains which should be preserved in situ. Furthermore, this application is contrary to policy Env 9 where permission will only be granted if information derived from a field evaluation can allow for any significant archaeological features to be preserved in in situ (policy 9b) and if the benefits of allowing the proposal outweigh the importance of preserving the remains in situ, then appropriate provision for archaeological excavation, recording and analysis and publication of results before development starts, all to be in accordance with a programme of works agreed with the Council (policy 9c) is required.

c) the proposals preserve or enhance the character and appearance of the conservation area

Policy Env 6 (Conservation Areas Development) states that development within a conservation area or affecting its setting will be permitted, which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal, preserves features positively contributing to the character of the area, and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Portobello Conservation Area Character Appraisal (2016) was approved and extended the boundaries of the conservation area to include the application site as an important element of Promenade, beach and foreshore in 2016.

The character appraisal states, "Portobello retains the character of a small town with a distinct town centre, an exceptionally high quality residential hinterland, a shoreline setting and a long sea-front promenade. The architectural form and character of Portobello is rich and varied, with many fine Georgian and Victorian historic buildings. The building materials are traditional: stone, harling, slate, pantiles, timber windows and doors."

The character of Portobello retains a heritage of fine buildings from all stages of its history, most notably the elegant Georgian terraces and the complementary fringe of Victorian and Edwardian buildings. The layering of high quality development from different eras makes a major contribution to the character of the Conservation Area. The town retains a recognisable seaside character with its long promenade, reclaimed and improved beach, cafes and amusement arcade.

The character appraisal identified in 2016 that the north western edge of the conservation area is an important element of Promenade, beach and foreshore that signifies the approach and entrance to the conservation area and includes the two surviving historic kilns. The key character elements of this area include open views to the sea, predominance of stone built properties many with front doors to the Promenade and slate roofs, stone boundary walls and easy access from side streets to the seaside attractions including the promenade and beach.

This proposal introduces two disparate elements of design. The six storey flatted block is positioned fronting onto the Promenade, its building line slightly forward of the adjacent block and extending beyond it to the rear. Whilst it addresses the Promenade, it does not provide the strong building edge characteristic of the area. The overall massing is less in keeping with the urban grain of the conservation area.

The two curved three storey semi-detached townhouses are positioned at the southern end of the site but face the car park not the adjacent street nor the historic kilns nearby. They bear little relation to the current proposals, or the remainder of the extant scheme as built. They do not preserve nor enhance the extant 'set piece' focused on kilns nor relate to the building frontages in Pipe Lane or Bridge Street. Instead, the relationship between the two buildings relies on the similar building materials and shared car parking area linking them.

The scale and proportions are out of keeping with the character of the conservation area. The scale and layout would appear incongruous in the current urban grain of continuous frontages of buildings on perimeter urban blocks. The inclusion for two semi-detached townhouses separated by car parking from the rest of the built form, does not respect the historic layout, street patterns or existing land form.

The promenade itself is a rich mix of building styles fronting or slightly set back from the Promenade. Building heights vary from single storey houses to four storey tenements and five storey new developments. The proposed height of the flatted block at 6 storeys is significant higher than the adjoining flats of 4 storeys along the Promenade, and two storeys along Pipe Lane and significantly higher than other buildings along the Promenade or in the vicinity of the application site.

The streets and lanes leading to the Promenade offer views of the sea from the High Street. The Promenade itself provides panoramic vistas to the coasts of Fife, as well as back towards the City and Leith and towards East Lothian. Therefore the building would be unduly prominent in the promenade townscape and by reason of its height, and massing, would interrupt these key views to and from the Promenade of Portobello Conservation Area.

As rationale for the increased height, the applicant has submitted images of the proposed development in context looking west along the beachfront. This illustrates that the proposal is higher than the other buildings along the Promenade. Other buildings along the Promenade that are 5 storeys include mixed use developments and active ground floor frontages as they are destinations on the Promenade or are of substantial height due to being a seaside attraction like Portobello Baths.

The sixth storey 'pop-up' floor or roof top set back, whilst set back on all sides introduces a new feature to the character and appearance of Portobello which is highly visible and detracts from the appearance of the conservation area.

In conclusion, it is considered that the proposed development, by reason of its height, size, siting, massing and layout would not preserve or enhance the character and appearance of the conservation area. Therefore the proposed development is contrary to Policy Env 6.

d) the proposed scale, design, materials and layout are acceptable

In assessing the scale and design of the proposal, policies Des 1 to Des 8 and Des 10 provide a robust framework for assessing design quality. Policy Des 10 (Waterside Development) also sets out criteria for proposals on the coastal edge and Policy Des 11 considers Tall Buildings Skyline and Key Views.

Policy Des 1 (Design Quality and Context) states that design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

The North West Portobello Development brief specifically highlights the promenade frontage as an important urban edge, a high profile feature of the city.

The current proposal is for the corner block to the Promenade and two townhouses at the rear of the site. The townhouses do not relate well to the proposed flats nor the adjacent streetscape including the kilns. They provide little frontage to Pipe Lane. The Pipe Lane and Promenade junction is a key connection. The cumulative impact of these proposals at this prominent location is a surface level car park, with minimal landscaping behind the boundary wall and railings which does not result in an attractive frontage to Pipe Lane. The proposals do not respect the height and form of the wider townscape nor its scale and proportions. The spatial structure of the proposal and position of the buildings on site, results in two disparate elements which do not relate well to each other nor the neighbouring properties. This does not draw upon the positive characteristics of the surrounding area and is therefore contrary to policy Des1.

Policy Des 4 (Development Design Impact on Setting) sets out criteria to ensure that proposals have a positive impact on its surroundings, including the character of the wider townscape and impact on views having regard to height and form.

The proposal does not reflect the scale and proportion of the neighbouring properties, with different floor to ceiling heights, elevational details and window treatments. It introduces an overhang at eaves level which would be 30 cm above the neighbouring buildings and dominant in the street scene. The submitted aerial image of the proposed development in situ confirms it is forward of the building line achieved by the adjacent flats. It does not reflect the existing architectural detailing and would be read as a stand-alone unit, two storeys above the neighbouring buildings on one site and four storeys above the neighbouring properties on Pipe Lane. This does not draw upon the positive characteristics of the surrounding area.

Policy Des 7 (Layout Design) requires safe and convenient access and movement in and around the development having regard especially to the needs of people with limited mobility or special needs and links to the Equalities Act 2010.

The layout of the site is predominantly car focused with most of the site area being level access car parking. Walking and cycling are restricted as there is no direct access onto the Promenade other than the fire door stepped access. The Promenade stepped access is 5m from the Promenade. The rear access is 50 metres distance to the Promenade by way of a walk way between the car park and bin store and utilising a pedestrian gate onto Pipe Lane. Therefore the design does not provide for the needs of those with protected characteristics (people with disabilities) who cannot use stairs. This is not considered acceptable in making reasonable provision for wheelchair users or those people with limited mobility or special needs and is contrary to Policy Des 7.

Policy Des 8 considers public realm and landscape design. Landscaping is limited to residual areas around the car parking. The proposal does include boundary treatments of boundary wall and railings to delineate the space which is coordinated between the different elements of the proposal. The materials, render, timber and zinc cladding for the overhang and sixth storey are coordinated within the development itself. On balance, there is no objection under policy Des 8.

Policy Des 11 (Tall Buildings Skyline and Key Views) sets out criteria for proposals which raise about the prevailing building heights, including, creating of a landmark that enhances the skyline and surrounding townscape and is justified by the proposed use, the scale of the building is appropriate in its context and there would be no adverse impact on important views of the landscape setting of the city, including the Firth of Forth.

Building heights will largely derive from the general height of the existing adjacent buildings and the surrounding urban grain. Sunlight, overshadowing and daylighting studies will be required to assess the impact of new development on neighbouring buildings, internal courtyards and streets, and adjacent open space and the Promenade. The proposed flats at six storeys are significantly higher than the neighbouring flats and the surrounding townscape including the traditional tenemental style properties of the Promenade. When viewed from Portobello beach, this proposal would be one of the tallest on the promenade and out of keeping with the prevailing building heights. Whilst the 6th storey is set back on all sides it would be clearly visible in views towards and along the Promenade. It would also be visible in key views towards the Promenade not only from the local area, but also as it is within a protected view cone, from the wider city. The building is wholly residential, it is not a visitor destination and its use does not justify its increased height. It could not be considered a landmark building or destination where the scale would be appropriate to context and use. This proposal would raise the prevailing building height of the promenade out of keeping with the character and appearance of the area. The proposal would adversely impact on the promenade and Firth of Forth landscape setting of the city contrary to Policy Des 11.

Policy Des 10 (Waterside Development) requires development on coastal edge sites to provide an attractive frontage to the Promenade, beach and sea. What makes an attractive frontage is the cumulative impact of its design, its coordination with neighbouring developments and townscape, incorporation and enhancing of existing and potential features, impact on setting, amenity, sustainable buildings, layout design, public realm and landscape design, and impact on views. The current proposals have been assessed against the LDP design policies and are in conflict with policies Des1, Des 4, Des 7, and Des 11. Therefore the cumulative impact of these conflicts with the other design policies is conflict with policy Des 10 as it would not provide an attractive frontage to the Promenade and beach.

e) the amenity of neighbours

Policy Des 5 provides criteria to assess the impact of proposals on amenity of neighbouring developments, including amenity, privacy and daylight. The proposal is 6 storeys high fronting onto the Promenade and three storey townhouses at the rear of the application site.

The proposed townhouses would not adversely affect the amenity of neighbours in relation to sunlight, daylight overlooking and loss of privacy. The relationship between the townhouses and flats results in overlooking between the properties, however at a minimum window distance of 24m this is considered acceptable. The applicant has submitted additional sections to show that there would be no significant loss of daylight from the townhouses to the neighbouring properties on the Promenade, Bridge Street, Pipe Lane or between the current proposals.

The proposed flats are substantial in height at six storeys with a large canopy projecting at five storey eaves height. They would not result in a loss of daylight, sunlight, privacy or immediate outlook to the neighbouring properties including the townhouses, on nor the properties to the rear on Bridge Street. The flats are a minimum of 14m from the adjacent dwellings on Pipe Lane at an angle. Taking into account the extant scheme, the impact onto the neighbouring properties in Pipe Lane is considered acceptable in terms of overlooking, daylight, sunlight and privacy.

The development brief suggested that the height of any development should minimise the overshadowing of the Promenade and beach and suggested any proposals should be three to four storeys to ensure that the levels of sunlight and daylight afforded to the Promenade are acceptable. The proposal, due to the height and overhang at 5 storey eaves level, would result in increased overshadowing of both the promenade and beach. Whilst there is an adverse impact and additional overshadowing to the beach, it is not considered that this is of such significance to justify refusal and therefore, on balance, the proposal is acceptable under policy Des 5 (a) in terms of amenity for neighbours.

f) the amenity of occupiers

Policy Des 5 (Development Design Amenity) assesses the future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. Policy Des 5 sets out the criteria to assess whether proposals will create or contribute towards a high quality, sustainable living environment. Developments must be designed to fulfil its function effectively, and meet the needs of users and occupiers.

The proposals include a disabled persons' access to the rear of the flatted block only, reducing the accessibility to the Promenade and ground floor flats for a protected characteristic group disabled people or young people in buggies. The entrance onto the Promenade is relegated to a fire door with stepped access which would not meet any residents needs for easy direct access onto the promenade. The lack of entrance onto the promenade also results in a less active frontage to the flats and less natural surveillance over this important footpath.

Portobello is characterised by a number of open spaces and the site is in close proximity to amenities including the beach and promenade. However it is also characterised by houses with private garden space. The proposed townhouses have very limited outdoor space consisting of balconies and a communal garden area fronting onto Bridge Street. There is insufficient outdoor space and their outlook is largely overlooking a car park with minimal landscaping.

The refuse and recycling facilities are provided externally at level access and require pedestrians to walk around them to go from the flats to the Promenade which is not considered a sensitive design integration of these facilities.

Cumulatively, these issues mean that the proposal would result in an unacceptable level of amenity for occupiers of the townhouses and is contrary to Policy Des 5 (Development Design Amenity).

Policy Hou 3 Private Green Space requires adequate provision for green space to meet the needs of future residents based on a standard 10 square metres per flat and a minimum of 20% of the total site area should be useable greenspace. The Edinburgh Planning guidance sets out that standards to ensure that well defined, functional, good quality private gardens to all houses and ground floor flats.

This proposal includes private north facing balconies to the flats of at least 10 square metres. The townhouses are not provided with private gardens, only private balconies. The townhouses have a communal garden area, a maximum 5.4 metres wide fronting Bridge Street, and a communal hardstanding area at the front. Private first floor balconies are provided of 2.8 sq.m and 3.6 sq.m to the townhouses.

The proposal has utilised the balconies, narrow strips of landscaping around the car parking area and the communal garden area around the townhouses to achieve, in the applicant's assessment, a total 28% of the total site area. However it is not considered that the balconies nor the landscaping areas are useable greenspace. Excluding these areas, the communal greenspace is 89 sq.m. (7.6%). This is below the guidance standard and therefore the proposal is deficient in greenspace.

Edinburgh Design Guidance states that where it is difficult to achieve the areas normally required for private open space, because of a need to adhere to a spatial pattern in the area, the inclusion of balconies or roof terraces may be seen as a mitigating measure. It is acknowledge that there is open space at the promenade and beach within the vicinity.

The design does not represent the spatial pattern of area with backlands providing open areas for landscaping and planting whether public or private space as achieved on the extant scheme. Instead the site area is almost wholly taken up with surface level car parking and a small bin storage area with residual site area of 12% given over to landscaping of which only 7.6% is usable green space. On balance, this proposal is contrary to policy Hou 3 as it fails to provide adequate private green space for the townhouses.

g) the proposal has impacts on infrastructure

Waste

The proposed bin store will include sliding doors which do not obstruct the pavement and is acceptable.

Education

This site falls within Sub Area P1 of the Portobello Education Contribution Zone. No education infrastructure actions have been identified for this part of the Zone, as set out in the Action Programme and Supplementary Guidance. Although the proposal will be expected to generate one additional primary school pupil, additional education infrastructure is not required to mitigate its impact. No contribution towards education infrastructure is therefore required.

Environmental Protection

The proposed development is on a currently vacant site, historically part of the potteries within Portobello, therefore Environmental Protection has concerns that this historic use of the site may have resulted in ground contamination. A condition is recommended to ensure the site is suitable for the proposed use if all other aspects are acceptable.

Affordable Housing

Policy Hou 6 (Affordable Housing) states that residential development consisting of 12 or more units should include the provision for affordable housing amounting to 25% of the total number of units proposed. For developments under 20 units, on site provision may not be required.

Enabling and Partnerships state that there will be a requirement for 3 homes if provided on site. However, a payment of a commuted sum in lieu of on-site provision is acceptable and would be 25% of 13 units, therefore the payment requirement is for 3.25 units. The sum payable will be based upon a valuation for commuted sum undertaken by a District Valuer and will be payable on the commencement of development as defined in the Planning Act. The applicant would be required to enter into a Section 75 legal agreement to this effect but has declined to do so on the basis of previous permissions.

Therefore, this planning application makes no provision for affordable housing. This is a new full planning application and is determined in accordance with the Local Development Plan unless material considerations indicate otherwise. There is a requirement to include 25% affordable housing within this application either on site, or payment of a commuted sum as outlined above. Therefore the proposal is contrary to adopted local plan policy Hou6 (Affordable Housing).

Flooding

The site lies adjacent to the promenade currently protected by sea defences and the shore to the north. As this application is for 13 units, and now a local development, Flood Prevention have no further comment to make.

h) the proposal affects road safety, cycle parking and accessibility

Policy Tra 3 states that proposed cycle parking and storage provision needs to comply with standards set out in Council guidance. The guidance reflects the Council's commitment to increase cycling's share of travel through the provision of high quality cycle parking, including secure storage in terms of long stay and short stay including visitors. Developers should include cycle parking consistent with the design details in Cycling by Design (by Transport Scotland) which also details storage facilities. Cycling by Design requires cycle parking to be convenient, visible, accessible and convenient and easy to use.

The proposed 33 spaces cycle parking are at basement level accessed from the building rear using a wheeling ramp turning 360 degrees. There is no cycle access from the Promenade. The proposed 33 spaces are acceptable. However, the basement location, necessitating rear access to the flats and the use of a wheeling ramp within a communal stair, is not considered accessible or convenient or easy to use. The proposal for basement cycle parking is not accessible nor acceptable in both layout and design. It would not be easily utilised for short periods or by visitors and is contrary to Policy Tra 3.

Policy Tra 4 sets out criteria for off-street car parking provision and states that creating an attractive frontage onto the street, and providing open space should be preferred even if it necessitates car parking at basement level. Where surface level car parking is proposed it should include structural planting, and not compromise pedestrian safety and assist their safe movement.

The proposal is for a surface level car park of eleven spaces including one disabled person's car parking space serving the flats and one electric charging space. Integral garages are provided for the townhouses with a shared hardstanding area. The amended plan includes motorcycle parking provision.

The surface car parking provision is to the detriment of the provision of open space on site and level cycle storage as discussed below. An attractive frontage to Pipe Lane is not achieved and this is a key route to the Promenade from the High Street. Basement provision has been provided at the neighbouring flats and the character of the area includes backlands as open space rather than car parks. The rear of the flats is considered the main entrance to the building which is only able to be accessed through the car park. This reduces pedestrian safety as the walkway requires a 45 metre detour around car parking spaces and bin stores to reach Pipe Lane and impedes pedestrian movement. This is contrary to policy Tra 4.

i) representations raise issues to be addressed

Material Representations - Objection

Transport

- Traffic, increased volume, noise and pollution and impact on roads in vicinity (assessed in 3.3 (i) above).
- Transport, visibility reduced due to bin store (assessed in 3.3 (i) above).
- Road safety, due to route to school and proximity to school (assessed in 3.3 (i) above).
- Car parking at surface level unacceptable, 100% car parking excessive, should be lower, or in basement (assessed in 3.3 (i) above).
- Bicycle Storage, in basement is inappropriate with narrow staircase access and difficult to use (assessed in 3.3 (i) above).

Housing

- density, reduction in units from consent (assessed in 3.3 (d) above).
- too many flats (assessed in 3.3 (d) above).

Uses

- Should be mixed use including commercial space (assessed in 3.3 (a) above).
- Loss of commercial unit and café on the ground floor (assessed in 3.3 (a) above).

Design

- Height, out of keeping with Conservation Area, surrounding area, 6 storeys highest in area, should be same as neighbouring development (assessed in 3.3 (c) above).
- Height unbalanced effect when viewed from south, existing flats viewed as a single entity and corner focal points needs to be of equal height (assessed in 3.3 (d) above).
- Scale (assessed in 3.3 (d) above).
- over development (assessed in 3.3 (d) above).
- Impact on setting of kilns (assessed in 3.3 (b) above).
- Townhouses, overdevelopment and out of keeping and change character, appearance, density of proposal (assessed in 3.3 (d) above).
- Gap to neighbouring building needs to be clarified (assessed in 3.3 (d) above).
- Includes PVs on roofs which is ok but not on elevations as not allowed elsewhere in the Conservation Area (assessed in 3.3 (c) above).
- Impact on promenade (assessed in 3.3 (e) above).
- Popup term is misleading term for the top floor (assessed in 3.3 (d) above).
- Overhang will not shelter balconies and will shade top floor flats (assessed in 3.3 (d) above).
- Disharmony with adjacent block (assessed in 3.3 (d) above).
- Layout insufficient amenity space to meet policy and guidance (assessed in 3.3 (d) above).
- Windows do not match proportions or harmonise with existing window design (assessed in 3.3 (d) above).
- Too much car parking, too little open space (assessed in 3.3 (d) above).
- Exterior treatment, materials are substandard compared to neighbouring building and discordant effect not viewed as complete entity (assessed in 3.3 (d) above).

Amenity

- Overlooking from townhouses (assessed in 3.3 (e) above).
- Unacceptable levels of overlooking and negative impact on outlook from existing properties on Pipe Lane and Bridge Street (assessed in 3.3 (d) above).
- Loss of daylight from neighbouring property (assessed in 3.3 (d) above).
- Overshadow beach/block sunlight from busy part of Promenade and beach (assessed in 3.3 (d) above).
- Garden space inadequate useable garden space for flats (assessed in 3.3 (d) above).
- Garden space, houses have no defined garden area (assessed in 3.3 (d) above).
- Reduce car parking for more green space (assessed in 3.3 (d) above).
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Historic Assets

- Park would protect kilns views and allow access (assessed in 3.3 (b) above).

Key Views

- Loss of views - of Kilns from Promenade, loss of sea views from vicinity (assessed in 3.3 (d) above).
- Would destroy views from the South (assessed in 3.3 (d) above).

Infrastructure

- Education - schools at capacity (assessed in 3.3 (g) above).

Non-material representations

- No bin store included for Phase 2 residents.
- Phase 2 residents need to give permission.
- Phase 2 basement includes car parking which is now unnecessary.

Material representations - Support

- Quality development will reinvigorate the local area, change the appearance of Portobello, add to attractive promenade, fits in with area (assessed in 3.3 (d) above).
- Site is an eyesore now (assessed in 3.3 (d) above).
- Support housing development in principle and includes family living 3 bed flats, shortage of new homes in Edinburgh (assessed in 3.3 (a) above).
- Reuse of gap site with quality flatted accommodation (assessed in 3.3 (d) above).
- Good quality design, better design than neighbouring flats (assessed in 3.3 (d) above).

j) Other material considerations

Sustainability criteria

The proposal is for 13 units and complies with policy Des 6 Sustainable Buildings.

Equalities or human rights impact

An integrated impact assessment has been undertaken for this proposal. The access to the flatted block at the rear only for pedestrians and cyclists is not considered acceptable. The promenade stepped entrance whether a fire door only or secondary access would not allow disabled access. The integrated impact assessment recommended refusal of this application due to the inadequate provision for people with protected characteristics (disabled people) or young people needing buggies etc.

The extant consent

The applicant has submitted supporting information in relation to the 'fall back' position resultant from the implementation of the 2009 planning permission. This information has been given careful consideration. This permission which has been partially built is capable of implementation. As such, the 2009 planning permission (09/00248/FUL) granted in 2013 and varied in 2017 (09/00248/VARY) is a material consideration.

The current application is for full planning permission in its own right. It is therefore, treated as a 'de novo' application. This means that Section 25 of the Town and Country Planning (Scotland) Act 1997 applies, "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."

The question of how much weight should be attached to other material considerations lies with the decision-maker. This is important, particularly in relation to matters concerning affordable housing provision and archaeology.

With respect to the requirement for affordable housing, the Council as planning authority is entitled to consider the application against the current LDP policy. As narrated above, Policy Hou 6 requires the provision of affordable housing. The change in circumstances since the 2009 application relates to the status of the affordable housing policy. The policy was previously in the form of non-statutory guidance whereas the requirement is now enshrined in development plan policy. The development plan policy has more significant weight than non-statutory guidance as a material consideration.

Turning to archaeology, it is accepted that preliminary investigations have been carried out on the portion of the site which has been built. The condition attached to the 2009 permission has not, however, been purified. In addition, investigations reveal the significance of archaeological remains. It is entirely reasonable that these issues are given fresh consideration and it follows that greater weight is attached to archaeology as a material consideration in relation to the current application. In the absence of agreement on a multi staged approach which allows for investigation, recording and mitigation measures that allow preservation of remains in-situ, it is not possible to secure compliance with development plan policy.

In conclusion, the weight which can be attached to the 2009 planning permission does not outweigh the consideration of the application against development plan in terms of compliance with the policy on affordable housing and protection of archaeology.

Conclusion

Whilst residential use is acceptable in principle, the proposal is contrary to Local Development Plan policies in respect of its failure to contribute to affordable housing provision, adverse impact on archaeology, unacceptable design in terms of spatial structure, scale, proportions, height, massing, layout and parking, inadequate amenity for future occupiers of the townhouses, inferior access for those with disabilities and impracticality of proposed cycle parking. The development does not preserve or enhance the character or appearance of the conservation area. The extant planning permission does not outweigh these material considerations.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Policy Hou 6 (Affordable housing) as it does not include 25% affordable housing provision on site nor is the applicant willing to enter into a legal agreement to secure a commuted sum for affordable housing equivalent to 25% provision.
2. The proposed development is contrary to Policies Env 8 and Env 9 as it would damage or destroy non-designated archaeological remains which should be preserved in situ. Furthermore this application is contrary to policy Env 9 as no field evaluation has been undertaken and no agreement reached on a multi-staged approach to provide the information essential to form the conclusion that any significant archaeological features will be preserved in situ. As a consequence, the proposal does not comply with the requirements of policy Env 9 in terms of appropriate provision for archaeological excavation, recording and analysis and publication of results before development starts, all to be in accordance with a programme of works agreed with the Council.
3. The proposed development by reason of its design, spatial structure, scale, proportions, height, massing and layout is contrary to policies Des1, Des 4, Des 7, Des 10 and policy Des 11 of the LDP. As a result, it would not preserve or enhance the character or appearance of the conservation area, contrary to Policy Env 6.
4. The layout of development, the dominance of car parking area, the inadequate provision of open space and lack of private gardens would result in a detriment to the residential amenity of the occupants of the townhouses and is contrary to Policy Des 5 and Policy Hou 3.
5. The proposal is contrary to Local Development Plan Policy Tra 3 Private Cycle Parking and Policy Tra 4 Design of Off-street Car and Cycle Parking. Cycle parking within the basement accessed only by the rear door and communal stair with wheeled ramp is not accessible, convenient or easy to use. The proposal provides a walkway requiring significant detours for pedestrians which does not assist their movement to and from the promenade.

Financial impact

4.1 The financial impact has been assessed as follows:

The proposal does not include provision for affordable housing in line with the Local Development Plan Policy Hou 6 (affordable housing) nor is the applicant willing to enter into a legal agreement to provide the commuted sum as set out in the assessment section. Therefore this would result in a financial loss 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:

An Integrated Impact Assessment was undertaken for this application. This recommended refusal of the application due to inadequate provision for people with protected characteristics (disabled people) or young people needing prams, buggies etc.

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 13 April 2018 and 42 letters of representation were received including 23 objections, 17 letters of support and 2 representations.

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

Community consultation was undertaken by the applicant. Between summer 2017 and February 2018 the applicant undertook various public consultations including setting up a website on proposals, a public exhibition to which more than 200 local stakeholders were invited and attending a Portobello Community Council meeting to explain their initial 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

Date registered 3 April 2018

Drawing numbers/Scheme 01-16,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk Tel: 0131 529 6123

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

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 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International 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 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 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

The North West Portobello Development Brief sets out planning and design principles to provide a framework and guide to co-ordinate development, improvements to road layout and public realm in North West Portobello.

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 on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

Appendix 1

Application for Planning Permission 18/01368/FUL At Site 30 Metres North Of 18, Pipe Lane, Edinburgh Application for 13 residential units and associated development.

Consultations

Communities and Families - 4 April 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:

11 Flats

2 Houses

This site falls within Sub-Area P-1 of the 'Portobello Education Contribution Zone'.

No education infrastructure actions have been identified for this part of the Zone, as set out in the Action Programme and Supplementary Guidance.

Although the proposal will be expected to generate one additional primary school pupil, additional education infrastructure is not required to mitigate its impact.

No contribution towards education infrastructure is therefore required.

Scottish Water - 5 April 2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. There is a 90mm PE water main within this site boundary and also a service pipe. I can confirm that I have made our Asset Impact Team aware of this proposed development

however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed. Please find all of our application forms on our website at the following link

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps: 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link

<https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>. Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Archaeology

20 September 2018

I would like to restate my position as outlined in my earlier response (attached) in regards to the archaeological significance of the site and the potential significant adverse impact that this development may have upon the site's potentially nationally significant Industrial Pottery heritage.

As discussed the sites archaeological significance has been highlighted by the 2013 excavations carried out by AOC in relation to Phase 1 of the proposed redevelopment of the site, which demonstrated that the 18th century harbour has survived along with remains and artefacts dating back to the 18th century origins of the Potteries at Portobello. The remains of this early harbour due to their significance were preserved beneath the new development and the results written up for publication.

Given the results from these excavations it's is clear that this development site, which originally occurred under an operating amusement arcade at the time of the original application, will contain archaeological remains requiring recording and preservation insitu. Therefore as stated in my response of the 4th April, development of the site must be regarded as having a potential significant adverse impact on remains that will necessitate preservation in situ e.g. harbour and early kilns/workshops, the former due to the 2013 excavations are now known to have survived.

Therefore this application is contra to Policy ENV8 (B) which states development will not be permitted which would b) damage or destroy non-designated archaeological remains which the Council considers should be preserved in situ. Furthermore Policy ENV 9 states development should only be granted if as requested (see my 4th April response) that information derived from a field evaluation can allow for preservation insitu (9b) and appropriate mitigation for excavation recording etc (9c)

As such without the empirical results of an archaeological evaluation to inform the impacts of this proposal and assess if preservation can be achieved I have no other recourse other than to recommend refusal of this application as it stands as it will be clearly in breach of these policies.

I've also attached for your information an email with Lesley stating that the condition attached to the adjacent development should not be fully discharged as work was still to be undertaken on this site which at the time of the granting of permission was unavailable for field evaluation as it was an ongoing business concern.

14 May 2018

Just looked over your proposed WSI covering this pre-app evaluation and happy to confirm acceptance. As you state will need to see/agree trench locations which are subject to service info as you mention. Can you give a timescale for when you hope to get on site?

9 April 2018

It has been re-assessed based upon the results of the previous excavations and the requirements as stated in my response for information to ensure preservation insitu, therefore empirical evidence is needed. It should also be noted that this part of the site was not available for evaluation at the time of the earlier application as it was occupied by the Amusement Arcade which was still in operation.

5 April 2018

Site 30m North of 18 Pipe Street Portobello

I would like to make the following comments and recommendations concerning the above planning application for 13 residential units and associated development.

The site overlies the remains associated with the nationally significant Portobello (Rathbone) Potteries. The site has a rich and complex history with industrial activity in this location known from as early as the 1760's when a Mr Jamieson established his brick-works here. Potteries on the site were soon established certainly by the early 1770's, with Anthony Hellcoat establishing a pottery on the site c.1786. By Wood's Plan of 1824 the site had developed significantly with a contemporary map showing the development site as overlying both these early-Industrial Potteries. Portobello Soap-works and also a harbour constructed to service them.

The Portobello Potteries expanded throughout the 19th and early 20th centuries under various owners most notably A W Buchan, undergoing various name changes along route finally ending as the Thistle Pottery, which closed in 1972. All that remains today above ground are the two scheduled bottle-kilns (dated 1906 & 1909) immediately to the west of the site. The site's 18th century harbour, the remains of part of which were excavated by AOC in 2013 and preserved under the adjacent flatted development (see Fig. 2), can also be seen, depending on the movement of sand and tide on Portobello Beach.

Fig. 1: Portobello Potteries site c.1824

The site occurs across an area regarded as being of potentially nationally archaeological significance in terms of Scotland's Industrial Pottery industry dating back to the mid-18th century. Accordingly, this application must be considered under terms of Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV 8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

An assessment of the results of previous archaeological work in the area and recent excavations by AOC immediately adjacent to the site, has led to the conclusion that this development will potentially have significant adverse impacts upon the expected underlying archaeological deposits and remains associated with the Portobello Potteries and associated 18th century harbour. These remains although unscheduled are considered to be nevertheless to be of archaeological significance potentially nationally important. Accordingly, the application has been assessed as having a potential significant adverse impact and as may be contra to Policies ENV8 (b).

It is therefore essential that the site is evaluated prior to determination in line with policy ENV 9. This is required to accurately determine the scale of the potential impacts caused by the proposed development upon the buried archaeological resource, inform any engineering solutions required to ensure preservation in situ including the 18th century harbour known to occur across the site and inform what if mitigation will be required to fully excavate, record, analysis and publish the results from any remains affected where preservation may not be a solution.

In addition an engineering mitigation strategy must be submitted which will seek to protect these nationally important kilns during construction, taking into account any possible affects construction methodologies may have (vibrations from piling etc.) upon the foundations of these fragile brick structures. This will include monitoring of the structures throughout the process.

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.

Environmental Services - 9 April 2018

The proposed development is on a currently vacant site surrounded by newly built residential properties to the north-west, public conveniences to the south-west and established residences to the south. Historically this area was part of the potteries within Portobello, therefore Environmental Protection has concerns that this historic use of the site may have resulted in ground contamination. A condition is recommended to ensure the site is suitable for the proposed use.

Environmental Protection has no objection to the application, subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) 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 Planning Authority.

Flooding

6 September 2018

I note that there is no Certificate B1 for an independent consultant's check. If this is classed as a major development under planning then this is required. However if it is classed as a local development under planning then we are happy for this to be determined with no further comment from Flood Prevention.

8 May 2018

Thanks for forwarding I would still ask for the information requested in my email attached to be provided prior to determination otherwise it does not comply with our self-certification process.

The FRA and certificates covering it are sufficient following Sheila Hobbs' email (17/04/18) however, the drainage strategy and certificates covering that (A1 and B1) are still required.

10 April 2018

Pipe Lane

The applicant has noted that this is in effect an part of a previously approved and constructed application (09/00248/FUL). This part of the site was not taken forward however. I note that you say the proposed development is different. They are using this as a reason for not complying with the existing CEC Flood Prevention guidelines in terms of self-certification. I looked on the portal for a previous drainage layout and drainage design basis statement but cannot see one. Therefore there is no previous package for me to review.

Flood Prevention would request that they do comply with the guidelines as this site has not been constructed and updated design standards should be reflected in the design. Particularly since they were advised pre-application that the information should be provided, they have not approached us to discuss the matter.

As a result please can you request that they comply with the self-certification scheme. I have reviewed the FRA and this is ok however the certification A1 and B1 covering both the SWMP and the FRA should be provided together with the other information requested as part of the guidelines available at the link in my signature.

Waste Services - 23 April 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 Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland. Developers must make provision for the full range of bins: landfill waste, mixed recycling for paper and packaging, glass and food.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost- this will probably be most convenient for them.

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.

The waste collection teams will require safe and efficient access to these from the earliest occupation. Developers need to ensure that services are accessible so that collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

Waste Strategy and Letter of Agreement

For the 13 high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Bin provision as per below:

2 x 1280L residual waste bins

2 x 1280L mixed recycling bins

1 x 360L glass bin

1 x 240L food waste bin

Dimension of the bins can be found in the Architects Instructions draft document attached to this email.

From the information presented in the planning application the bin store do not seem to be big enough to store all bins in order to move each waste and recycling stream without moving the others ones. There are separate types of material in each bin store and adequate space is to be allocated to ensure that the bins in the rear of the bin stores can be brought out without all the other bins being taken out.

Further information would need to be provided to confirm that bin store requirements as per Architects Instructions are met. Most relevant key features are indicated below:

- *Doorways must be a minimum of 1600mm wide to ensure the largest container can be moved in and out the store. Doorways must be wide enough for the easy passage of wheeled containers; we require a minimum 300mm either side of the largest container.*
- *drop kerbs will be provided where needed to ensure the collection crews can empty the bins in a safe manner. Dropped kerbs to be provided when transporting containers from vehicle to bin storage area, these should be protected with the use of white line*
- *the maximum straight pull of 10 metres walking distance from bin storage area to the vehicle is respected. A straight pull of 10 metres is the maximum walking distance from bin storage area to the vehicle, (a bin full of glass is heavy), and bins will only be wheeled over, and lifted from, hard standing surfaces.*
- *Where locks are fitted to bin store doors, the standard "Budget Lock" must be fitted*

It would be useful to be provided with the vehicle swept path analysis to ensure vehicles will have enough space to service the properties safely and also be provided with clarification on how the waste and recycling bins will be collected by CEC vehicles.

- *the roads that will be used by vehicles to collect waste and recycling from the properties should be to adoptable standard and able to withstand the Gross Vehicle Weight (GVW) of the collection vehicle of up to 26 tonnes.*
- *Direct vehicle access is required to all refuse storage locations; aim to provide vehicle access within 5 metres.*
- *Maximum distance a vehicle will reverse along an access road is 15 metres where a turning area is not provided Hammerheads or turning areas are required for dead ends.*
- *Yellow line marking (hatching) must be provided to stop people parking and causing access problems at the hammerhead. It will be the architect's responsibility to contact the Roads Department if line markings or pavement blisters are required to ensure access from the bin storage area to the collection vehicle, (this applies both within developments and externally)*

To agree the Waste Strategy and provide a Letter of Agreement I would need to be provided with further information as per above i.e. swept path analysis, doorways width, drop kerbs provision.

In view of these factors the developer must contact me, Erica Manfroi on 0131 529 3210 or email Erica.Manfroi@edinburgh.gov.uk as soon as possible to ensure adequate provision of segregated household waste bins and provision of suitable access for the waste and recycling collectors as well as safe access for vehicles.

SEPA - 25 April 2018

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

1. Flood risk

1.1 *We have reviewed the SEPA Flood Map which indicates that the site lies outwith, but immediately adjacent to, the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. The risk of flooding is from both coastal and fluvial sources. A Flood Risk Assessment (FRA) (Kaya, March 2018) has been provided in support of this application.*

1.2 *The FRA makes reference to other FRAs carried out on behalf of City of Edinburgh Council for the Braid Burn (Faber Maunsell, 2007) and wave overtopping (HR Wallingford, 2007). The Braid Burn study was carried out to inform the Flood Prevention Scheme (FPS) and the results indicate that the watercourse will not overtop the banks between the High Street and the site during the 1 in 200-year flood event prior to the scheme being built. Following scheme completion the flood levels are indicated to be lower at this location. Further analysis on the downstream culvert indicates that some overtopping may occur due to incapacity and that water would flow south toward the site. However, site levels are higher than surrounding ground levels and water will preferentially flow toward the sea.*

1.3 *Given the site levels and proposed finished floor levels we are satisfied that the development is not at fluvial or surface water flood risk and that any overland flow will preferentially flow to the promenade and into the sea.*

1.4 *The predicted extreme still water level at this location is 3.97mAOD (+/- 0.3m) as calculated by the Coastal Flood Boundary Method. The FRA provides further information of the risk due to sea level rise with climate change and wave overtopping. The extreme still water level predicted in 2080 is 4.47mAOD at this location. A conservative estimate of wave overtopping was considered and estimated that at the development site there could be up to 3.27l/s/m which could increase to 6l/s/m with climate change. It is anticipated that the overtopping rates on the promenade will mean there is no safe pedestrian access along the front. However, the main access/egress for the development is to the landward side where there is no expected flooding.*

1.5 *The beach in Portobello is a subject of concern for the Council and a beach recharge scheme has been implemented in recent years. This will likely require ongoing works and the Council should consider the sustainability of this if they are proposing further development along the sea front in this area. There is a sea wall defence along this section of coast although no information has been provided on the standard of protection offered.*

1.6 Given the 1 in 200-year predicted still water levels, with an allowance for climate change, are 4.47mAOD and the site levels range from 4.7 - 5.2mAOD and proposed finished floor levels are 5.95mAOD we have no objection to the development. Given the risk of wave overtopping in the future there is a residual risk at the site and we support the recommendations for mitigation measures as outlined in the FRA, including water resistant and strengthened glass for properties facing the sea and protective balustrades on the ground floor terraces.

2. Flood risk

2.1 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.

2.2 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.

2.3 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.

3. Waste water drainage

3.1 The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposals should change we would wish to be consulted at the earliest opportunity.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 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).

4.2 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.

4.3 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.

4.4 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

Affordable Housing - 26 April 2018

1. Introduction

Place have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan 2016.

2. Affordable Housing Requirement

This proposal consists of 13 residential homes and as such there will be an AHP requirement for 3 homes of approved affordable tenures if provided on site. In terms of the AHP, the payment of a commuted sum in lieu of on-site provision is acceptable on sites of less than 20 units and this would apply in this case. The AHP states that where a commuted sum is to be employed, a direct percentage of 25% should be applied. Therefore, in this instance there will be a requirement of a payment for 3.25 units.

3. Summary

This planning application makes no provision for affordable housing.

This department confirms that there is an AHP requirement for this application as it consists of 12 or more units. The AHP states that on developments of 20 units or less, the payment of a commuted sum is acceptable in lieu of on-site provision. In such cases a direct 25 percentage requirement is applied and as such in this case a commuted sum payment for 3.25 units will be required. The applicant will be required to enter into a Section 75 Legal Agreement to this effect. This sum payable will be based upon a valuation for commuted sum undertaken by a District Valuer and will be payable on the commencement of development as defined in the Planning Act.

I would be happy to assist with any queries relating to the affordable housing for this development.

Historic Environment Scotland - 3 May 2018

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Site 30 metres North of 18 Pipe Lane, Edinburgh, EH15 1BR - 13 Residential units and associated development

Thank you for your consultation which we received on 30 April 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation</i>	<i>Type</i>
<i>SM3317</i>	<i>Portobello, Harbour Road, pottery kilns</i>	<i>Scheduled Monument</i>	

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

Our Advice

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

Further Information

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

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

Please contact us if you have any questions about this response. The officer managing this case is Mary MacLeod Rivett who can be contacted by phone on 0131 668 8688 or by email on mary.macleod@hes.scot.

Yours sincerely

Historic Environment Scotland

Transport

15 May 2018

Whilst there are no objections to the proposed application in principle, there are a number of issues which require to be addressed prior to issuing a final response.

The application should therefore be continued.

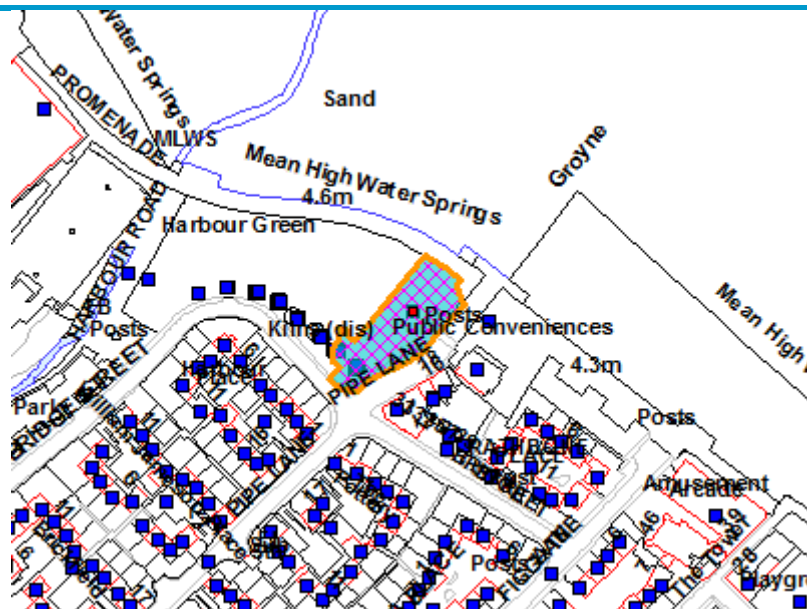
Reasons:

- a. Cycle parking - the proposed location in the basement is not acceptable, nor is the use of a wheeling ramp within a new build development. Cycle parking is required to be in a secure, accessible and undercover location and to be to an acceptable layout and design. The proposed 33 spaces is acceptable;
- b. Motorcycle parking - there appears to be no motorcycle parking provision. Current standards require 1 space per 25 units. The applicant should be required to provide a minimum of 1 motorcycle parking space;
- c. The proposed main access on the north-east side of the development is by steps. This is not considered acceptable in making reasonable provision for wheel chairs etc. The applicant should be required to make suitable provision at the main entrance, particularly as it provides access to Portobello Promenade;
- d. The proposed bin store access on Pipe Lane includes doors which open outwards. This is not acceptable and is required to be redesigned.

Note:

- o The proposed vehicle access on Pipe Lane to be by dropped kerb, not bellmouth;
- o The applicant may wish to consider locating the proposed electric vehicle charging point adjacent to the disabled parking space to enable disabled vehicles to be conveniently charged;
- o The proposed 13 car parking spaces, including 1 disabled space, is acceptable.

Location Plan



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END

Development Management Sub Committee

Wednesday 24 October 2018

**Application for Planning Permission 18/03272/FUL
At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD
Change of use to hotel with ancillary bars, restaurants,
meeting rooms, retail and commercial units with associated
alterations and extensions (as amended).**

Item number	7.3(a)
Report number	
Wards	B11 - City Centre

Summary

The proposals comply with the Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed buildings and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant architectural remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEMP10, LEN06, LEN04, LEN01, LDES01, LDES12, LEN09, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSMDV, CRPNEW,
-------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------

Report

Application for Planning Permission 18/03272/FUL At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (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 relates to two vacant adjoining buildings (a former bank and associated offices) on the east side of St Andrew Square at the south-west corner of the forecourt of Dundas House. The site is within the World Heritage Site.

Nos. 38-39 is a colossal three-storey, five-bay, ashlar sandstone, Imperial Roman style building by David Bryce, dating from 1846. The first and second floors are set back behind fluted Corinthian columns with statues topping the entablatures. The interior features an elaborately detailed cruciform banking hall with a central dome. The entrance hall with main stair and boardroom at first floor level are also finely detailed with compartmented ceilings. The building is category A listed (reference 29707, listed on 13 April 1965).

No. 37 is a three-storey and basement, classical style, ashlar sandstone former house by John Young, after James Craig, dating from 1781, with internal alterations and rear additions. The exterior features large Ionic columns to the ground and first floors and the interior is relatively plainly detailed with later alterations. The building is category A listed (reference 29706 listed on 13 April 1965).

Register Lane runs to the rear of Nos. 38-39 and the St Andrew Square tram stop is opposite no. 37. The surrounding area is in mixed, predominantly commercial, use including offices, serviced apartments, hotels, restaurants, bars and shops. This application site is located within the New Town Conservation Area.

2.2 Site History

14 March 1996 - listed building consent granted for internal alterations, external fabric repairs and replacement of air conditioning plant (application reference 96/00024/LBC).

Related Planning History

23 June 2016 - planning permission granted for mixed used development comprising change of use of former bank building to Classes 1, 2, 3, 11, public house and hot food take away uses at ground and basement levels, flats at first floor level and alterations including rooftop extension at Nos. 41-42 St Andrew Square (application reference 15/02786/FUL).

Main report

3.1 Description Of The Proposal

The application is for change of use to a 33-bedroom hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units.

The proposed external alterations are summarised as follows:

No. 37 St Andrew Square

- demolish the existing modern single-storey and basement structure and ashlar sandstone wall to the rear of no. 37;
- erect a traditional-form, three-storey, full width, ashlar sandstone faced extension to the rear of no. 37 with timber-framed, sash and case windows, a slate roof and zinc-clad dormers;
- erect a contemporary-style, single storey and basement structure, housing bedrooms, dining and kitchen spaces, to the rear of the new three-storey extension finished in bronze cladding panels with metal-framed windows;
- erect a new rubble sandstone wall with black painted steel railings above in front of the new single-storey extension;
- form two timber panelled entrance doors with external stone steps (one accessible entrance) from two existing ground level windows on the principal (west) elevation and convert the existing entrance door to a window;
- reduce the height of the five existing first floor windows on the west elevation to their original height and install timber-framed, six-over-six, sash and case windows in these openings and in the three remaining window openings at ground floor level;

Nos. 38-39 St Andrew Square

- erect a full-width, recessed roof extension with an external terrace on the front section of the building to house a bar with associated kitchen/store, WCs and access stairs, comprising a metal-framed glazed façade with a profiled single-ply membrane roof and slated rear pitch with zinc-surround windows;
- form a new opening for access to the basement in the existing sandstone wall at the rear of the banking hall on Register Place.

No car parking is proposed and a secure bicycle store for at least three bikes will be provided in the existing under-pavement cellars on St Andrew Square. Service vehicles will access the development from Register Place.

Scheme 1

The original scheme set the new rooftop extension further forward and proposed an alternative design for the glazed facade.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;
- Conservation Plan;
- Economic Impact Statement;
- Structural Condition Report;
- Structural Design Statement;
- Archaeological Desk-Based Assessment;
- Transport Statement;
- Air Quality Assessment;
- Energy and Sustainability Report; and
- Flood Risk Statement and Surface Water Management Statement.

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 is acceptable in principle in this location;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the proposals preserve the character of the listed buildings;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals have an adverse impact on significant archaeological remains;
- f) the proposals are detrimental to residential amenity, road safety or infrastructure;
- g) any impacts on equalities or human rights are acceptable; and
- h) public comments have been addressed.

a) Principle

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (ELDP). Policy Emp 10 supports hotel development in the City Centre and there is no ELDP policy applicable to the loss of office use in the City Centre.

The proposed use, which includes ancillary restaurant/bar facilities and ground floor retail units, is compatible with the general mix of uses in the area and will not cause any significant disruption for residents in this busy city centre location.

This development will make a positive contribution to the major developments recently completed or under construction in and around St Andrew Square.

The development is therefore acceptable in principle.

b) Character and Appearance of Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the important feature of terminated vistas within the grid layouts and the long distance views across and out of the conservation area.*

The proposed hotel use is in keeping with the predominantly commercial character of the First New Town in which the site is located.

The external alterations proposed will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views. The scale, form, design and materials of the proposed extensions are in keeping with the regularity and geometric forms of buildings within the First New Town.

The character and appearance of St Andrew Square will be enhanced by bringing these important category A listed buildings back into a sustainable and viable use. The associated extensions and external alterations are sensitive to the historic environment and involve a degree of conservation gain.

The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

c) Character of Listed Buildings

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

No. 37 St Andrew Square

The elevations of this building date predominantly from the 1780s, with subsequent alterations. This building was originally designed as a mirror building to No. 35 St Andrew Square to form a framed entrance court to Dundas House. However, although the principal (west) elevation almost matches that of No. 35 with some later alterations, the side (north) elevation is relatively plainly detailed and only three-bay compared to the elaborately detailed six-bay elevation of the facing elevation of No. 35. The proposed removal of the existing flat-roofed, low-lying extension to the rear of No. 37, along with the existing over-scaled and non-original boundary wall and erection of a three-bay extension to match the general form and proportions of the equivalent part of No. 35 is a significant conservation gain. The proposed architectural detailing picks up on the key divisions and rhythms of the first three side bays of both buildings whilst being a distinctive 21st century addition. Given the fact that the side elevations of Nos. 35 and 37 do not match, a recreation of side elevation of No. 35 would be inappropriate. The demolition of part of the existing rear (east) elevation to connect the new extension successfully with the remainder of the building is an acceptable compromise, given that this elevation has been altered and is relatively utilitarian.

The proposed single-storey and basement, contemporary style extension to the rear of the new three-storey addition is a high-quality, complementary feature which will complete the side elevation without obscuring the banking hall windows of Nos. 38-39 to any significant extent. This elevation is visually disjointed at present and the proposed low-lying extension and rubble sandstone boundary wall with a simple metal railing above will provide a fitting terminal block.

The original door and window openings of the principal (west) elevation of the building have been altered in the past and the proposed arrangement will provide appropriately detailed entrance doors whilst incorporating an accessible entrance directly into the reception area of No. 37. This comprises a stone-faced stair that automatically recesses to enable entrance via a platform lift.

The reinstatement of the original window proportions and installation of sash and case windows to match the original six-over-six pattern is a conservation gain which will restore a significant element of the symmetrical detailing of Nos. 35 and 37.

Nos. 38-39 St Andrew Square

The proposed hotel includes a particular range of operational spaces, so appropriately designed side/rear and rooftop extensions have been proposed to minimise the level of interventions to the interiors of the listed buildings, in particular the fine interior of Nos. 38-39 which includes an elaborately detailed banking hall essentially in its original form.

The most contentious of these extensions is the proposed rooftop bar to which Historic Environment Scotland (HES) objected in its originally proposed form. However, HES has withdrawn this objection on the basis of the revised scheme submitted which proposes a slightly reduced footprint and amended facade. The applicant requires this rooftop bar as a prestigious facility for its members, although this alone does not justify the associated loss of original roof fabric and additional floor over a significant portion of this category A listed building. Rather, the acceptability of this extension has been assessed against the physical impact on the listed building and historic townscape, including a thorough analysis of the relative significance of each part of the building recorded in a detailed conservation plan and a townscape impact analysis which assesses the existing and proposed roofscape from key verified viewpoints.

The roof surfaces of Nos. 38-39 are categorised as being of moderate significance only, as the main surfaces are functional in design and concealed by parapets from views within St Andrew Square and from key views outwith the square. In addition, the front section of the roof has been punctured by seven later rooflights. The defining features of this roofscape are the six statues topping the entablatures of the columns which dominate the principal facade along with the heavy stone balustrade. That said, the silhouette of these skyline features has been compromised from certain viewpoints by the construction of the adjacent 1940s building at Nos. 41-42 St Andrew Square. On this basis, a rooftop extension is acceptable in principle in this particular location and will not set a precedent for similar extensions on other listed buildings within the New Town Conservation Area.

The revised footprint of the rooftop extension ensures that it will not be visible from key viewpoints which have been defined by Historic Environment Scotland as being close-up views of the building, in particular from the opposite side of the road at various points where noted photographs were taken in the 1860s, including a famous photograph titled and signed by David Bryce in 1865. In certain more distant views from within St Andrew Square and beyond, the glazed facade of the extension will be visible. However, the roofscape is not seen in isolation from these viewpoints and is visible within the wider townscape context, which includes larger and more substantial commercial buildings with notable rooftop elements. The glazed facade with visually lightweight framing has been refined to ensure that the impact of the extension on any of these further away viewpoints is minimal and will allow the key rooftop features of the stone statues and balustrade to remain dominant.

Any negative impact of the removal of part of the original roof is balanced by the addition of an architecturally quiet rooftop feature which will have no adverse impact on the historic townscape whilst satisfying the business model of the hotel. This alteration is also offset by significant conservation gain through the proposed three-storey extension to the rear of No. 37 which will complete the basic form of the entrance court to Dundas House as it was originally intended.

The proposed new opening for access to the basement in the existing sandstone boundary wall to Register Place is acceptable in terms of scale and detailing.

The proposed alterations and extensions are therefore justified and will cause no unnecessary damage to the building's historic structure or diminution of its interest, in compliance with LDP Policy Env 4.

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The development includes a rear extension which is in keeping with the scale of the existing buildings and the proposed rooftop extension is relatively small-scale. The proposals will therefore have no detrimental impact on the character of appearance of the Georgian New Town, nor its relationship with the medieval Old Town.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

e) Archaeological Remains

No. 37 St Andrew Square forms part of the original design/layout for the square by James Craig. A comprehensive history is detailed in the Heritage Statement and Archaeological Desk-Based Assessment which accompany and support this application.

The proposed plans retain the slab of the existing basement, with no below ground excavations planned. Discreet breakout of the existing basement slab is required in a number of locations to install new pad foundations and lift pits but these will sit at a fairly shallow level and should not disturb any previously undisturbed underlying strata.

However, a condition has been applied to ensure that an archaeological Watching Brief takes place during ground-breaking works, to allow investigation works should any excavations require to be deeper than anticipated.

f) Residential Amenity, Road Safety and Infrastructure

There are no existing residential properties in close proximity to the development, so no issues of overshadowing, privacy, noise, odours or disruption arise from the proposed commercial use or physical extensions.

Environmental Protection has raised concerns regarding noise from the proposed hotel, in particular, noise emitting from the rooftop extension which will house a bar with outside seating. There is existing planning permission for residential flats on the upper floors of the adjoining property at Nos. 41-42 St Andrew Square, although these flats are currently operating as serviced apartments. Environmental Protection has requested a noise impact assessment to gauge the impact of the proposed bars, restaurant and outside areas on the amenity of these potential residences. However, this is not necessary, given that significant soundproofing measures will be required to obtain a building warrant for the residential flats. The same applies to the proposed hotel and its ancillary uses.

Specific details on the commercial ventilation system and boiler output have been submitted which address Environmental Protection's concerns regarding a potential build-up of cooking odours to the rear of the property and nitrogen oxide emissions.

No car parking spaces are proposed which complies with the Council's 2017 parking standards in Zone 1 and a cycle parking store for at least three bikes will be provided in the under-pavement cellars at 37 St Andrew Square. The development is within close proximity of the tram stop and bus stops on St Andrew Square and within easy walking distance of Waverley Station.

Service vehicles, on average 23 per day, will access the development from Register Lane which is part of the service lane network between St Andrew Square and Princes Street.

No financial contribution towards the tram infrastructure is required as the existing office use would generate a higher sum than the proposed hotel use.

In terms of flood risk, the site is not at risk from flooding from any source and the development is for change of use and alterations to an existing building with no change in the impermeable surface area. Surface water drainage will be maintained as existing, with no change in the runoff rates.

There are no air quality constraints on the proposed development as confirmed by the submitted Air Quality Assessment.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure, in compliance with LDP Policies Des 12, Tra 2 and Tra 3.

g) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access to one of the main reception areas and throughout the buildings.

h) Public Comments

Material Objections

- the proposed glazed roof extension will spoil the design concept of the façade and involves an unacceptable loss of historic fabric - this has been addressed in section 3.3 b);
- the three-storey extension to No. 37 should follow the architectural style and detailing of the extension on 35 St Andrew Square -this has been addressed in section 3.3 b);
- the basement courtyards of No. 37 should be paved in natural stone flags rather than setts - this has been addressed in a condition requiring stone flags in this location.

General Comment

- the potential impact of the rooftop extension and terrace requires very careful consideration as these elements could detract from this key facade which is an important component of the square's overall sense of place - this has been addressed in section 3.3 b).

Supporting Comments

- the development will boost the economy of the city centre and support other commercial uses in the area;
- important listed buildings will be brought back into sustainable use;
- the proposals will complete the regeneration of the east side of St Andrew Square.

Conclusion

The proposals comply with the Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed buildings and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant architectural remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A programme of archaeological works, in the form of a Watching Brief during ground-breaking works, shall be undertaken to mitigate any potential impacts on archaeological remains. Details of this programme shall be submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
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. The basement forecourts of 37 St Andrew Square shall be surfaced in natural sandstone flags, notwithstanding the proposed setts shown on drawing No. 170274(D)303 - Site Plan as Proposed, prior to the hotel use being effected.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

2. In order to enable the planning authority to consider this/these matter/s in detail.
3. 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. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the hotel to advise patrons of public transport.
5. The proposed site is on or adjacent to the operational Edinburgh Tram. It would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;

- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
- See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 20 July 2018. A total of eight representations were received comprising two objections - one from the Architectural Heritage Society of Scotland, one general comment from the Cockburn Association and five supporting comments.

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 the City Centre as defined in the Edinburgh Local Development Plan.

Date registered

2 July 2018

Drawing numbers/Scheme

01 - 21, 22A, 23 - 33, 34A + 35 - 60,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

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 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 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 '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.

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

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

Appendix 1

Application for Planning Permission 18/03272/FUL At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (as amended).

Consultations

Historic Environment Scotland

Scheme 2

We objected to this application in August because we considered the rooftop extension, as originally presented, would result in significant negative impacts on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

The rooftop extension has since been revised by reducing the footprint and providing an angled detail to the top part of the gazing. While on both plan and elevation drawing these changes appear more minor in nature, the accompanying visualisations do illustrate a more pronounced reduction in the extension's visibility in close-up views of the building. In certain more distant views the extension would still be seen as a sizable addition.

The rooftop extension, in its revised form, would therefore still bring negative impacts, including the removal of the original David Bryce roof. However, we consider the more severe visual impact have been significantly reduced in order that we can now withdraw our objection to the application. While we are removing our objection, the rest of the advice set out in our letter of 26 July still applies.

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.

Scheme 1

We object to this application because we consider the rooftop extension in its current form would have a significant negative affect on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

We do not consider the proposals, including the rooftop extension, would have a significantly negative affect on the special interest of the Category A-listed No. 37 St Andrew Square, nor the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. We are therefore not objecting to the impact on these heritage assets.

We have also responded separately to the corresponding listed building consent (LBC) consultations. We would refer to these responses for more detailed comment on the alterations to both Category A-listed buildings.

The detail in this letter now largely focuses on Nos. 38-39 St Andrew Square and the impact of the rooftop extension. Nos. 38-39 St Andrew Square is a substantial 3-storey and 5-bay Victorian commercial bank (occupying the site of two former townhouses) designed in a Roman Imperial style to be a striking and prominent headquarters of The British Linen Company. It was designed by David Bryce in 1846 and survives largely intact, including the impressive banking hall.

These current proposals, incorporating both No. 37 and Nos. 38-39 St Andrew Square, would have the benefit in bringing back into use two highly significant and visible Category A-listed buildings. This would include retention as a single space the former banking hall at Nos. 38-39. We clearly recognise these benefits.

Looking at the rooftop extension, our initial pre-application advice (letter dated 23 March) was that an extension would have a negative (potentially significant) visual impact in certain views towards No. 38-39 from St Andrew Square. While the removal of the original 1846 David Bryce roof would also be a negative impact, it is the visual impact which we consider to be more significant.

The façade of Nos. 38-39 is dominated by six monumental free-standing Corinthian columns surmounted by a decorative entablature articulated to accommodate both the columns and the corresponding statues above, which help give the building its notable profile. The slate roof is shallow pitched in order not to intrude upon the building's main profile, and a stone balustrade, sitting behind the statues, helps to further hide the roof structure. In close-up views of Nos. 38-39 the balustrade is open to the sky. While in more distant views the roof does start to reveal itself behind the balustrade, the building was clearly not intended to be seen with accommodation above the balustrade. The likely visual appearance of the proposed extension from the ground is provided in a series of visualisations. We consider this shows a significant impact, especially in close-up views, upon the listed building.

The Heritage Statement recognises that the 'principle of a roof-top bar on this highly significant building, and location, is in itself difficult to reconcile...' We agree with this statement. We also note the Heritage Statement references the Historic Environment Policy Statement (HESPS; paragraph 3.47) which outlines what should be considered in cases where adverse impacts are proposed. This includes the exploration of options, which could include the reduction of the footprint of the extension to reduce the more severe impacts. We do not consider this has been fully explored.

In summary, we consider the impact of the rooftop extension in its current form represents a significant negative impact on the special interest of the listed building. We are also not convinced that the rooftop extension can be justified as part of the wider, and generally positive, re-use of both No. 37 and Nos. 38-39 St Andrew Square. While the arguments put forward in the Heritage Statement allow us to be sympathetic to some form of extension, we are not convinced that the solution presented with this application is the best option. We would be happy to re-assess our position in the light of an amended scheme reducing this impact, or the submission of further supporting information.

Edinburgh World Heritage

The buildings site in an extraordinary setting - part of a range of classical buildings spanning a 170-year period of the development of the idiom. We welcome the reuse of the buildings.

The development team has taken an approach clearly informed by conservation needs, with a solid assessment of the significance of the buildings and the site, which should then inform the development of the overall scheme. For the most part this has been followed through: the restoration of the frontage to St Andrew Square and the pavilion extension both have positive impacts on this part of the World Heritage Site. The rear extension is broadly classical, retaining the proportions and rhythm of No 37. Given the extraordinary quality of its surrounds, this feels as though an opportunity to further enhance the World Heritage Site with a scholarly classical extension has been slightly missed. The one negative aspect of the scheme is the form of the rooftop extension, which impacts the perception of the skyline. However, we concur with Historic Environment Scotland in that we do not feel that this, of itself, is of sufficient scale to negatively impact the outstanding universal value of the World Heritage Site.

Environmental Protection

Environmental Protection are not in a position to support this application. The applicant proposes changing the use of the old bank building into a hotel with ancillary bars, meeting rooms, retail and commercial units. The proposal will see a roof top extension which will house a bar with an outside seating area looking out over St Andrew Square. As far as we can establish the commercial flues serving the kitchens terminate at 2nd floor level to the rear of the property.

The main issue we have with the current proposal is that the noise impact assessment has only assessed noise from Plant which is important but it is not the main noise concern. The proposal is adjoining an existing residential property. The proposal includes bars, restaurants and outside drinking eating areas that are private and would not be controlled through the normal tables and chairs permit scheme used for tables and chairs on public spaces.

A noise impact assessment would need to demonstrate that the use of the bars, restaurant and outside areas would not adversely impact the amenity of the existing residential properties. This will require a significant amount of mitigation. As this is a detailed planning application we would require specific details on all required noise mitigation measures. This would need to include specific details on materials and other requirements such as ventilation systems if required to ensure windows remain shut to control noise breakout from the bar areas. The 'All Day Dining' area may have the ability to host large parties and weddings, which needs to be considered in any assessment.

We will require specific details on the commercial ventilation system including elevations showing the route the extract duct will take. The termination point must be above any openable windows within a 30m radius of the termination point. It appears on the plans that the proposed flue terminates at the 2nd floor level to the rear of the property. The rear of the property is slightly enclosed and if the weather permitted there could be a build-up of cooking odours to the rear of the property that would affect neighbouring businesses, residential uses and the applicants site.

The proposed boiler is a 600Kw low NOX boiler a boiler of this capacity would need a chimney height calculation under the Clean Air Act. However, as the boiler is replacing an old existing boiler that served the bank it is acceptable not to submit a chimney Height Calculation so far as the boiler remains no larger than 600Kw (cumulative output for all plant).

Therefore, as it stands we have insufficient information to be able to support the application in its current form.

Roads Authority

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

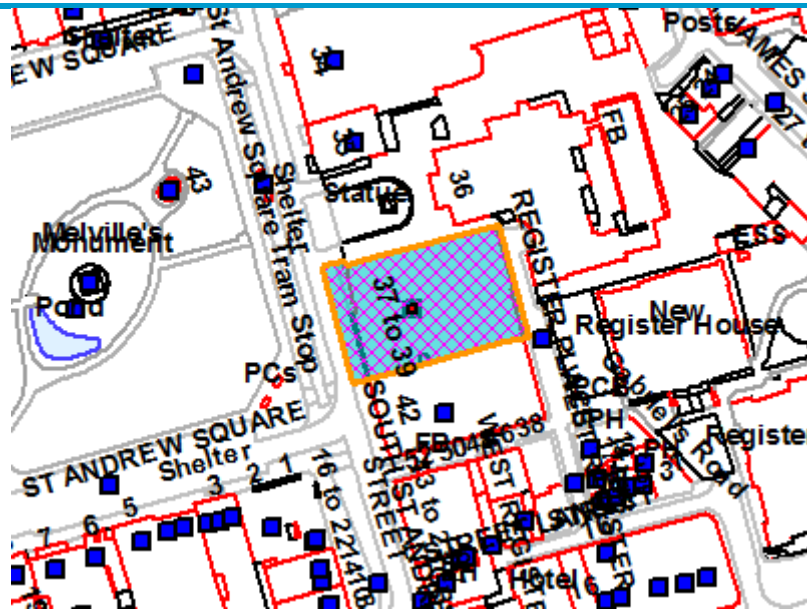
- 1. No tram contribution required (see Note a).*
- 2. The applicant proposes no parking provision and complies with the Council's 2017 parking standards in Zone 1 which permits no parking provision.*
- 3. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the hotel (Reason to advise patrons of public transport);*
- 4. The applicant proposes to service the proposed hotel from the existing loading bay east of Register Place. Additional loading bays exist on South Saint Andrew Street and Saint Andrew Square.*
- 5. The Council's 2017 Parking Standards require the applicant to provide 3 secure cycle parking within the proposed hotel.*

TRAMS - Important Note:

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
 - Any excavation within 3m of any pole supporting overhead lines;*
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
 - The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*
- See our full guidance on how to get permission to work near a tram way*
<http://edinburghtrams.com/community/working-around-trams>.

Location Plan



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Development Management Sub Committee

Wednesday 24 October 2018

**Application for Listed Building Consent 18/03273/LBC
At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD
Internal and external alterations to including rear extensions
replacing existing two-storey 1960s office extension,
alteration of boundary wall and curtilage building.**

Item number	7.3(b)
Report number	
Wards	B11 - City Centre

Summary

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSLBCA, CRPNEW,

Report

Application for Listed Building Consent 18/03273/LBC At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Internal and external alterations to including rear extensions replacing existing two-storey 1960s office extension, alteration of boundary wall and curtilage building.

Recommendations

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

Background

2.1 Site description

The application relates to a three-storey and basement, classical style, ashlar sandstone former house by John Young, after James Craig, dating from 1781, with internal alterations and rear additions. The exterior features large Ionic columns to the ground and first floors and the interior is relatively plainly detailed with later alterations.

The building is category A listed (reference 29706 listed on 13 April 1965).

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

2.2 Site History

14 March 1996 - listed building consent granted for internal alterations, external fabric repairs and replacement of air conditioning plant (application reference 96/00024/LBC).

Related Planning History

10 February 2016 - listed building consent granted for internal alterations to former bank building, alterations to windows to form doors on south and east elevations and erection of roof extension at Nos. 41 - 42 St Andrew Square (application reference 15/02782/LBC).

Main report

3.1 Description Of The Proposal

The application is for external and internal alterations to form a 33-bedroom hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units within this building and the adjoining building at Nos. 38-39 St Andrew Square.

The proposed alterations to Nos. 38-39 are the subject of associated application reference 18/03274/LBC.

The proposed alterations to No. 37 are summarised as follows:

External Alterations

- demolish the existing modern single-storey and basement structure and ashlar sandstone wall to the rear of no. 37;
- erect a traditional-form, three-storey, full width, ashlar sandstone faced extension to the rear of no. 37 with timber-framed, sash and case windows, a slate roof and zinc-clad dormers;
- erect a contemporary-style, single storey and basement structure, housing bedrooms, dining and kitchen spaces, to the rear of the new three-storey extension finished in bronze cladding panels with metal-framed windows;
- erect a new rubble sandstone wall with black painted steel railings above in front of the new single-storey extension;
- form two timber panelled entrance doors with external stone steps (one accessible entrance) from two existing ground level windows on the principal (west) elevation and convert the existing entrance door to a window;
- reduce the height of the five existing first floor windows on the west elevation to their original height and install timber-framed, six-over-six, sash and case windows in these openings and in the three remaining window openings at ground floor level;

Internal Alterations

- remove substantial parts of the internal structure, including the existing 19th century stair;
- install a new stair and lift in the south side of the building to access all floors.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;
- Conservation Plan;
- Structural Condition Report;
- Structural Design Statement; and

- Archaeological Desk-Based Assessment.

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 preserve the character of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Character of Listed Building and Character

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan inform the assessment of the proposals and are a material consideration.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

External Alterations

The elevations of this building date predominantly from the 1780s, with subsequent alterations. This building was originally designed as a mirror building to No. 35 St Andrew Square to form a framed entrance court to Dundas House. However, although the principal (west) elevation almost matches that of No. 35 with some later alterations, the side (north) elevation is relatively plainly detailed and only three-bay compared to the elaborately detailed six-bay elevation of the facing elevation of No. 35. The proposed removal of the existing flat-roofed, low-lying extension to the rear of No. 37, along with the existing over-scaled and non-original boundary wall and erection of a three-bay extension to match the general form and proportions of the equivalent part of No. 35 is a significant conservation gain. The proposed architectural detailing picks up on the key divisions and rhythms of the first three side bays of both buildings whilst being a distinctive 21st century addition. Given the fact that the side elevations of Nos. 35 and 37 do not match, a recreation of side elevation of No. 35 would be inappropriate. The demolition of part of the existing rear (east) elevation to connect the new extension successfully with the remainder of the building is an acceptable compromise, given that this elevation has been altered and is relatively utilitarian.

The proposed single-storey and basement, contemporary style extension to the rear of the new three-storey addition is a high-quality, complementary feature which will complete the side elevation without obscuring the banking hall windows of Nos. 38-39 to any significant extent. This elevation is visually disjointed at present and the proposed low-lying extension and rubble sandstone boundary wall with a simple metal railing above will provide a fitting terminal block. The use of rubble for the new wall, rather than ashlar, is acceptable in this context where the wall has been designed to mimic an original rubble garden wall of the First New Town.

The original door and window openings of the principal (west) elevation of the building have been altered in the past and the proposed arrangement will provide appropriately detailed entrance doors whilst incorporating an accessible entrance directly into the reception area of No. 37. This comprises a stone-faced stair that automatically recesses to enable entrance via a platform lift. A single entrance door in a symmetrical position would not work in terms of accessible access and the proposed arrangement is an acceptable compromise, given the level of conservation gain elsewhere.

The reinstatement of the original window proportions and installation of sash and case windows to match the original six-over-six pattern is a conservation gain which will restore a significant element of the symmetrical detailing of Nos. 35 and 37.

Internal Alterations

The proposed internal alterations involve the removal of a substantial amount of the existing internal fabric. However, the original 1780s interior has been altered several times, including the plan form, floor levels and ceiling heights and there is no identifiable phase or any significant spaces or architectural detailing, with the exception of the main stair. This mid-nineteenth century stair dates to Bryce's alterations and was not a sensitive addition at the time in terms of the original townhouse character as it altered the plan form, truncated existing decorative cornices and cut across windows. The removal of this feature is therefore acceptable and the stair will be recorded prior to removal.

Extensive fabric repairs will be carried out in traditional matching materials and these are shown on detailed drawings. Also, a condition has been applied requiring an detailed programme of historic building recording prior to and during alteration work.

The proposed alterations and extensions are therefore justified and will cause no unnecessary damage to the building's historic structure or diminution of its interest, in accordance with LDP Policy Env 4. The proposals have special regard to the desirability of preserving the building and its setting and the special features of historic and architectural interest that it possesses.

b) Character and Appearance of Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the important feature of terminated vistas within the grid layouts and the long distance views across and out of the conservation area.*

The external alterations proposed will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views. The scale, form, design and materials of the proposed extensions are in keeping with the regularity and geometric forms of buildings within the First New Town.

The character and appearance of St Andrew Square will be enhanced by bringing these important category A listed buildings back into a sustainable and viable use. The associated extensions and external alterations are sensitive to the historic environment and involve a degree of conservation gain.

The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

c) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access to all floors of the buildings.

d) Public Comments

Material Objections

- the three-storey extension to No. 37 should follow the architectural style and detailing of the extension on 35 St Andrew Square - this has been addressed in section 3.3 a).
- prefer to see just one entrance door centred in the middle bay in order to maintain symmetry - this has been addressed in section 3.3 a).
- the stone wall at the Garden Pavilion should be built in ashlar rather than rubble, which would be in keeping with the surrounding buildings - this has been addressed in section 3.3 a).
- the basement courtyards of No. 37 should be paved in natural stone flags rather than setts - this has been addressed in a condition requiring stone flags in this location.

The other objections relate to the associated alterations to No. 38-39 St Andrew Square.

Supporting Comments

- important listed buildings will be brought back into sustainable use.

Conclusion

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed programme of historic building recording (annotated plans and elevations, photographic and written description and analysis) shall be undertaken prior to and during alteration work. The findings shall be submitted to an approved in writing by the planning authority.
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. The basement forecourts of 37 St Andrew Square shall be surfaced in natural sandstone flags, notwithstanding the proposed setts shown on drawing No. 170274(D)303 - Site Plan as Proposed, prior to the hotel use being effected.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the character of the statutorily listed building.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 20 July 2018. A total of seven representations were received comprising two objections, one from the Architectural Heritage Society of Scotland Association, and five supporting comments.

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 the City Centre as defined in the Edinburgh Local Development Plan.

Date registered

2 July 2018

Drawing numbers/Scheme

01 - 16, 17A - 22A + 23 - 61,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

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.

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

Appendix 1

Application for Listed Building Consent 18/03273/LBC At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Internal and external alterations to including rear extensions replacing existing two-storey 1960s office extension, alteration of boundary wall and curtilage building.

Consultations

Historic Environment Scotland

This listed building consent (LBC) application concerns alterations to No. 37 St Andrew Square to enable change of use from office to hotel, including replacement of the existing two-storey 1960s extension. A separate LBC application (18/03274/LBC) has been submitted for the adjacent Nos. 38-39 St Andrew Square. While both applications are clearly linked and share the same supporting information, we have focused these comments on the proposals for No. 37.

No. 37 is a near symmetrical 3-storey and basement former classical townhouse on a corner site with the forecourt of Dundas House, of which it acts as a pavilion. It was designed by John Young in 1781 (after James Craig who designed the corresponding pavilion to the north) with further alterations / additions by William Burn in 1823, David Bryce in 1847-51 and later 20th century, much of which is associated with its occupation by The British Linen Company. No. 37 is important as a surviving original townhouse (externally). The interior has seen a number of phases of more radical alteration by comparison.

These proposals, incorporating both No. 37 and Nos. 38-39 St Andrew Square, would have the benefit in bringing back into use two highly significant and visible Category A-listed buildings. This would include retention as a single space the former banking hall at Nos. 38-39. Looking at the individual components of the proposals for No. 37 we have the following comments to make.

Internal Alterations

The internal alterations proposed are arguably substantial. However, we maintain our view that the interior of the building is generally of lesser significance, due to the number of previous phases of alteration, and we can see the rationale of locating the majority of bedroom accommodation in No. 37. Our preference has been for the retention of the mid-nineteenth century staircase. However, we accept that retention would have practical implication for the location of the bedrooms, which we recognise are a critical component of the proposals for the applicant. We would also be more supportive if the remaining staircases of importance throughout the development are retained. We therefore note that an original staircase in Nos. 38-39 would be removed and we will provide comment on this via the adjacent application.

New Access Arrangements

We are content with relocating the main St Andrew Square entrance as we acknowledge this has been changed multiple times over the years, and is not currently in its original location. Ideally, as we previously expressed, we would prefer to see an arrangement that only requires a single door for all access requirements, which would also be DDA compliant, rather than introducing two new entrance doors as proposed.

We encouraged at pre-application the exploration of options to improve access arrangements with the aim of trying to avoid the two door solution. While we don't see a detailed discussion in the supporting information on alternatives, we note page 96 of the Design and Access Statement does provide two options for how the DDA compliant entrance could be detailed. If your Council is content with the principle of two new entrances, we would suggest option 1 - what is being called an 'Invisible lift' as it transforms external stone stairs into a lift - would be more sensitive to the character of the building and have a neater finish at street level. We would suggest your Council may wish to seek more details on this to ensure the quality of its design.

In looking more generally at the external alterations on the St Andrew Square elevation, we recognise the reinstatement of the first floor windows to their original form and detail is an improvement.

Extension

We are content with removal of the twentieth century extension spanning No. 37 and the original Messenger's House. The proposed three-storey replacement, joining No. 37, would significantly enlarge the listed building, but we are satisfied that it would not have a significant detrimental impact on the listed building.

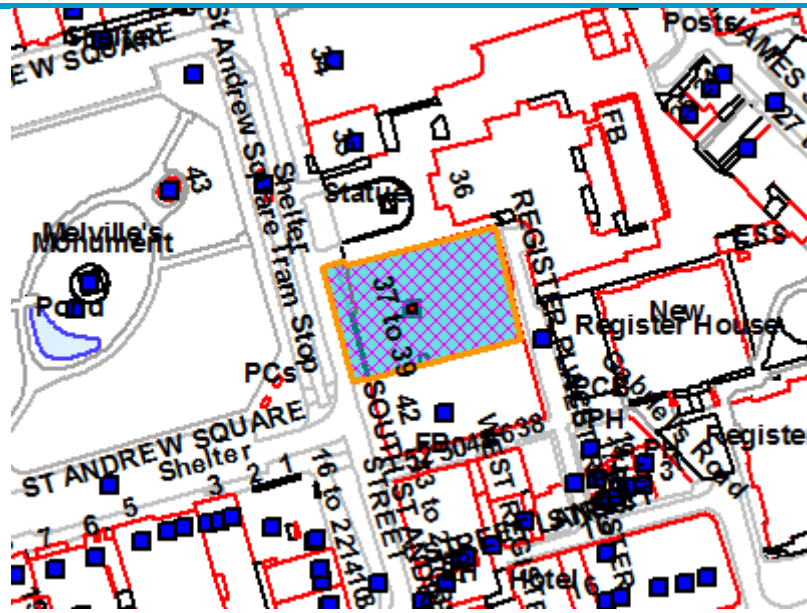
We also consider the pavilion extension - linking the three-storey element to the Messenger's House - likewise would not have a significant impact. Indeed, it could be argued to be an improvement on the existing (modern) high boundary wall at this location.

Conclusion

The alterations to No. 37 St Andrew Square, both internal and external, are arguably extensive and not something we would generally promote on a Category A-listed former townhouse. However, given the history of alterations, especially internally, we are satisfied with the approach to focus most of the more substantial alterations here, especially if this allows a lighter touch on the adjacent No. 38 & 39 St Andrew Square.

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 24 October 2018

**Application for Listed Building Consent 18/03274/LBC
At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD
Internal and external alterations to enable change of use
from banking hall and associated offices to hotel, including
roof-top extension and alteration to boundary wall (as
amended).**

Item number	7.3(c)
Report number	
Wards	B11 - City Centre

Summary

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSG, CRPNEW,

Report

Application for Listed Building Consent 18/03274/LBC At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Internal and external alterations to enable change of use from banking hall and associated offices to hotel, including roof-top extension and alteration to boundary 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 relates to Nos. 38-39 St Andrew Square: a colossal three-storey, five-bay, ashlar sandstone, Imperial Roman style building by David Bryce, dating from 1846. The first and second floors are set back behind fluted Corinthian columns with statues topping the entablatures. The interior features an elaborately detailed cruciform banking hall with a central dome. The entrance hall with main stair and Boardroom at first floor level are also finely detailed with compartmented ceilings.

The building is category A listed (reference 29707, listed on 13 April 1965) and within the World Heritage Site.

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

2.2 Site History

14 March 1996 - listed building consent granted for internal alterations, external fabric repairs and replacement of air conditioning plant (application reference 96/00024/LBC).

Related Planning History

10 February 2016 - listed building consent granted for internal alterations to former bank building, alterations to windows to form doors on south and east elevations and erection of roof extension at Nos. 41 - 42 St Andrew Square (application reference 15/02782/LBC).

Main report

3.1 Description Of The Proposal

The application is for external and internal alterations to form a 33-bedroom hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units within this building and the adjoining building at No. 37 St Andrew Square.

The proposed alterations to No. 37 are the subject of associated application reference 18/03273/LBC.

The proposed alterations to Nos. 38-39 are summarised as follows:

External Alterations

- erect a full-width, recessed roof extension with an external terrace on the front section of the building to house a bar with associated kitchen/store, WCs and access stairs, comprising a metal-framed glazed façade with a profiled single-ply membrane roof and slated rear pitch with zinc-surround windows;
- form a new opening for access to the basement in the existing sandstone wall at the rear of the banking hall on Register Place;

Internal Alterations

- remove former telling stalls in the banking hall and install a freestanding bar/servery in the same location;
- remove sections of walls and erect new partitions in the hallway, relocate the entrance door of one of the main rooms and erect partitions in these rooms to form ensuite facilities within the former Accountant's House at third floor level;
- install a new lift in the south end of the building to access all floors.

Scheme 1

The original scheme set the new rooftop extension further forward and proposed an alternative design for the glazed facade and the removal of the upper flight of the main stair in the Accountant's House.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;

- Conservation Plan;
- Structural Condition Report;
- Structural Design Statement; and
- Archaeological Desk-Based Assessment.

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 preserve the character of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Character of Listed Buildings

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan inform the assessment of the proposals and are a material consideration.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

External Alterations

The proposed rooftop bar is the most significant alteration and Historic Environment Scotland (HES) objected to this invention its originally proposed form. However, HES has withdrawn this objection on the basis of the revised scheme submitted which proposes a slightly reduced footprint and amended facade. The applicant requires this rooftop bar as a prestigious facility for its members, although this alone does not justify the associated loss of original roof fabric and additional floor over a significant portion of this category A listed building. Rather, the acceptability of this extension has been assessed against the physical impact on the listed building and historic townscape, including a thorough analysis of the relative significance of each part of the building recorded in a detailed conservation plan and a townscape impact analysis which assesses the existing and proposed roofscape from key verified viewpoints.

The roof surfaces of Nos. 38-39 are categorised as being of moderate significance only, as the main surfaces are functional in design and concealed by parapets from views within St Andrew Square and from key views outwith the square. In addition, the front section of the roof has been punctured by seven later rooflights. The defining features of this roofscape are the six statues topping the entablatures of the columns which dominate the principal facade along with the heavy stone balustrade. That said, the silhouette of these skyline features has been compromised from certain viewpoints by the construction of the adjacent 1940s building at Nos. 41-42 St Andrew Square. On this basis, a rooftop extension is acceptable in principle in this particular location and will not set a precedent for similar extensions on other listed buildings within the New Town Conservation Area.

The revised footprint of the rooftop extension ensures that it will not be visible from key viewpoints which have been defined by Historic Environment Scotland as being close-up views of the building, in particular from the opposite side of the road at various points where noted photographs were taken in the 1860s, including a famous photograph titled and signed by David Bryce in 1865. In certain more distant views from within St Andrew Square and beyond, the glazed facade of the extension will be visible. However, the roofscape is not seen in isolation from these viewpoints and is visible within the wider townscape context, which includes larger and more substantial commercial buildings with notable rooftop elements. The glazed facade with visually lightweight framing has been refined to ensure that the impact of the extension on any of these further away viewpoints is minimal and will allow the key rooftop features of the stone statues and balustrade to remain dominant.

Any negative impact of the removal of part of the original roof is balanced by the addition of an architecturally quiet rooftop feature which will have no adverse impact on the historic townscape whilst satisfying the business model of the hotel. This alteration is also offset by significant conservation gain through the proposed three-storey extension to the rear of No. 37 which will complete the basic form of the entrance court to Dundas House as it was originally intended. A thorough assessment of the proposed external and internal alterations to this adjoining building is carried out the associated application for listed building consent (reference 18/03273/LBC).

The proposed new opening for access to the basement in the existing sandstone boundary wall to Register Place is acceptable in terms of scale and detailing.

Internal Alterations

The proposed internal alterations will retain and restore the banking hall, which is the most significant architectural space within this building, through the removal of modern bank tellers which infill part of the south wing. The proposed freestanding bar/servery will allow views of the original proportions of this wing, including its elaborate ceiling.

The principal floor of the Accountant's House at third floor level is also maintained in the conversion, albeit with a degree of alteration. However, the revised scheme omits the previously proposed removal of the upper section of the main stair and proposes minimal interventions to five of the rooms on the third floor to form bedrooms with ensuite facilities. The hallway to be partitioned is relatively plainly detailed and its partitioning will allow the use of both rooms off the east side of the hall as bedrooms with the required standards of accommodation. The proposed repositioning of the original entrance door to the central main room is an acceptable compromise in order to make this room work as an adjoining room with the other main room.

Elsewhere in the building, the proposed alterations are relatively minor and/or affect plainly detailed spaces. The proposed lift will be located in utilitarian rooms in the south end of the building.

Extensive fabric repairs will be carried out in traditional matching materials and these are shown on detailed drawings. Also, a condition has been applied requiring a detailed programme of historic building recording prior to and during alteration work.

The proposed alterations and extensions are therefore justified and will cause no unnecessary damage to the building's historic structure or diminution of its interest, in accordance with LDP Policy Env 4. The proposals have special regard to the desirability of preserving the building and its setting and the special features of historic and architectural interest that it possesses.

b) Character and Appearance of Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the important feature of terminated vistas within the grid layouts and the long distance views across and out of the conservation area.*

The external alterations proposed will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views. The scale, form, design and materials of the proposed extensions are in keeping with the regularity and geometric forms of buildings within the First New Town.

The character and appearance of St Andrew Square will be enhanced by bringing these important category A listed buildings back into a sustainable and viable use. The associated extensions and external alterations are sensitive to the historic environment and involve a degree of conservation gain.

The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

c) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access to all floors of the buildings.

d) Public Comments

Material Objections

- the proposed glazed roof extension will spoil the design concept of the façade and involves an unacceptable loss of historic fabric - this has been addressed in section 3.3 a).

The other objections relate to the associated alterations to No. 37 St Andrew Square.

Supporting Comments

- important listed buildings will be brought back into sustainable use.

Conclusion

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed programme of historic building recording (annotated plans and elevations, photographic and written description and analysis) shall be undertaken prior to and during alteration work. The findings shall be submitted to an approved in writing by the planning authority.

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. Details of the proposed bar/servery in the former banking hall shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. 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 20 July 2018. A total of six representations were received comprising two objections, one from the Architectural Heritage Society of Scotland Association, and four supporting comments.

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 the City Centre as defined in the Edinburgh Local Development Plan.
Date registered	2 July 2018
Drawing numbers/Scheme	01,05A,07,08A,10,11A,12,13,14A,16,17A,18,19,20A,21,22A,23-33, 34A+35-60, Scheme 2

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 PLACE
 The City of Edinburgh Council

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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

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

Appendix 1

Application for Listed Building Consent 18/03274/LBC At 37 - 38, 39 St Andrew Square, Edinburgh, EH2 2AD Internal and external alterations to enable change of use from banking hall and associated offices to hotel, including roof-top extension and alteration to boundary wall (as amended).

Consultations

Historic Environment Scotland

Scheme 2

We objected to this application in August because we considered the rooftop extension, as originally presented, would result in significant negative impacts on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

The rooftop extension has since been revised by reducing the footprint and providing an angled detail to the top part of the gazing. While on both plan and elevation drawing these changes appear more minor in nature, the accompanying visualisations do illustrate a more pronounced reduction in the extension's visibility in close-up views of the building. In certain more distant views the extension would still be seen as a sizable addition.

The rooftop extension, in its revised form, would therefore still bring negative impacts, including the removal of the original David Bryce roof. However, we consider the more severe visual impact have been significantly reduced in order that we can now withdraw our objection to the application. While we are removing our objection, the rest of the advice set out in our letter of 26 July still applies.

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.

Scheme 1

We object to this application because we consider the rooftop extension in its current form would result in a significant negative impact on the special interest of the Category A-listed Nos. 38-39 St Andrew Square.

This listed building consent (LBC) application concerns alterations to Nos. 38-39 St Andrew Square to enable change of use from banking hall and offices to hotel, including rooftop extension. A separate LBC application (18/03273/LBC) has been submitted for the adjacent No. 37 St Andrew Square. While both applications are clearly linked and share the same supporting information, the focus of this letter is the application for Nos. 38-39.

Nos. 38-39 St Andrew Square is a substantial 3-storey and 5-bay Victorian commercial bank (occupying the site of two former townhouses) designed in a Roman Imperial style to be a striking and prominent headquarters of The British Linen Company. It was designed by David Bryce in 1846 and survives largely intact, including the impressive banking hall.

These current proposals, incorporating both No. 37 and Nos. 38-39 St Andrew Square, would have the benefit in bringing back into use two highly significant and visible Category A-listed buildings. This would include retention as a single space the former banking hall at Nos. 38-39. We clearly recognise these benefits.

Rooftop Extension

This is our most significant concern with the application and the reason for our objection.

Our initial pre-application advice (letter dated 23 March) was that a rooftop extension would have a negative (potentially significant) visual impact in certain views towards No. 38-39 from St Andrew Square. While the removal of the original 1846 David Bryce roof would also be a negative impact, it is the visual impact which we consider to be more significant.

The façade of Nos. 38-39 is dominated by six monumental free-standing Corinthian columns surmounted by a decorative entablature articulated to accommodate both the columns and the corresponding statues above, which help give the building its notable profile. The slate roof is shallow pitched in order not to intrude upon the building's main profile, and a stone balustrade, sitting behind the statues, helps to further hide the roof structure. In close-up views of Nos. 38-39 the balustrade is open to the sky. While in more distant views the roof does start to reveal itself behind the balustrade, the building was clearly not intended to be seen with accommodation above the balustrade. The likely visual appearance of the proposed extension from the ground is provided in a series of visualisations. We consider this shows a significant impact, especially in close-up views, upon the listed building.

The Heritage Statement recognises that the 'principle of a roof-top bar on this highly significant building, and location, is in itself difficult to reconcile...' We agree with this statement. We also note the Heritage Statement references the Historic Environment Policy Statement (HESPS; paragraph 3.47) which outlines what should be considered in cases where adverse impacts are proposed. This includes the exploration of options, which could include the reduction of the footprint of the extension to reduce the more severe impacts. We do not consider this has been fully explored.

While our objection is based on the current form of the rooftop extension, looking in more detail at the remaining components of the proposals for Nos. 38-39 we have the following additional comments to make on the internal alterations;

Internal Alterations

The application proposes a range of internal alterations. The majority appear to be reasonable in terms of what would be required for the conversion of the building. The character of the former banking hall would be retained, and we consider the alterations proposed to some of the adjacent spaces do not cause us any issues.

The principal floor of the Accountant's House (third floor of the building) is more domestic in character, and we have encouraged this to be maintained in the conversion. Existing walls will be retained, although partitioning in the hall would impact upon the plan form. Our preference is that this impact should ideally be avoided. We would also advocate retaining existing door positions to the principal rooms.

The most significant impact we see internally is the removal of the Accountant's House stair, indicated by the proposed demolition plans, to be replaced by a new stair (that appears to run the entire height of the building). The existing stair is original, contributes to the special interest and character of the listed building, and we had expected it to be retained. We do not see any justification provided for its removal. One of the reasons we accepted removal of the historic stair in the adjacent No. 37 was the retention of the remaining stairs of interest in Nos. 38-39. We would recommend further discussion about removal of this staircase, with a presumption in favour of retention.

Conclusion

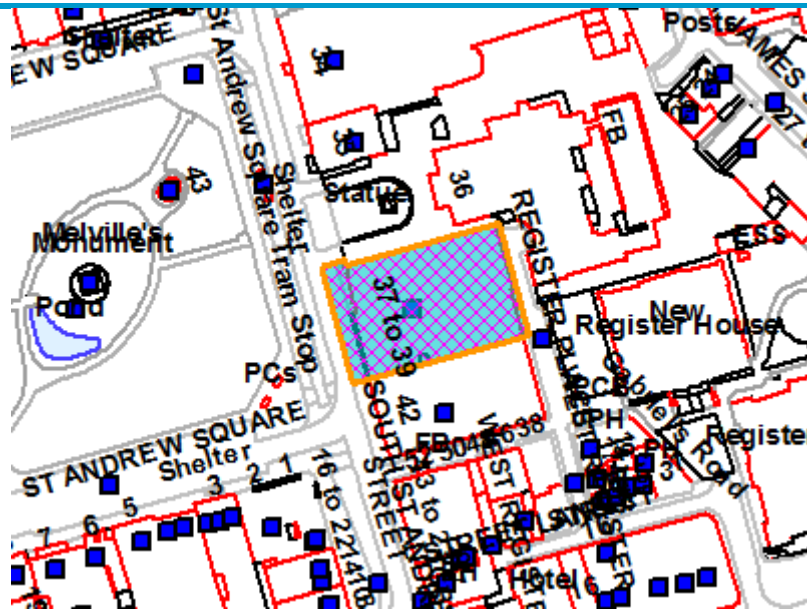
The alterations to Nos. 38-39 St Andrew Square would bring both positive and negative impacts.

We consider the impact of the rooftop extension in its current form represents a significant negative impact on the special interest of the listed building. We are also not convinced that the rooftop extension can be justified as part of the wider, and generally positive, re-use of both No. 37 and Nos. 38-39 St Andrew Square. While the arguments put forward in the Heritage Statement allow us to be sympathetic to some form of extension, we are not convinced that the solution presented with this application is the best option. We would be happy to re-assess our position in the light of an amended scheme reducing this impact, or the submission of further supporting information.

We have responded separately to your Council's consultation request for No. 37. We will also assess the impact of the proposals on adjacent A-listed buildings and the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site once we have received the consultation on the associated planning application.

If you are minded to grant consent, with or without conditions, you are required under the terms of the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015 to notify Scottish Ministers.

Location Plan



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