

# Notice of meeting and agenda

## Development Management Sub-Committee of the Planning Committee

**10:00am, Wednesday 9 January 2019**

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

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

### Contacts:

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## 1. Order of business

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- 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 7 January 2019** (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

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- 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

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- 3.1 None.

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

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**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 The Jewel (At Land East of Corbieshot) - Forthcoming application by Robertson Living for application for residential development, associated access, roads, landscaping and infrastructure works - application no 18/10006/PAN - report by the Chief Planning Officer (circulated)
- 4.2 20A Inverleith Row, Edinburgh (At Royal Botanic Garden) – Forthcoming application by Royal Botanic Garden for redevelopment and refurbishment of the North East corner of the Royal Botanic Garden. Development comprises works to listed buildings/structures. Construction of a glasshouse, research glasshouses, education and support buildings and landscape works. Erection of

polytunnels/temporary decent facilities, construction of access road and associated development and demolition – application no 18/09704/PAN – report by the Chief Planning Officer (circulated)

### **Applications**

- 4.3 30 Canaan Lane, Edinburgh (At Land To Rear Of) – New dwelling house and driveway accessed from Jordan Lane (as amended) – application no 18/04505/FUL - report by the Chief Planning Officer (circulated)

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

- 4.4 40 Craigleith Hill Avenue, Edinburgh EH4 2JN – Proposed single storey rear extension with access to garden (in retrospect) – application no 18/08460/FUL - report by the Chief Planning Officer (circulated)

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

- 4.5 6 Derby Street, Edinburgh EH6 4SH – Convert existing attic with dormer to front and rooflights. Internal alternations with rear extension (as amended) – application no 18/08318/FUL – report by the Chief Planning Officer (circulated)

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

- 4.6 Kellerstain Stables, Gogar Station Road, Edinburgh – Erection of new one-and-a-half storey dwelling house on Land to the North East of Kellerstain Estate on Land 40 Metres South Of Kellerstain Lodge, Gogar Station Road, Edinburgh - application no 18/07199/PPP – report by the Chief Planning Officer (circulated)

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

- 4.7 2 – 3 Montgomery Street Lane, Edinburgh EH7 5JT – Change of use from two existing lock ups and a meditation/yoga centre to form annex hotel accommodation to 10 -18 Windsor St. The accommodation will comprise a one bed and a two bed unit both with self-catering facilities – application no 18/09103/FUL – report by the Chief Planning Officer (circulated)

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

- 4.8 5 Warriston Road, Edinburgh, EH3 5LQ – Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended) – application no 18/02451/FUL – report by the Chief Planning Officer (circulated)

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

## **5. Returning Applications**

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**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 4 Mayfield Gardens, Edinburgh, EH9 2BU – Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person

HMO with associated works (as amended) – application no 18/07251/FUL – report by the Chief Planning Officer (circulated)

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

## **6. Applications for Hearing**

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

6.1(a) Corstorphine Hospital, 136 Corstorphine Road, Edinburgh - application no 17/04137/FUL&17/03138/LBC – Protocol Note by the Head of Strategy and Communications (circulated)

6.1(b) Corstorphine Hospital, 136 Corstorphine Road, Edinburgh – Redevelopment of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended) – application no 17/04137/FUL – report by the Chief Planning Officer (circulated)

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

6.1(c) Corstorphine Hospital, 136 Corstorphine Road, Edinburgh – Redevelopment of the former Corstorphine Hospital building to form 54 residential apartments - application no 17/04138/LBC – report by the Chief Planning Officer (circulated)

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

## **7. Applications for Detailed Presentation**

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

7.1(a) 30 Corstorphine Road, Edinburgh, EH12 6HP – Conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works – application no 17/05071/FUL – report by the Chief planning Officer (circulated)

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

7.1(b) 30 Corstorphine Road, Edinburgh, EH12 6HP – Alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended) – application no 17/05073/LBC – report by the Chief Planning Officer (circulated)

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

7.2 Springwell House, 1 Gorgie Road, Edinburgh - Change of use and conversion of the original Springwell House buildings from vacant offices to 39 new residential apartments. Demolition of some rear extensions and construction of 7 new town

houses. Refurbishment of existing lodge house and construction of new detached lodge house giving 48 residential units in total (as amended) – application no 18/00892/FUL – report by the Chief Planning Officer

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

## **8. Returning Applications Following Site Visit**

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**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(a) 20 Charlotte Square, Edinburgh – Alteration and extension to offices, removal of non-original dormers to front elevation (as amended) – application no 18/03695/FUL – report by the Chief Planning Officer (circulated)

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

8.1(b) 20, 21 and 22-23 Charlotte Square, Edinburgh – Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended) – application no 18/03413/LBC – report by the Chief Planning Officer (circulated)

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

## **Laurence Rockey**

Head of Strategy and Communications

## **Committee Members**

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

## **Information about the Development Management Sub-Committee**

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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**

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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](mailto: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](http://www.edinburgh.gov.uk/meetings) .

### **Webcasting of Council Meetings**

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Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

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Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

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](mailto:committee.services@edinburgh.gov.uk)).

# Development Management Sub Committee

**Wednesday 9 January 2019**

**Report for forthcoming application by**

**Robertson Living. for Proposal of Application Notice**

**18/10006/PAN**

**At Land East Of Corbieshot, The Jewel, Edinburgh  
Residential development, associated access, roads,  
landscaping and infrastructure works.**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	B17 - Portobello/Craigmillar

## Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application in respect of a full planning application for major residential development, associated access, roads, landscaping and infrastructure works.

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 19 November 2018.

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The application site is approximately 2.4 hectares in area and is located within The Jewel area to the east of Edinburgh.

The site includes part of the Jewel road to the north. The site is west of Asda superstore retail development, north of the railway lines and east of residential development at Corbieshot. It consists of grass, bushes and trees with a multi-user path along its south and eastern boundary and connecting to Corbieshot. There are also a number of informal paths. There is a change of levels within the site with an embankment adjoining the eastern boundary to the retail development.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

An application will be submitted for full planning permission for residential development, associated access, roads, landscaping and infrastructure works.

No further details have been submitted at this time.

### 3.2 Key Issues

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

**(a) the development would be acceptable in principle having regard to the development plan;**

The adopted Edinburgh Local Development Plan (2016) designates the site as open space. A small area to the north part of the urban area.

Any application will need to be assessed taking into consideration these designations.



**(b) the design, scale and layout are compatible with the character of the area;**

The proposals should comply with the LDP design policies and meet the requirements of the Edinburgh Design Guidance, unless there are material reasons for non-compliance to be considered. The proposals will need to address the levels on the site and the site's frontage to The Jewel.

**(c) transport issues such as access, parking including cycle parking, road safety and access to public transport are acceptable;**

The proposal should have regard to the transport policy of the Adopted LDP and Designing Streets. The proposals will be required to keep the multi-user path routes and connections on the site. Transport information will be required to support the application.

**(d) there are any other environmental factors that require consideration;**

The applicants will be required to submit sufficient information to demonstrate that the site is capable of accommodating the development. This site is within a coal mining referral area and therefore site investigation assessment would be required. The applicant would be required to demonstrate that there is sufficient infrastructure capacity. In order to support the application, the following documents will be submitted.

- Air Quality Impact Assessment;
- Design and Access Statement;
- Flood Risk Assessment and Surface Water Management Plan;
- Landscape and Visual Impact Assessment;
- Mining Report;
- Noise Impact Assessment;
- Phase 1 Habitat and Protected Species Survey;
- Pre-application Consultation Report;
- Planning Statement;
- Site investigation assessment;
- Sustainability statement;
- Transport Assessment; and
- Tree Survey.

### **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**

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

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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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**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The Proposal of Application Notice was sent to the Community Council, Local Word Councillors and Neighbourhood Partnership.

A public meeting was held on 10 January between 2.30pm and 7.30pm at Hays Business Centre, in Craigmillar.

Leaflets were dropped to properties adjacent to the site. Posters were displayed informing the public of the date/time of the public event and details of the proposed development.

The public event was advertised in Edinburgh Evening News.

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

## **Background reading/external references**

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- 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](#)

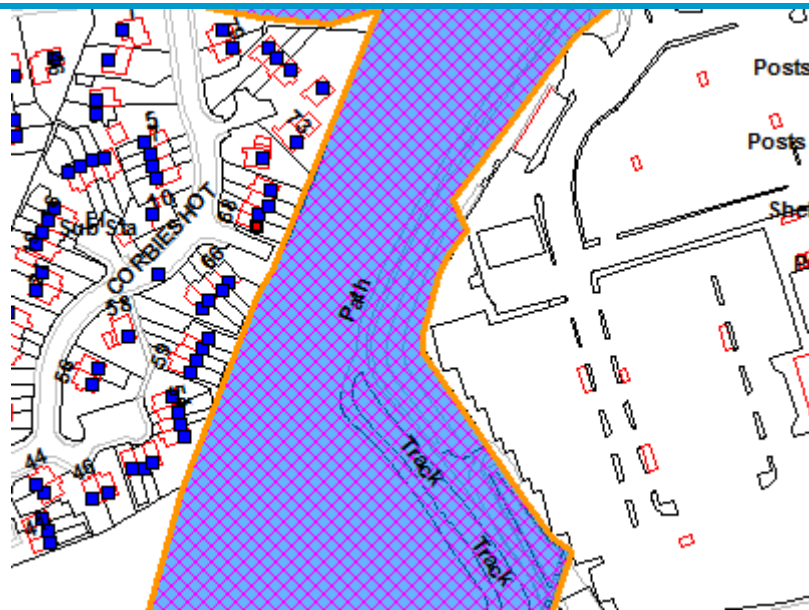
**David R. Leslie**  
Chief Planning Officer

PLACE  
The City of Edinburgh Council

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

## Location Plan

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**END**

# Development Management Sub Committee

**Wednesday 9 January 2019**

**Report for forthcoming application by**

**Royal Botanic Garden. for Proposal of Application Notice**

**18/09704/PAN**

**At Royal Botanic Garden, 20A Inverleith Row, Edinburgh  
Redevelopment and refurbishment of the North East corner  
of the Royal Botanic Garden. Development comprises  
works to listed buildings/structures. Construction of a  
glasshouse, research glasshouses, education and support  
buildings and landscape works. Erection of  
polytunnels/temporary decent facilities, construction of  
access road and associated development and demolition.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application in respect of an application in principle for the redevelopment and refurbishment of the north east corner of the Royal Botanic Garden. Development comprises works to listed buildings and structures; the construction of a glasshouse, research glasshouses, education and support buildings and landscape works; and erection of temporary decant facilities.

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

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The proposed application is approximately 5.143 hectares in area and is located on the north eastern side of the Royal Botanic Garden of Edinburgh. The Garden is an Inventory listed, Historic Gardens and Designed Landscape. The site is further included in the Inverleith Special Landscape Area.

The area of the park affected by the proposal is occupied by a group of glasshouses and outbuildings to the north east. These include the category 'A' listed greenhouse (listed 4 June 2003) (LB ref; LB49216) and the category 'A' listed Palm House (listed 14 December 1970) (LB ref; 27914). The category 'B' listed Lecture Hall, classrooms and offices building at 20A Inverleith Row (listed 4 June 2003) (LB ref: 49213) lies at the site entrance on Inverleith Row. A category 'B' listed memorial to Sir Charles Linnaeus is located at the centre of the group of greenhouses.

The remainder of the site is landscaped and contains a number of trees and shrubs, which form part of the wider, Royal Botanic Gardens landscape. Residential properties are located to the north and east of the site boundary. These include the category B listed, terraced dwellings on Inverleith Row to the east and the category 'B' and 'C' listed dwellings on Inverleith Place Lane to the north.

The southern section is included within a Local Nature Conservation Site, as designated in the Edinburgh Local Development Plan.

This application site is located within the Inverleith Conservation Area.

### **2.2 Site History**

#### **Applications within PAN Site**

16 January 2012- Planning permission granted for erection of new Alpine House granted (application number 11/03888/FUL).

13 January 2012 - Listed Building Consent Granted for erection of new Alpine House (application number 11/03873/LBC).

#### **Other Applications at site of Royal Botanic Garden**

4 November 2004 - Planning permission and listed building consent granted for new visitor facility with studios, exhibition space and biodiversity garden, shop and cafe granted (application numbers 04/02106/GDT and 04/2016/LBC).

3 February 2010 - Listed building Consent Granted for alterations to Botanic Cottage to form cafe, offices and reception and alterations to external landscaping, including formal seating area at East Gate. (application number 09/02758/LBC).

24 August 2011- Planning permission granted for new glass house (application number 11/0225/FUL).

29 August 2013 - Planning permission granted for erection of new Botanic Cottage (application number 13/00645/FUL).

3 August 2017 - Amendment to application number 13/00645/FUL for erection of new Botanic Cottage (application number 17/01129/FUL).

A number of planning applications have also been granted for a range of temporary installations and structures on site, including those relating to seasonal events.

## **Main report**

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### **3.1 Description Of The Proposal**

A planning application, with associated Listed Building and Conservation Area Consent applications, will be submitted for full planning permission (major) for residential development for the redevelopment and refurbishment of the north east corner of the Royal Botanic Garden. The proposed development comprises of works to listed buildings and structures; construction of a glass house; research glasshouses, education and support buildings and landscape works; erection of poly tunnels and temporary storage facilities, construction of access road, with associated development and demolition works.

No further details have been submitted at this time.

### **3.2 Key Issues**

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

**a) the development would be acceptable in principle having regard to the development plan;**

The adopted Edinburgh Local Development Plan (2016)(LDP) designates the site as part of the Inverleith Special Landscape Area and Inverleith Conservation Area. The site is also designated as a Local Biodiversity Site and is an Inventory listed, Historic Garden and Designed Landscape.

Any application will need to be assessed taking into consideration this/these designations.

**b) the impact on the historic environment would be acceptable;**

The proposals will require to have special regard to the desirability of preserving the listed buildings and their setting and any features of special architectural or historic interests they possess. They will also be required to have special regard to their impact on the setting of listed buildings in the surrounding area.

The contribution the proposals make to the special character and appearance of the Inverleith Conservation Area will also require to be demonstrated, in compliance with the provisions relevant Local Development Plan policies. This will necessitate the provision of sufficient information to justify the proposed demolition of any unlisted buildings.

**c) the design, scale and layout of the proposed development are compatible, within the character of the area;**

The proposals will come forward as a detailed application. A Design and Access Statement will accompany the application. The proposals will be assessed under the relevant design policies of the LDP, as well as the Edinburgh Design Guidance.

**d) the proposals safeguard the site's landscape setting and natural heritage values;**

The proposals will be required to submit sufficient information to demonstrate how any detrimental impacts on the Inventory recorded, Historic Garden and Designed Landscape, or component features which contribute to its setting, will be avoided, in compliance with relevant LDP policy.

The proposals will be further required to demonstrate how it is intended to safeguard or enhance the special character and essential qualities of the Inverleith Special Landscape Area, in accordance with the provisions of relevant LDP policy. This will necessitate an assessment of the potential impact of the proposals on the existing landscape and its surroundings and on wider views across the city.

**e) there are any other environmental factors that require consideration;**

The application will be expected to include sufficient information to demonstrate that neighbouring amenity will be safeguarded.

**f) access arrangements are acceptable in terms of road safety and public transport accessibility;**

A Transport Statement will be required to demonstrate that the proposals are acceptable from a road safety perspective.



In order to support the application the following documents will require to be submitted:

- Design and Access Statement;
- Planning Statement;
- Pre-application Consultation Report;
- Heritage Statement;
- Landscape and Visual Impact Assessment;
- Landscape Design and Planting Schedule;
- Daylight and Sunlight Assessment;
- Drainage Strategy;
- Surface Water Management Plan;
- Tree Survey and Protection Plan;
- Protected Species Report;
- Sustainability Statement; and
- Transport information.

### **3.3 Assessment**

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

## **Financial impact**

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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**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on these proposals.

## 8.2 Publicity summary of representations and Community Council comments

The proposal of application Notice was sent to Stockbridge Community Council and Local Ward Councillors and the MSP on the 2 November 2018. Community Consultation events are being held at the Royal Botanic Garden on 22 November 2018 and at the Fletcher Building on Inverleith Row, on 10 January 2019.

The event was advertised in the Edinburgh Evening News on 12 November 2018.

The applicant has also advised that posters will be displayed around the Royal Botanic Garden site and on neighbouring buildings. Events will also be advertised on social media and leaflets to residential properties will be distributed.

## Background reading/external references

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

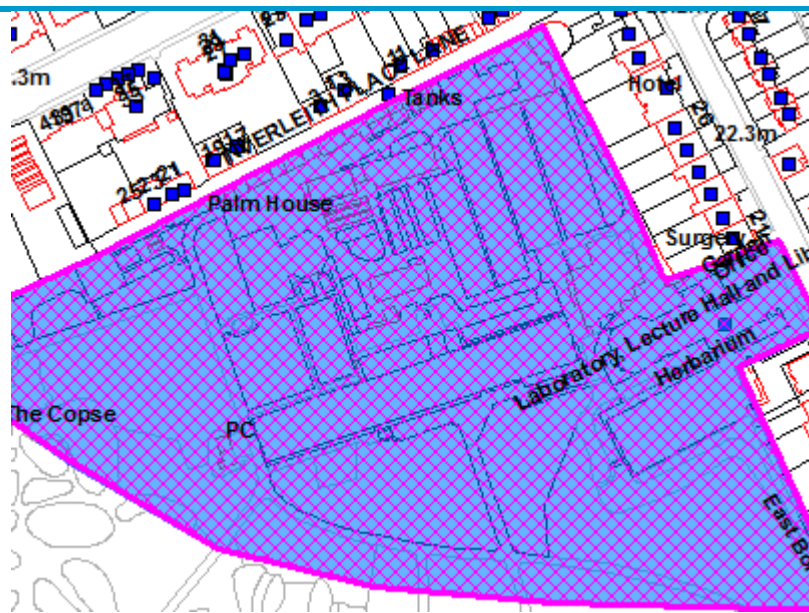
### David R. Leslie

Chief Planning Officer  
PLACE  
The City of Edinburgh Council

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## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

## Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)

Item number	4.3
Report number	
Wards	B10 - Morningside

### Summary

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The principle of a house is acceptable in this location and the proposal has no significant impact upon the character or appearance of the conservation area. The application complies with local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES03, LDES05, LTRA02, LTRA03, LEN06, LEN03, LEN12, NSG, NSLBCA, NSGD02, OTH, CRPMON,
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# Report

## **Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies on Jordan Lane at the point where the lane narrows from 10 metres to 5 metres, such that the stone boundary wall on the west end of the site largely closes the vista when viewing down the lane from Morningside Road. The site extends to 432 square metres and currently forms the southern end of the garden attached to the subdivided villa at 28/30 Canaan Lane. Ground on the site slopes, rising by around 700mm from Jordan Lane to the rear edge of the site.

From Canaan Lane the site is wholly screened by existing buildings and landscape features. As seen from Jordan Lane the site is enclosed by a high, random rubble stone wall. The tops of small outbuildings are visible over the wall as is the roof of the main villa at 28/30 Canaan Lane. A number of immature trees lie behind the wall, the most significant of which is a silver birch in the south-west corner.

The site is flanked by a four storey tenement to the west and a modern, chalet-style bungalow to the east. Jordan Lane has two diverse characters: a strong tenemental form to the north-west for a length of around 150 metres; and an otherwise small-scale, almost rural, character to the south and parts of the north-east, interspersed with some new-build elements.

This application site is located within the Morningside Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

## **Main report**

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### **3.1 Description Of The Proposal**

The application proposes a three bedroom bungalow (with a small concealed basement area). The house has a footprint of 214 square metres and a total floor area of 232 square metres. The proposal largely has a flat membrane roof, but the central section has a low pitch with southern aspect, accommodating solar panels. Walls are a mix of smooth render and natural stone.

The enclosing rubble boundary wall will remain, but a new vehicle access gate is formed within the wall at the south-east corner.

#### Scheme 1

The proposal was amended to include more stone on the eastern side and make adjustments to design and layout. Ground levels were also clarified.

### **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) housing is acceptable in principle;
- b) the development preserves or enhances the character and appearance of the conservation area;
- c) the scale, form and design are acceptable;
- d) parking and access are adequate;
- e) impact on trees is assessed;

- f) impact on neighbouring amenity is acceptable;
- g) amenity of the proposed house is acceptable;
- h) the setting of any neighbouring listed building is compromised; and
- i) comments are addressed.

a) Housing Use

LDP policy Hou 1 considers sites suitable for housing use.

The site lies in a wholly residential area within the urban area. A residential infill is acceptable in principle subject to other policy requirements being met.

Densities in the area have two separate characteristics: the tenemental densities to the west vary from 40 to 50 units per hectare; densities of the houses on Jordan Lane vary from 10 to 15 units per hectare.

The density of the proposal equates to 23 units per hectare, which is comparable to surrounding densities and within acceptable limits for this area. Policy Hou 4 on Housing Density is not compromised, and the proposal does not constitute overdevelopment of the site.

b) Impact on Conservation Area

LDP policy Env 6 states that development will be permitted which preserves or enhances the character and appearance of the conservation area.

Morningside Conservation Area Character Appraisal states that Canaan Lane and Jordan Lane “contain a more varied architectural mix of buildings ranging over traditional village dwellings, Georgian villas, and tenements”.

Jordan Lane (where the house will be built) has two distinct characters: tenemental to the north-west; and low-scale, village type character in the remainder. The site lies at the junction between these two characters, but adopts the lower, village scale.

The only part of the building visible in public views will be a 300mm upstand above the boundary wall, appearing over a length of around 4 metres.

The very low profile means that the bulk of the building will remain almost totally unseen from any public viewpoint, unless the vehicular entrance is open. If the latter were the case, a glimpse view of the east side of the proposed house would be visible over a distance of around 3.5 metres. The visual impact of this very low building would be minimal, and there would be no appreciable impact on the appearance of the conservation area.

The loss of boundary wall (this same 3.5 metre length) is minimal and the overall character of the boundary wall is retained.

In terms of the character of the conservation area, large houses in extensive grounds are an essential part of the spatial pattern of the area, particularly to the east of the site.

Although pitched slated roofs predominate in the wider area, flat roofs are common on the modern buildings within the wider area, and now form part of the evolving character.

Overall the proposed new house preserves the character and appearance of the conservation area and complies with policy Env 6.

### c) Scale, Form and Design

LDP policy Des 1 considers design quality and context. This seeks new development to be compatible with its surroundings.

LDP policy Des 4 considers the impact of the new development on the setting of existing buildings.

The height of the southern wall is such that the roof level solar glazing will not be visible from pedestrian eye-level. The panels will be visible from first floor windows on the opposite side of the street, but private views are not protected in planning policies. The proposed hole in this wall (3 metres) is not significant in terms of loss of historic fabric. The character of the lane is maintained. Incorporation of the bulk of the wall addresses policy Des 3 of the LDP which considers incorporation of existing features.

Although stone-built, the existing Victorian villa (28/30) is not a listed building, and is currently screened from public view by the high southern boundary wall. A single storey building will not impact upon its setting in any public view.

In terms of streetscape, the only visible changes will be: the breach in the existing stone wall at the south-east corner of the site (onto Jordan Lane); and a 300mm upstand where a very small section of the southern wall and roof will appear just above the existing wall. The gate element was amended to add a solid gate here, which will retain the sense of enclosure. The visual change to the streetscape will be minimal and acceptable.

In terms of spatial pattern the proposal is not considered to be too close to its flanking neighbours.

The height and form are such as to be largely hidden from view; the spatial pattern fits with the pattern on the north side of Jordan Lane; the proposal retains the enclosing stone wall, which is the only element of interest within the site boundary; materials and detailing are appropriate. The density is also appropriate.

The proposal will have a minimal impact on its surroundings and on the appearance of the wider area.

The design is of acceptable quality and meets the requirements of policies Des 1 and Des 4.



#### d) Car Parking

LDP policy Tra 2 considers car parking.

Current guidelines now seek a maximum of one parking space to serve a house of this size and this is what is proposed. Policy objectives are met. It is noted that the former (and currently unused) vehicle access within the southern boundary wall to the west is sealed over as a dummy door, retaining its existing appearance, but will not re-open as a vehicle access.

The majority of objectors were concerned regarding impact upon on-street parking and upon vehicle movements, especially in the context of a recent development on the south side of Jordan Lane, which has removed the informal turning area. This issue is unconnected to the current application and outwith the applicant's control. It is noted that the adjacent carriageway has double yellow lines, so on-street parking is not possible.

Regardless of the difficulty of turning on the lane, the current application has no further impact on this, and can accommodate the parking generated by the new house. The proposal therefore complies with policy Tra 2.

The house also has ample room for cycle storage both internally and externally, and complies with policy Tra 3.

The additional traffic (one additional car) is not significant in terms of the existing lane usage.

#### e) Trees

LDP policy Env 12 considers impact upon trees.

Three immature trees are removed along the southern boundary.

Of these, the only tree of significance is an 8 metre silver birch in the south-west corner of the site. This tree does not require removal due to the development (and would fall within the proposed garden of the new house). However, the applicant seeks to remove this tree at the same time and replant an equivalent as the existing tree is leaning significantly and is too close to both the boundary wall and neighbouring tenement.

The current tree is in a raised bed, and adjacent garden ground has been lowered. This appears to have undermined the root system and the tree now leans into the garden.

The tree is to be replaced by an identical tree (silver birch - heavy standard) which will be replanted further from the boundary wall and tenement, to provide a better long-term future for the tree, without prejudice to adjacent structures.

In this context, the tree work is acceptable. A condition is added to ensure replanting is done within an appropriate period.

#### f) Impact on Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact upon neighbouring amenity.

As a single storey building the building has no effect on neighbouring daylight, and privacy issues are resolved by existing boundary walls and the proposed new internal boundary between the site and the existing villa.

Neighbouring amenity is unaffected and complies with policy Des 5.

The garden of the remaining property will reduce to around 90 square metres on the south side (plus an unaltered area to the north). This remains acceptable for the amenity needs of that house, and, although smaller than other gardens on Jordan Lane, is comparable to other new developments in the wider area.

#### g) Amenity of the Proposed House

LDP policy Des 5 and the Edinburgh Design Guidance consider the amenity of the occupiers of the proposed house.

The house is generously proportioned with good open aspects. Daylight levels will be acceptable. The garden is split into two areas of around 50 square metres each, together totalling around a quarter of the site. Garden ground will be adequate for amenity needs, in compliance with policy Des 5.

#### h) Impact on the Setting of Listed Buildings

LDP policy Env3 considers impact on the setting of listed buildings.

Although most buildings on the south side of Jordan Lane are listed, the existing south boundary wall acts as a foil between the new building and these listed buildings.

As this wall will remain, the proposal has no impact on the setting of any listed building in any public view.

#### i) Public Comments

One neutral comment considered the design "sympathetic" and one support letter considered the application would provide good sized family accommodation.

Reason for objection were:

#### **Material Objections**

- overdevelopment - addressed in section 3.3 a).
- too close to existing buildings - addressed in section 3.3 c).
- compromise to existing character/ out of character - addressed in section 3.3 b).
- impact on trees - addressed in section 3.3 e).
- loss of a section of stone wall - addressed in section 3.3 b).
- loss of sunlight/ daylight - addressed in section 3.3 f).

- impact on parking/ no visitor parking - addressed in section 3.3 d).
- impact on the setting of listed buildings - addressed in section 3.3 g).
- privacy and overlooking - addressed in section 3.3 f).

### **Non-Material Objections**

- structural impact on neighbouring buildings - this is a structural issue rather than a planning matter.
- continual disruption by developments on the lane/ noise from construction - this is not a reason to resist the proposal.
- the proposal will set a precedent- each case is decided on its own merits.
- neighbouring sheds receive support from the boundary wall - this is a legal matter but there is no proposal to remove this wall.
- recent developments have changed the character of the lane - this is addressed in terms of the character of the area.
- noise from construction - this is not a planning matter.
- there are other developments on the lane – the planning authority can only consider the current application.

### **Conclusion**

The principle of housing is acceptable and the proposal will have no significant impact upon the character or appearance of the conservation area. The application complies with local development plan policies and non-statutory guidelines. No other planning considerations outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. The proposed silver birch shall be planted within one calendar year of works commencing on site, to the specification shown on the approved drawings.

#### **Reasons:-**

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to preserve the sense of landscape within the streetscape.

#### **Informatives**

It should be noted that:

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

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 31 August 2018.

40 representations were received 38 of which were in objection. The objections included comment from AHSS and Cllr Ross. These are assessed in section 3.3 i) of the assessment.

## Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

The site lies in the Morningside Conservation Area as shown in the Local Development Plan (LDP).

### **Date registered**

21 August 2018

### **Drawing numbers/Scheme**

1,2a,3

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

### **Relevant Non-Statutory Guidelines**

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

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

### **Other Relevant policy guidance**

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

# Appendix 1

## Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)

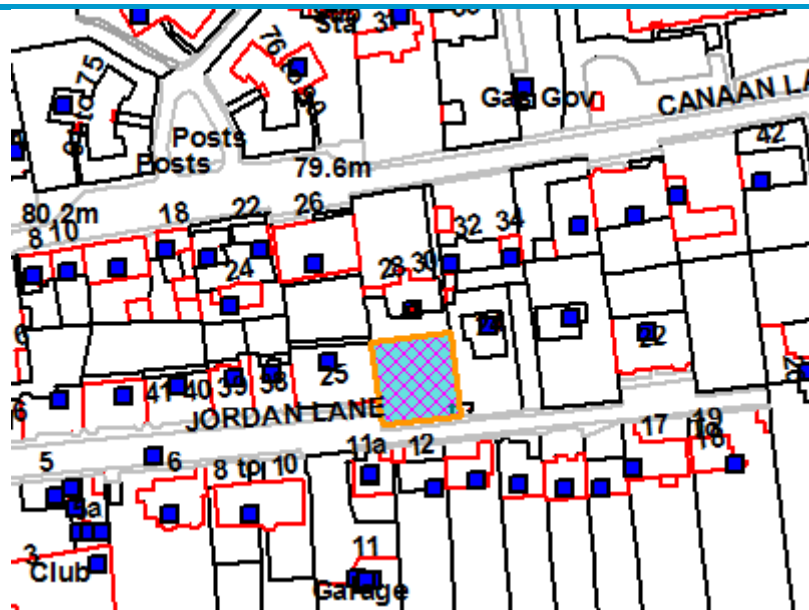
### Consultations

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No consultations undertaken.

### Location Plan

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**END**



# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/08460/FUL  
At 40 Craigleith Hill Avenue, Edinburgh, EH4 2JN  
Proposed single storey rear extension with access to  
garden (in retrospect).**

<b>Item number</b>	4.4
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposal is in accordance with the Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. The proposal is of an acceptable scale, form and design and will not be detrimental to neighbourhood character. The proposal will not result in an unacceptable loss of neighbouring amenity.

## Links

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[Policies and guidance for this application](#) LDPP, LDES12, NSG, NSHOU,

# Report

## **Application for Planning Permission 18/08460/FUL At 40 Craigleith Hill Avenue, Edinburgh, EH4 2JN Proposed single storey rear extension with access to garden (in retrospect).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a one and a half storey, end terrace dwellinghouse and is located on the north side of Craigleith Hill Avenue. There is an existing single storey side extension.

The surrounding area is predominantly residential, although the application site backs onto the Maggie Centre and the Western General Hospital.

#### **2.2 Site History**

3 December 2008 - Planning permission granted for removal of internal wall, addition of French doors and window at rear, new garage / utility room (application reference: 08/03743/FUL).

27 November 2012 - Planning enforcement investigation regarding decking and fence within rear garden. Closed (enforcement reference: 12/00680/EOPDEV).

7 February 2017 - Planning permission granted for full width rear extension to form new kitchen/family room (as amended) (application reference: 16/06212/FUL).

10 May 2018 - Application for a non-material variation, approved (application reference: 16/06212/VARY).

18 May 2018 - Planning enforcement investigation, regarding the alleged non-compliance with the approved plans, pending consideration (enforcement reference: 18/00283/ENCOMP).

### **Main report**

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#### **3.1 Description Of The Proposal**

The application is for a single storey rear extension. The application is in retrospect as the development has been substantially completed.

The flat roofed extension will provide additional living accommodation and will be finished in blue engineering facing brick and grey zinc cladding with grey coloured aluminium bi-fold doors formed in the rear elevation.

The extension will measure 4.60 metres in height, 6.30 metres in length, and 8.10 metres in width. A 0.90 metre deep platt and steps provides access from the extension to the rear garden.

The development, as built, is materially different to that approved under planning permission 16/06212/FUL. Planning enforcement investigation 18/00283/ENCOMP ascertained that the submitted plans for planning application 16/06212/FUL did not accurately show the ground levels within the rear garden. A new application was requested to consider the proposed development in the context of the changes in ground level and the resultant change in wall height relative to ground level.

### Supporting Statement

This application includes a supporting statement/covering letter. The supporting statement is available to view on the Planning and Building Standards Online 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 proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) The proposal will cause an unreasonable loss to neighbouring amenity; and
- c) Any comments raised have been addressed.

a) Scale, form and design and neighbourhood character

The contemporary extension is well designed and it does not have an adverse impact on the character and appearance of the property. The height of the eaves are acceptable as they match the eaves of the existing single storey side extension and tie in with those of the main house - the proposed development is subservient and does not overwhelm the host property. The rear extension is not visible from the street and does not result in an obtrusive addition within the street scene. The proposed materials and fenestration design are compatible with the existing building, represent good quality modern additions and are acceptable in this location.

Concern has been raised that the proposed development will treble the footprint of the original house. It is acknowledged that the application property has been extended previously with a single storey side extension. However, it should be noted that the non-statutory Guidance for Householders does not explicitly restrict site coverage for non-villa properties. The guidance does advise that rear extensions should not occupy more than one third of the applicant's original rear garden and that there should be enough private garden space left after extensions - normally at least 30 square metres, depending on the spatial pattern of neighbourhood to avoid over-development. The application site is relatively large and is capable of accommodating further development. The proposed extension does not occupy more than one third of the applicant's rear garden area, leaving a reasonable proportion of private amenity space and does not represent overdevelopment.

There are a number of comparable extensions within the same street and the surrounding area. The layout and scale of this development is in keeping with the spatial pattern of the surrounding area, and when considering multiple such developments in close proximity, the development does not have a negative cumulative effect on neighbourhood character.

The scale, form and design of the development is acceptable and will not be detrimental to neighbourhood character. This is in accordance with Edinburgh Local Development Plan (LDP) Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposal will not cause an unreasonable loss to neighbouring amenity for the reasons set out below.

**i) Daylight**

In terms of daylight, the rear elevation conservatory extension at 42 Craigleith Hill Avenue is served by a large area of glazing including two windows and fully glazed French doors. The nearest rear elevation window would be partially affected by the proposal. However, the impact is limited to one window only. The second rear elevation window and fully glazed French doors are unaffected and will ensure that the room will continue to receive a reasonable level of daylight.

With regard to daylight to the neighbouring property to the east, the proposed development fully complies with the 45 degree criterion set out in the non-statutory Guidance for Householders and does not result in an unreasonable loss of daylight to the neighbouring property at 38 Craigleith Hill Avenue.

## **ii) Overshadowing/Sunlight**

With regard to sunlight, the non-statutory Guidance for Householders states that half the area of neighbouring garden space should be capable of receiving potential sunlight during the spring equinox for more than three hours.

The development does rise above the 45 degree line criterion, as set out in the non-statutory Guidance for Householders. As advised in the guidance, where a development fails this first test, other methods may be required - for instance a measurable hour by hour sun path analysis showing how sunlight moves through the [potentially] affected space for both before and after situations.

A sun path analysis has been submitted which shows the amount of additional overshadowing is minimal and any harm caused is limited to a small portion of the overall day - less than three hours during the spring equinox. The development is in compliance with the non-statutory Guidance for Householders and will not cause unreasonable overshadowing of neighbouring properties.

## **iii) Privacy**

The proposed rear elevation windows are more than 9 metres from the boundary and more than 18 metres from the nearest facing window.

The proposed development includes a 0.90 metre deep platt and steps to the rear of the extension, to provide access to the rear garden. However, the depth of the platt would not allow for a formalised outdoor sitting area that could have a detrimental impact on neighbouring residential amenity in terms of noise and privacy. In addition, there is no change of use proposed and the use of ancillary residential garden spaces cannot be controlled by the planning system.

Concern has been raised that the raised decking/patio that has been constructed will create noise disturbance and a loss of privacy for neighbouring properties. The raised decking/patio has been omitted from this application and does not form part of the proposed development. However, the planning authority considers it expedient to attach a condition to ensure the removal of the raised decking/patio that is currently in situ. With this condition attached, any impact on neighbouring residential amenity in terms of noise and privacy will be resolved.

The proposal will not cause an unreasonable loss of neighbouring amenity. This is in accordance with local development plan policy Des 12 and the non-statutory Guidance for Householders.

### c) Public comments

#### **Material Representations - Objection:**

- The proposed development is contrary to the Edinburgh Local Development Plan - addressed in section 3.3 (a) and (b);
- The proposed development is contrary to the Non-statutory Guidance for Householders - addressed in section 3.3 (a) and (b);
- The proposed development is unacceptable in terms of design, form, materials and positioning - addressed in section 3.3 (a);
- The new extension is built above the original height of the eaves - addressed in section 3.3 (a);
- The proposed development is of an inappropriate scale, overwhelming the application property and neighbouring properties - addressed in section 3.3 (a);
- The proposed development will treble the footprint of the original house and occupies more than one third of the rear garden, and represents overdevelopment - addressed in section 3.3 (a);
- The proposed development is detrimental to neighbourhood character - addressed in section 3.3 (a);
- The proposed development will result in a loss of daylight - addressed in section 3.3 (b);
- The proposed development will result in a loss of sunlight - addressed in section 3.3 (b);
- The proposed development will result in a loss of privacy for neighbouring properties - addressed in section 3.3 (b);
- The proposed development will result in noise disturbance for neighbouring properties - addressed in section 3.3 (b);
- The proposed development creates human rights issues - addressed in section 6.1.

#### **Material Representations - Support:**

- The proposed development is a high quality extension that will enhance the neighbourhood - addressed in section 3.3 (a);
- The proposed development will enhance the property - addressed in section 3.3 (a);
- The proposed development is not visible from the street - addressed in section 3.3 (a);
- The proposed materials enhance the development and are sympathetic to the mix of housing in the street - addressed in section 3.3 (a);
- The application property has an extensive garden that is able to accommodate the extension, and the proposal does not represent overdevelopment - addressed in section 3.3 (a);
- Sufficient private amenity space will remain - addressed in section 3.3 (a);
- The proposed development is in keeping with extensions that have been granted planning permission of a similar scale and size - addressed in section 3.3 (a).

## **Non-Material Representations:**

- The submitted plans, including measurements and ground levels, are inaccurate. All plans submitted as part of an application for planning permission should show the application site accurately and to scale. The submitted plans are in accordance with the measurements taken on site and do appear to reflect the ground levels within the rear garden;
- The property boundary, as shown on the plans, is incorrect. Land ownership and boundary disputes are not material planning considerations;
- Concern was raised that the submitted drawings state 'proposed' when the development has been completed. This application is in retrospect, and the 'existing' drawings reflect what was in situ prior to the development commencing. The 'proposed' drawings reflect the scheme that planning permission is being sought for;
- An area of decking at the bottom of the garden is not shown on the proposed plans. This decking/structure was subject of a planning enforcement investigation in 2012, where it was assessed to be acceptable;
- The proposed development will set a bad precedent. Each planning application is considered on its own merits;
- The proposed development will affect property prices for nearby properties. This is not a material planning consideration;
- The development has been completed before planning permission has been granted. Applications in retrospect are assessed against the same policies and guidance as any application;
- The proposed development will provide much needed family space and accommodation. This is not a material planning consideration.

## Conclusion

In conclusion, the proposal is in accordance with the Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. The proposal is of an acceptable scale, form and design and will not be detrimental to neighbourhood character. The proposal will not result in an unacceptable loss of neighbouring amenity. There are 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. Within one month of the date of this decision to grant planning permission, the raised decking/patio to the rear of the extension must be removed in its entirety.

#### **Reasons:-**

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

#### **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.

## **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**

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### **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**

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### **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**

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### **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 17 October 2018 and twenty nine letters of representation were received, nineteen objecting to the planning application and ten in support of the planning application. These included comments from Councillor Iain Whyte, objecting to the planning application.

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



## Background reading/external references

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- 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](#)

<b>Statutory Development Plan Provision</b>	Edinburgh Local Development Plan.
<b>Date registered</b>	5 October 2018
<b>Drawing numbers/Scheme</b>	01-02,  Scheme 1

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# Appendix 1

**Application for Planning Permission 18/08460/FUL  
At 40 Craigleith Hill Avenue, Edinburgh, EH4 2JN  
Proposed single storey rear extension with access to garden  
(in retrospect).**

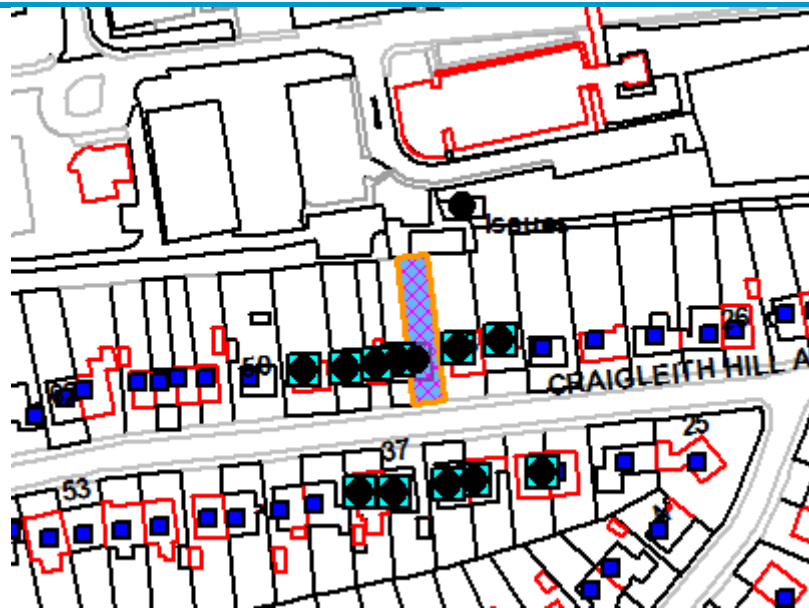
## Consultations

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No Consultations received.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/08318/FUL  
At 6 Derby Street, Edinburgh, EH6 4SH  
Convert existing attic with dormer to front and rooflights.  
Internal alterations with rear extension (as amended).**

<b>Item number</b>	4.5
<b>Report number</b>	
<b>Wards</b>	B04 - Forth

## Summary

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The proposals would be compatible with the existing building and the character and appearance of the Newhaven Conservation Area. They would not have an unacceptable impact on neighbouring amenity.

## Links

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[Policies and guidance for this application](#) LDES12, NSG, NSHOU, CRPNEH, LEN06, LDPP,

# Report

## **Application for Planning Permission 18/08318/FUL At 6 Derby Street, Edinburgh, EH6 4SH Convert existing attic with dormer to front and rooflights. Internal alterations with rear extension (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The property is a mid-terrace residential dwelling with front and rear gardens. Stanley Road lies to the south of the property and Newhaven Main Street to the north.

This application site is located within the Newhaven Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description Of The Proposal**

The application proposes extending the current outshoot with a small extension which would have bi-fold glazed doors, a seam metal roof and metal gutters. In addition a dormer window is proposed to the front of the property with slate to match the existing roof. Five roof lights, three on the original roof and two on the outshoot roof plan are also proposed.

#### Scheme One

The plans originally included a separate annex building at the rear. This element has been removed from the proposals.

#### **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 proposed scale, form and design is acceptable, would accord with neighbourhood character and would preserve or enhance the character and appearance of the Conservation Area;
- b) The proposal will cause unreasonable loss to neighbouring amenity; and
- c) Any comments raised have been addressed.

#### **a) Scale, form and design**

The Newhaven Conservation Area Character Appraisal emphasises *the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.*

The residential dwellings in Derby Street are characterised by modest ground floor extensions to the rear which are sympathetic and congruous in their design. Roofs in Derby Street are characterised by roof lights and dormer windows of varied sizes to both elevations.

The proposed single storey rear extension to the existing rear outshoot is of a simple design that would sit comfortably within that elevation of the building. The layout and scale of this proposal is in keeping with the spatial pattern of the area and does not represent overdevelopment on the site. As it is to the rear, there would be no impact on the appearance of the Newhaven Conservation Area and the simple, high quality design is compatible with the character of the Newhaven Conservation Area.

The proposed front elevation dormer is of a modern design. The design, form and fenestration design are acceptable and the proposed slate and metallic returns will fit harmoniously with the existing slate roof. The dormer will not detract from the host building or have an adverse effect on the character and appearance of the Newhaven Conservation Area.

The proposed installation of five roof lights, three to the roof plan of the host property and two to the roof plan of the outshoot are also acceptable in terms of form and design.

The proposal complies with LDP policies Env 6 and Des 12 and meets the requirements of the non-statutory Guidance for Listed Buildings and Conservation Areas and the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposed development would have no adverse impact on neighbouring amenity and complies with LDP policy Des 12 in this respect.

c) Public comments

**Material representations - Objection**

- Overdevelopment; this is addressed in section 3.3 a).
- Annex affects character and appearance of the Newhaven Conservation Area; this has been addressed by the removal of the annex from the proposals.
- Materials and height of the annex; this has been addressed by the removal of the annex from the proposals.
- Annex would impact upon privacy and light; this has been addressed by the removal of the annex from the proposals.

**Non-material representations - Objection**

- Precedent; Planning cannot assess anticipated developments.
- The intended use of the proposal; Planning can only assess applications on their individual merits and cannot assess anticipated breaches of planning control.

**Conclusion**

The proposals would be compatible with the existing building and the character and appearance of the Newhaven Conservation Area. They would not have an unacceptable impact on neighbouring amenity.

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.
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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Eight comments were received from members of the public. The eight comments were in objection to the initial proposal. The amended 'Scheme 2' addresses these concerns. A full assessment of the representations can be found in the main report of the assessment.

## **Background reading/external references**

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- 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](#)



<b>Statutory Development Plan Provision</b>	Edinburgh Local Development Plan.
<b>Date registered</b>	4 October 2018
<b>Drawing numbers/Scheme</b>	01,02,03A,04A,05,06A,  Scheme 2

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 Chief Planning Officer  
 PLACE  
 The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

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

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.

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

### **Relevant policies of the Local Development Plan.**

# Appendix 1

**Application for Planning Permission 18/08318/FUL  
At 6 Derby Street, Edinburgh, EH6 4SH  
Convert existing attic with dormer to front and rooflights.  
Internal alterations with rear extension (as amended).**

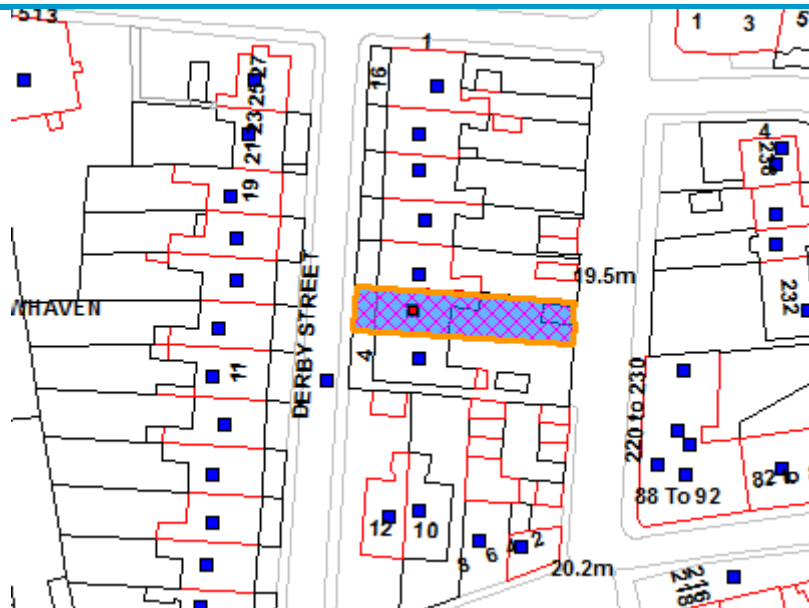
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

## Application for Planning Permission in Principle 18/07199/PPP

**At Kellerstain Stables, Gogar Station Road, Edinburgh  
Erection of new one-and-a-half storey dwelling house on  
Land to the North East of Kellerstain Estate on Land 40  
Metres South Of Kellerstain Lodge, Gogar Station Road,  
Edinburgh.**

Item number	4.6
Report number	
Wards	B01 - Almond

### Summary

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The site is located in the green belt and the proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. There are no exceptional planning reasons for the approval of a new dwellinghouse in this location and the proposal may potentially detract from the landscape quality and rural character of the area. The proposal is contrary to policy Env 10 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt.

### Links

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<a href="#">Policies and guidance for this application</a>	LTRA02, NSG, NSGCGB, LDPP, LEN03, LEN07, LEN10, LEN12, LDES01, LDES05,
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# Report

## **Application for Planning Permission in Principle 18/07199/PPP**

### **At Kellerstain Stables, Gogar Station Road, Edinburgh Erection of new one-and-a-half storey dwelling house on Land to the North East of Kellerstain Estate on Land 40 Metres South Of Kellerstain Lodge, Gogar Station Road, Edinburgh.**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The site consists of an area of land covering 0.13 hectares situated on the southern side of a single lane access road leading from Gogar Station Road to Kellerstain House. Kellerstain House itself is located 200 metres to the south west of the junction between the access lane and Gogar Station Road.

The layout of the site tapers in width as it progresses northwards, with the southern boundary measuring 26.5 metres in width and the site continuously narrowing to a point in its north eastern corner. The surrounding area predominantly consists of countryside with open fields situated directly to the east, south and west. Kellerstain Lodge House, a category B listed building (listing reference: LB27299, listing date: 14/06/1991), is located directly to the north of the site on the opposite side of the access road. A tree belt delineates the boundary between the site and an open field to the east.

The southern half of the site consists of a section of hardstanding for vehicle manoeuvring and two structures, a garage and a smaller pitched roof storage shed. Both structures consist of timber exteriors and slate effect roof tiles. The northern section of the site is predominantly grass and mature trees.

The site is located in the Green Belt.

### **2.2 Site History**

12 November 2002 - Planning permission granted in retrospect for the erection of a hay shed and stables/garden machinery store (application reference: 02/02682/FUL).

1 May 2014 - Planning permission refused for the construction of a two storey house to replace a timber clad shed, four car garage building and car park (application reference: 14/00748/FUL).

22 May 2018 - Planning permission in principle refused for the construction of a one and a half storey dwellinghouse. The initial decision was upheld by the Local Review Body in August 2018 (application reference: 17/06030/PPP).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks planning permission in principle for the demolition of the two existing timber structures situated on the site and the construction of a new residential detached dwellinghouse. The indicative plans denote that the proposed house and garage would have a floor area of 260 square metres.

#### Supporting Documents

The applicant has submitted the following supporting document which is available to view online via Planning and Building Standards Online Services:

- Supporting 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 comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) The proposal is acceptable in principle;
- b) The proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal would have a detrimental impact on the setting of a listed building;
- d) The proposal would have a detrimental impact on a site recorded in the inventory of gardens and designated landscapes;
- e) The proposal raises any issues in respect of the loss of trees or woodland;

- f) The proposal raises any issues in respect of parking provision and road safety;
- g) The proposal raises any issues in respect of aerodrome safeguarding;
- h) The proposal would have a detrimental impact on the amenity of neighbouring residents; and
- i) Any issues raised by objectors have been addressed.

a) Principle of the Proposal

The site is designated as being within the green belt in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes. In addition, the proposal does not involve an intensification of the existing use of the site as defined in criteria c) of policy Env 10, as the site is currently used for storage. Neither does the proposal involve the replacement of an existing building with a new building in the same use. Policy Env 10 does not support the replacement of the two existing timber structures with a dwellinghouse.

In addition to the above, the Council's Guidance for Development in the Countryside and Green Belt outlines that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.

The LDP glossary provides a definition of brownfield land as:

*Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings.*

The applicants are of the view that this is a brownfield site. Whilst the land is currently occupied by two timber structures and a tarmac area, it is not considered to be brownfield in terms of representing an exceptional planning reason to justify development of a new dwellinghouse. The two timber structures situated on the site are both in a structurally sound condition and they are not redundant, unused or in a state of disrepair to justify their replacement. They form acceptable features which blend suitably into the surrounding natural environment and have not been abandoned. In addition, the land is well kept and is in active use and cannot be considered derelict or vacant. The presence of a limited amount of hardstanding and two structures of rural character and design on the site does not serve to conclusively change the status of the land to brownfield.

The applicants have made reference to their desire to move from a dwelling located at Kellerstain Stables, 250 metres to the south, from which they currently operate a bed and breakfast business. Whilst this would enable them to maintain residence close to the existing business, it does not justify the development of a new house in the green belt. In this context, if planning permission was granted it would not be possible to restrict who could live in the house or prohibit its future sale on the private open market.

The submitted drawings denote only the footprint of the proposed dwelling and the potential materials which may be used. Detailed design matters and the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted. However, the proposed footprint is such that any dwelling would form a prominent stand-alone feature which could have the potential to detract from the landscape quality and rural character of the surrounding area.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. The proposal may have a detrimental impact on the landscape quality and rural character of the surrounding area and does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt.

#### b) Character and Appearance of the Surrounding Area

LDP policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it.

As stated in section (a) of the report, the submitted drawings provide only an indicative layout of the proposed dwellinghouse and the potential materials which may be used. Detailed design matters would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

#### c) Impact on the Setting of a Listed Building

LDP policy Env 3 states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Kellerstain House which is located to the south of the site is a category B listed building (listing reference: LB27299, listing date: 14/06/1991). The proposed dwelling would be sited a sufficient distance from Kellerstain House so as to ensure that it does not impact on its immediate setting.

The proposal will not have an impact on the setting of the listed building and complies with LDP policy Env 3.

d) The proposal would have a detrimental impact on a site recorded in the inventory of gardens and designated landscapes

LDP policy Env 7 states that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designated Landscapes.

The site does not lie in a location which has been designated by Historic Environment Scotland in the Inventory of Gardens and Designated Landscapes. The proposal will not have a detrimental impact on the character of a site recorded in the Inventory of Gardens and Designated Landscapes and complies with LDP policy Env 7.

e) The proposal raises any issues in respect of the loss of trees or woodland

LDP policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The submitted drawings denote that one tree would be removed to allow the development of the proposed dwellinghouse. The tree is not covered by any statutory protection. The majority of trees on the site would be retained.

The proposal complies with LDP policy Env 12.

f) Parking Provision and Road Safety

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the levels set out in Council Guidance.

The site is identified as being within parking standards zone 3 in the Edinburgh Design Guidance (EDG). The proposal includes a garage area which can provide 2 parking spaces and complies with the EDG requirements.

The proposal as submitted will utilise an existing vehicle access and does not include provision for any new vehicle access from the single lane access road.

The proposal does not raise any issues in respect of parking provision and complies with LDP policy Tra 2.

g) Aerodrome Safeguarding

Edinburgh Airport were consulted on the proposal and raised no objection. The proposal does not raise any issues in respect of aerodrome safeguarding.

h) Amenity of Neighbouring Residents

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.



The submitted drawings provide an indicative layout of the proposed dwellinghouse and the potential materials which may be used. However, detailed dimensions of the proposed house and the subsequent impact on neighbouring residents by virtue of any overshadowing, loss of daylight and privacy implications would be assessed through a subsequent application for approval of matters specified in the conditions, if planning permission in principle is granted.

#### i) Issues Raised by Objectors

##### **Objection Comments**

##### Material Considerations

- Principle of the proposal is unacceptable as it involves development in the green belt - addressed in section 3.3 (a).
- Proposal would have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Proposal would have a detrimental impact on the amenity of neighbouring residents - addressed in section 3.3 (h).
- The land on which the proposal will be constructed does not meet the definition of brownfield land – addressed in section 3.3 (a).

##### Non-Material Considerations

- Access arrangements and vehicle movements during the construction phase – the planning authority cannot control the movement of vehicles during the construction process.
- Matters relating to the Murray Garden District development (application reference: 15/04318/PPP) to the north east of the application site - this is a separate application which is not relevant to the proposal under consideration.
- Existing private utility provision - provision of utilities such as water, electricity and gas to a new dwelling is not a material planning consideration and it is the responsibility of the applicant to ensure such measures are in place prior to habitation.
- Potential use of the proposed building for bed and breakfast accommodation – The planning authority cannot assess a potential change of use which may occur at a future point in time.

## Conclusion

In conclusion, the site is located in the green belt and the proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. There are no exceptional planning reasons for the approval of a new dwellinghouse in this location and the proposal may potentially detract from the landscape quality and rural character of the area. The proposal is contrary to policy Env 10 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt and is not acceptable in principle.

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

### **3.4 Conditions/reasons/informatives**

#### **Reason for Refusal:-**

1. The proposal is contrary to policy Env 10 of the adopted Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt as it would involve the development of a new build dwellinghouse in a green belt location with no exceptional planning reason to justify its construction.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Four letters of objection and one letter of support regarding the proposal were received. A full summary of the matters raised by the objectors can be found in section 3.3 (i) of the main report.

## **Background reading/external references**

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- 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 green belt in the adopted Edinburgh Local Development Plan.

**Date registered**

18 September 2018

**Drawing numbers/Scheme**

01 - 04,

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:**

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

**Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

**Relevant policies of the Local Development Plan.**

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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 5 (Development Design - Amenity) sets criteria for assessing amenity.

# Appendix 1

## **Application for Planning Permission in Principle 18/07199/PPP**

### **At Kellerstain Stables, Gogar Station Road, Edinburgh Erection of new one-and-a-half storey dwelling house on Land to the North East of Kellerstain Estate on Land 40 Metres South Of Kellerstain Lodge, Gogar Station Road, Edinburgh.**

#### **Consultations**

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##### Archaeology

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the conversion of existing offices/stores into 2X dwellings and restoration of 2x windows on south gable*

*The site forms part of the historic farm of Kellerstain show on General Roy's 1753 Military Map as Caller Stone. The site also lies on the southern edge of an extensive area of archaeological importance focused to the north at Gogar and to the east at Millburn with evidence for prehistoric, Roman (2 temporary camps known from Millburn area) early historic and medieval and later settlement.*

*This application must therefore be considered therefore under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) policies ENV8 & 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.*

*Although it is considered that landscaping works as part of the construction of existing sheds and carparking will have had a significant affect upon wither any significant remains will have survived on site, the potential archaeological impact of construction has been reassessed by the following image taken from the supporting document produced by RAD. This image shows a large of linear, E-W, cropmark (marked out by the two arrows) curving southwards towards this site and in form, would appear to depict the NW corner of a Roman temporary camp. As mentioned above two such camps are recorded surviving to the east of this site adjacent to Millburn Tower. It is therefore possible that this cropmark may be the remains of a third and the remains of such a camp would be considered of potential national significance.*

*Although the site has been affected by recent landscaping the remains of this potential roman ditch may have survived on this site given their large size and depth. Accordingly, the potential construction of a new house on this site may significantly impact upon any such remains, however such an impact is not considered in this case to warrant refusal. However, it is essential that a programme of archaeological work is undertaken prior to development in order to record, excavate and analyse any significant remains that may be affected.*

*It is recommended that that the following condition be applied to any permissions /consent granted to secure this programme of archaeological work;*

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

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

#### Edinburgh Airport

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.*

## Location Plan

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**END**



# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/09103/FUL  
At 2 - 3 Montgomery Street Lane, Edinburgh, EH7 5JT  
Change of use from two existing lock ups and a  
meditation/yoga centre to form annex hotel  
accommodation to 10-18 Windsor St. The accommodation  
will comprise a one bed and a two bed unit both with self-  
catering facilities.**

<b>Item number</b>	4.7
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

## Summary

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The conversion of the premises as a separate planning unit to self-catering accommodation (Class 7) is acceptable in principle and will not prejudice nearby employment uses. The proposal will have no more of an impact than the existing Class 11 use and will not be materially detrimental to the living conditions of nearby residents. The proposed external alterations relate to non-original features and will not be harmful to the special interests of the listed building and will not further detract from the character and appearance of the conservation area.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES12, LEN04, LEN06, LEMP10, LHOU07, LTRA02, NSG, NSLBCA, NSBUS, NSGD02, OTH, CRPNEW,
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# Report

**Application for Planning Permission 18/09103/FUL  
At 2 - 3 Montgomery Street Lane, Edinburgh, EH7 5JT  
Change of use from two existing lock ups and a  
meditation/yoga centre to form annex hotel accommodation  
to 10-18 Windsor St. The accommodation will comprise a  
one bed and a two bed unit both with self-catering facilities.**

## Recommendations

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

## Background

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### 2.1 Site description

The application site is a one and half storey mews building, located within Montgomery Street Lane and is a Class 11 spiritual centre, incorporating meditation and yoga classes. The lane is accessed off Montgomery Street. Some of the units in the lane service commercial businesses both on Windsor Street and Elm Row. A motorcycle workshop is located at the far end of the lane.

Properties 1-18 (inclusive numbers) Montgomery Street Lane are category C listed (date of listing: 23/04/2004, reference: LB49764).

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

### 2.2 Site History

#### Applications relating to 2-3 Montgomery Street Lane

22 April 2008 - Listed building consent granted for alterations to form two flatted dwellings with introduction of roof-lights and window alterations (Application reference 08/00358/LBC).

18 April 2008 - Planning permission refused for change of use from offices to form two flatted dwellings with introduction of roof-lights and window alterations (Application reference 08/00358/FUL).

9 December 2008 - DPEA appeal dismissed (permission refused) for change of use from offices to form two flatted dwellings with introduction of roof-lights and window alterations (DPEA reference PPA/230/1036).

25 August 2009 - Planning permission granted for change of use to spiritual centre (Ashram) for meditation, yoga classes and meetings, programs and workshops (Application reference 08/04330/FUL).

9 October 2018 - Listed building consent granted for alterations including new rooflights and window/screen alterations (Application reference 18/03354/LBC).

11 October 2018 - Planning application for change of use and alterations to two existing lock ups and a meditation/yoga centre to form two residential mews flats withdrawn (Application reference 18/04020/FUL).

### **Applications relating to 10-18 Windsor Street**

7 April 2017 - Planning permission granted for alterations to hotel annex accommodation to provide additional 2 bedrooms and self-catering facility at 10-18 Windsor Street (Application reference 17/00228/FUL).

### **Applications relating to 20 - 24 Windsor Street**

30 January 2004 - Planning permission granted for a change of use, subdivision to form 3 original townhouses (as amended to omit the 2 mews flats to rear and reduce parking provision) (Application reference 03/04116/FUL).

9 February 2004 - Listed building consent granted for alterations to re-instate to three town houses (as amended to omit the proposed 2 mews flats to rear and reduce parking provision) (Application reference 03/04116/LBC).

2 February 2006 - Planning permission refused for change of use from office to a bed and breakfast hotel (with internal alterations) (Application reference 05/03145/FUL).

9 February 2006 - Mixed decision issued for Listed building consent for the conversion of former offices to bed and breakfast hotel (internal alterations only). The refusal related to the window vents (Application reference 05/03145/LBC).

10 September 2010 - Planning permission granted for the subdivision of town house to form basement flat and two storey house (works only apply to No.24) (Application reference 10/01092/FUL).

17 August 2010 - Listed building consent granted for alterations to form lower ground floor flat and two storey house (No. 24) (Application reference 10/01092/LBC).

13 May 2011 - Planning permission granted to sub divide dwelling to form a lower ground floor flat and a two storey townhouse (no.20) (as amended) (Application reference 11/00953/FUL).

30 May 2011 - Listed building consent granted for alterations to sub divide dwelling to form a lower ground floor flat and a 2 storey townhouse (no.20) (as amended) (Application reference 11/00954/LBC).

13 May 2011 - Planning permission granted for the sub-division of residential property to form lower ground floor flat and a two storey townhouse (No.22) (as amended) (Application reference 11/00956/FUL).

3 June 2011 - Listed building consent granted for alterations to sub-divide residential property to form lower ground floor flat and a two storey townhouse (No.22) (as amended) (Application reference 11/00957/LBC).

16 July 2018 - Enforcement enquiry into an alleged unauthorised change of use - short term commercial visitor accommodation closed (Enforcement reference 12/00306/ECOU).

9 April 2018 - Listed building consent refused for internal alterations to link the three properties of 20, 22 and 24 Windsor Street to the adjoining main hotel by forming a new door opening at ground floor level in the party wall between number 18 and 20 Windsor Street (Application reference 17/04738/LBC).

15 November 2018 - Application for listed building consent submitted to link the 3 properties of 20, 22 and 24 Windsor Street to the adjoining hotel. The application is pending (Application reference 18/09901/LBC).

## **Main report**

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### **3.1 Description Of The Proposal**

#### **Proposal**

The application seeks planning permission for a proposed change of use from existing lock ups and meditation/ yoga centre (Class 11) to form a hotel annex (Class 7) to the existing hotel premises at 10-18 Windsor Street. The new accommodation will comprise two self-catering units, one with one bedroom and the other with two bedrooms.

Externally, the proposal seeks to replace the existing non-original entrance door and screen with new glazed screens with timber panels at low level and to install four additional conservation rooflights.

### **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 principle change of use in this location is acceptable;
- b) the proposal will have an detrimental impact on neighbouring amenity;
- c) the proposal will harm the character of the listed building;
- d) the proposal will harm detract from the character or appearance of the conservation area;
- e) the proposal address issues of parking and road safety; and
- f) any matters raised in representations have been addressed.

#### **a) Principle of Change of Use**

Policy Emp 10 Hotel Development in the Edinburgh Local Development Plan (LDP) permits hotel developments in locations within the urban area with good public transport access to the City Centre.

The existing premises are used as a spiritual centre, incorporating meditation and yoga classes and is a separate planning unit itself. The premises is located within a commercial lane with the nearest flatted residential premises to the north on Montgomery Street. Adjacent to the application site will be a two bedroom self-catering accommodation, which is ancillary to the existing Cairn Hotel at 10-18 Windsor Street. The Cairn Hotel also owns the townhouses at 20, 22, 24 Windsor Street where planning permission was granted to subdivide the townhouses into flats.

Irrespective of land/buildings owned by the Cairn Hotel, the application site on the location plan relates to 2-3 Montgomery Street Lane only. Therefore, assessment of the proposal is limited to that planning unit and not the proliferation of the existing Cairn Hotel. The premises are located within a busy commercial lane (motorcycle shop/business/offices) and is used to service deliveries for retail units on Elm Row. It lies within an urban area as designated in the LDP and is highly accessible to good public transport and nearby amenities. The conversion of the premises will utilise its own separate access and its conversion to a self-catering accommodation in this location is compatible with the commercial character of the lane. The proposal complies with criterion (c) of policy Emp 10 of the LDP.

A number of representations relate to the loss of the existing premises as a charity registered community outlet for yoga and meditation. Policy Hou 10 Community Facilities in the LDP seeks to protect/provide community facilities as a result of new housing developments only. Therefore, the loss of premises as a community asset as a result of the proposed conversion to a self-catering accommodation cannot be safeguarded through the LDP.

Hotel or self-catering guests are not afforded protection from commercial activities within the lane, which may cause disturbance to their stay. In these circumstances, the proposal will not prejudice or inhibit the activities of nearby employment uses and complies with criterion (a) of policy Emp 9 of the LDP.

The principle of converting the premises into a self-catering accommodation in this location is acceptable subject to compliance with other policies in the plan. These are addressed below.

#### b) Neighbouring Amenity

Policy Hou 7 Inappropriate Uses in Residential Areas in the LDP states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. The intention of this policy is to preclude the introduction or intensification of non-residential uses incompatible with predominately residential areas; and to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions.

The nearest residential properties are the five storey building located on Montgomery Street Lane which provides the pend access to the lane.

A number of representations have been raised in relation to the noise and anti-social behaviour arising from guests staying at the existing hotel and the self-catering apartments on Windsor Street and the potential for the proposal to further exacerbate the situation. The existing Cairn Hotel at 10-18 Windsor Street is an established hotel use. In these circumstances, planning has no remit to control noise emitting from these premises or to control/contain on-street noise. This is a separate matter that may be addressed under a different legislative regime. The proposal purely relates to 2-3 Montgomery Street Lane as a separate planning unit, which is currently an unrestricted Class 11 (Leisure and Assembly). Given the range of activities that falls under a Class 11 use and the potential for noise and disturbance to occur, the proposal is for the conversion to a one and two bedroom self-catering accommodation will have no more of an impact on residential amenity than a Class 11 use within this mixed use lane. The proposal on balance is acceptable.

The introduction of rooflights will not impact on the privacy of nearby residents.

The proposal complies with policy Hou 7 of the LDP.

### c) Listed Building

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

The proposed alterations have been approved under listed building consent, reference 18/03354/LBC which was largely consistent with the previously approved listed building consent 08/00358/LBC. Externally, the proposed alterations relate to non-original features and will not result loss of the buildings original fabric. The inclusion of additional conservation rooflights to the front and rear will sit flush with the roof and are acceptable.

The proposed external alterations comply with the objectives of policy Env 4 of the LDP.

### d) Conservation Area

Policy Env 6 in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and is consistent with the relevant conservation character appraisal.

The application site is located within the New Town Conservation Area. The character appraisal states the following:

*Craig's New Town contained lanes that were composed of artisans' dwellings, but as the expansions of the New Town took place, the original purpose of the lanes transferred to the provision of mews. These provided accommodation for stabling and coaches, usually associated with the town houses on the streets that they lay behind. They are usually one and a half stories high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.' There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs.*

The external alterations relates to the replacement of non-original features within existing openings and is for an improvement in terms design and detail. Whilst the alterations are not characteristic of the details of existing garage doors openings which are prevalent within the lane, the alterations will not have an unacceptable impact on the character and appearance of the conservation area.

The proposed alterations comply with the objectives of policy Env 6 of the LDP.

#### e) Parking and Road Safety

The proposal is for the conversion of existing premises that is currently used for visiting members of the public and does not include the formation of a new access road. The lane is used for commercial deliveries and access to business/commercial units. The proposal as a result of its conversion to self-catering accommodations does not raise new issues of road safety concerns and there is no requirement to provide a pedestrian crossing as part of this application. In addition, planning cannot control the turnover of pedestrians using this lane for other uses/access.

The application form indicates that two existing parking spaces will be retained but the location of the parking spaces is outwith the red boundary line on the location plan as submitted. There is no requirement to provide parking for a self-catering accommodation of this scale within a city centre location. The site is highly accessible to public transport and nearby amenities.

The proposal complies with Tra 2 of the LDP.

#### f) Matters Raised in Representations

##### Material Representations - Objection

- Principle - Impact on rising tourism and loss of community use - Addressed in Section 3.3 (a).
- Loss of commercial space and the lane is not for sleeping - Addressed in Section 3.3 (a).
- Planning history - Addressed in Section 3.3 (a).
- Impact on residential amenity - noise and anti-social behaviour issues as a result of stag/hen dos/party flats (the lane is quiet in the evening when commercial activity stops) and loss of privacy as result of new rooflights - Addressed in Section 3.3 (b)
- Impact on listed building - poor quality of design - Addressed in Section 3.3 (c).
- Impact on the character and appearance of the conservation area- poor quality of design - Addressed in Section 3.3 (d).
- Road Safety - lane is congested and is used for commercial deliveries, no space to put pedestrian walk/way and will increase chance of an accident - Addressed in Section 3.3 (e).
- Parking provision - Addressed in Section 3.3 (e).

##### Non-Material Representations - Objection

- Detrimental to World Heritage status - The site is not located within a World Heritage boundary as designated in the LDP.
- Inappropriate location for residential uses and likely to encourage more applications for residential uses in this location - The proposal is not for a Class 9 residential use.
- Residential uses likely to bring more cars and parking pressures within the lane - The proposal is not for a Class 9 residential use.
- Previous applications refused/withdrawn due to local oppositions - Each application is assessed on its own merits.



- To grant planning permission for a change of use and threaten the existence of this centre would discriminate against people on lower incomes. There is no nearby alternative to this centre - Planning cannot control/condition the pricing and location of a service provider.
- Lack of information on the proposed finishes - The drawings as submitted are clear in terms of what is being proposed and this does not preclude assessment of the proposals.
- The proposal should be viewed alongside the relentless rise in AirBnB and short term let properties in area as being an urban blight - Each planning application is assessed on its own merit.
- Stress on local businesses as result of tram extension and more should be done to protect businesses within their unique mews lane - This matter cannot be resolved as part of this application and does not preclude assessment of the proposal against the policies in the LDP.
- Cairn Hotel does not maintain their premises and allows them to slowly fall into a state of disrepair - Planning cannot resolved maintenance issues as part of this application.
- Pressure for housing in central Edinburgh and the proposal is located within a residential area that could benefit individuals seeking long term housing - The previous application was withdrawn due to the incompatibility of housing units within this commercial lane. The site is not a designated in the LDP as being safeguarded for housing uses.
- The existing 'residential' planning consent for the Cairns Hotels was granted with condition that neither they nor the residents within the property are allowed to complain about any noise within the lane - There is no planning condition to monitor the situation under planning permission 17/00228/FUL. An informative which is different from a planning condition was added to make it clear that the hotel's self-catering guests are not afforded protection from commercial activities within the lane.
- Title deeds prohibiting residential/hotel uses - Planning cannot resolve issues of title deeds and land ownerships. This is a civil matter.
- Bins are overflowing within Montgomery Street and approving this application will increase the level of waste in the area - Issues of commercial waste bins is not a planning matter.
- The Cairn Group hotel already dominates Windsor Street - The portfolio of a business is not a planning matter and planning has no remit to curb any business enterprises.
- No neighbour notification sent to 8 Montgomery Street Lane - Neighbour Notification list shows that a notification letter was sent to this address. The council cannot be held liable for any correspondences that do not reach their intended destination.
- The lack of comments relating to the approved application 17/00228/FUL is puzzling and residents were not aware of this development until works started on the site - The Council carried out the required statutory publicity. This has no bearing in the assessment of the current proposals.
- Littering issues from existing hotel guests - Not a planning matter.
- Site Notice and Neighbour Notification - The situation was rectified and letters were sent to all notifiable neighbours. This does not preclude assessment of the proposal.
- Allegations of bribery - This is a Police Scotland matter.

## Conclusion

In conclusion, the conversion of the premises as a separate planning unit to self-catering accommodation (Class 7) is acceptable in principle and will not prejudice nearby employment uses. The proposal will have no more of an impact than the existing Class 11 use and will not be materially detrimental to the living conditions of nearby residents. The proposed external alterations relate to non-original features and will not be harmful to the special interests of the listed building and will not further detract from the character and appearance of the conservation area. There are no material considerations that would outweigh this conclusion. It is recommended that Committee grant this application.

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 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. Hotel or self-catering guests are not afforded protection from commercial activities within the lane, which may cause disturbance to their stay.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

## Risk, Policy, compliance and governance impact

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 26 October 2018 and the proposal attracted 34 letters of objections. Only 27 of these letters were valid/material to the proposal. The comments made are addressed in the Assessment section of the report.

## **Background reading/external references**

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

**Statutory Development****Plan Provision**

The site is an urban area as designated in the Edinburgh Local Development Plan and the New Town Conservation Area.

**Date registered**

16 October 2018

**Drawing numbers/Scheme**

01-04.,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

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

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

### **Relevant Non-Statutory Guidelines**

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

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

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

### **Other Relevant policy guidance**

**The 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 18/09103/FUL  
At 2 - 3 Montgomery Street Lane, Edinburgh, EH7 5JT  
Change of use from two existing lock ups and a  
meditation/yoga centre to form annex hotel accommodation  
to 10-18 Windsor St. The accommodation will comprise a  
one bed and a two bed unit both with self-catering facilities.**

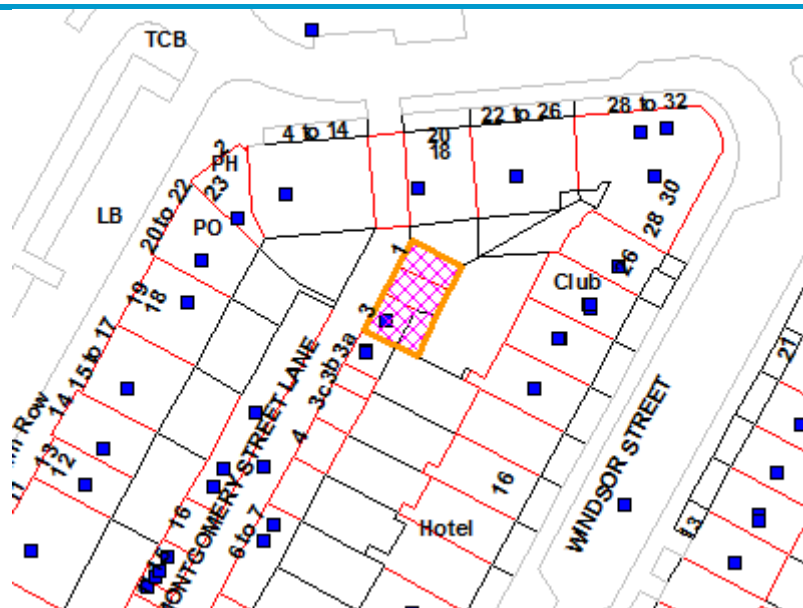
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

## Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)

Item number	4.8
Report number	
Wards	B12 - Leith Walk

### Summary

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The proposed development complies with the adopted Edinburgh Local Development Plan and meets the requirements of the Council's Edinburgh Design Guidance. It is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking are being provided. The amenity for the future occupiers of the development is acceptable and enhanced by the site's location immediately south of the Water of Leith. Private balconies and terraces offer views on to the river. Impact on infrastructure will be mitigated through appropriate developer contributions.

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

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES01, LDES04, LDES05, LDES10, LEN09, LHOU01, LHOU03, LTRA02, LTRA03, LEN21, NSG, NSGD02,
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# Report

## **Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies on the eastern side of Warriston Road facing the Water of Leith. The site is occupied by two linked buildings comprising a 1980's building built to the rear of an older single storey building with a pantiled roof of traditional style, used as a photographic studio. The building is surrounded by flatted development of modern design to the north and to the rear.

The site is adjacent to the boundary of the Inverleith Conservation Area.

#### **2.2 Site History**

24 January 1996 - planning permission was granted for alterations & change of use from a photographic laboratory to an office (application number 95/02808/FUL).

9 November 2015 - planning permission was granted for the demolition of the existing building on site and the erection of a 3 storey block of flats with subterranean parking deck for 10 cars, 10 cycles and refuse storage with 10 bins (application number 14/02315/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The proposal is for the development of 11 new residential flats.

The building is for a single block, predominately five storey high with car parking on the ground floor and four floors of residential accommodation above. The new apartments will have two or three bedrooms. The new roof has a pitch set back from the front wall of the building.

The proposed materials are brick for the side and rear walls, zinc for the roof and ashlar stone and rubble stone for the front elevation.



Nine parking spaces are provided and 24 cycle spaces in a secure location. Amenity space is provided to the rear of the building and the apartments each have external balconies.

### **Supporting Documents**

- Design and Access Statement
- Flood Risk and Surface Water Management Plan

These documents are able to be viewed on the Planning and Building Standards Online Services.

### **Scheme 1**

The original proposal was greater in height and had a flat roof. The proposed materials for the new building were brick and render.

### **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 residential development is acceptable;
- b) the scale, design and materials would have a detrimental impact on the character and appearance of the surrounding area;
- c) the proposal provides an adequate impact on the residential amenity;
- d) the proposal provides an adequate impact of amenity for the future occupiers;
- e) the proposal raises any transport issues;
- f) the proposal is acceptable in terms of flooding;

- g) the proposal is acceptable in terms of education provision;
- h) the proposal is acceptable in terms of archaeology; and
- i) any comments raised have been addressed.

a) Principle

The site is located within the urban area of the Edinburgh Local Development Plan (LDP).

LDP Hou 1 supports new housing development provided it is compatible with other policies of the Plan.

LDP Hou 4 Density seeks an appropriate density of development having regard to its characteristics and those of the surrounding area. The new development occupies the majority of the site with an area of open space to the front facing Warriston Road. This is in keeping with the density of the modern flats to the north, south and east. It is located close to the city centre where there are higher densities and a good level of public transport. The proposal accords with this policy.

LDP Hou 2 seeks a good mix of dwelling types and sizes. The proposal creates two and three bedroom flats in keeping with the character of the area. The proposal accords with this policy.

LDP Emp 9 applies to site or premises in the urban area currently or last in use for employment purposes. The proposal will redevelop this employment site and introduce a non-employment use but the new use will not prejudice or inhibit the activities of any nearby employment use. The site is less than one hectare so there is no requirement for the proposed floorspace to provide for a range of business users. The proposal accords with this policy.

The Committee granted planning permission for the demolition of the existing building and the erection of a three storey block of flats on 22 February 2017. Whilst every planning application is to be assessed on its own merits, the previous consent is still valid and is a material consideration in the assessment of the proposal.

The development is therefore acceptable in principle provided it complies with other policy requirements.

## b) Scale, Design and Materials

LDP Policy Des 1 supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area. LDP Policy Des 4 is seeking proposals to have similar characteristics to the surrounding buildings. In the amended scheme, the height of the building has now been lowered and includes a pitched roof which is no higher than the surrounding neighbouring building, reducing the massing and appearance of the scheme within the context. The ground floor of the new building would be clad in rubble stone to give reference to the former building on the site. The upper floors would be finished in ashlar stone in keeping with the stone built character of the area. The glazing pattern would give an overall vertical emphasis to the built form and proportions.

The proposal does not lie within a conservation area but the boundary of Inverleith Conservation Area lies immediately to the west and south of the site.

In terms of LDP Policy Env 6, regarding impact on the adjacent conservation area, the new development is of appropriate design and quality and utilises materials appropriate to the historic environment. The proposed housing development would preserve the setting of the conservation area.

In terms of LDP Policy Des 10, the development has been designed to have an attractive frontage to the Water of Leith. There is no change to the existing public access along the water's edge and the development maintains and enhances the water environment.

The proposal will retain the setting of the surrounding area and will be a positive addition to it in terms of scale, design and materials. It complies with LDP policies Des 1, Des 4 and Des 10.

## c) Neighbouring Residential Amenity

The new flats will face onto the Water of Leith and the existing properties within Boat Green and comply with the requirements of the Council's Edinburgh Design Guidance in terms of privacy distance. This proximity matches the pattern of development in the area. The submitted Design Statement confirms that the proposals meets the requirements in the Council's Edinburgh Design Guidance in terms of overshadowing, daylighting and sunlighting.

The proposal complies with LDP Policy Des 5 in this respect.

## d) Amenity for the Future Occupiers

The proposal creates seven two bedroom flats and four three bedroom flats complying with LDP Policy Hou 2 in terms of housing mix. All the apartments meet the minimum internal floor area requirements of the Council's Edinburgh Design Guidance.

The new residential units would have aspects to the front and rear. The main living spaces will receive adequate daylight.

A communal garden area is provided in the north east corner of the site and at first floor level there is private garden provided for the larger 3 bedroom flat. This is considered appropriate in terms of LDP Policy Env 20 given it is a larger housing unit. Additional private external amenity space is provided in the form of terraces or balconies. Overall a minimum of 20% of total site area is useable greenspace which complies with LDP Hou 3.

The proposal complies with LDP policies Hou 2, Hou 3 and Env 20.

#### e) Transport

The application has been assessed under the 2017 parking standards which permit a maximum of 11 parking spaces. Nine car parking spaces are proposed so this meets the standards. Cycle storage cases are proposed within the building which would provide 24 cycle parking spaces.

The proposals comply with LDP policies Tra 2 and Tra 3.

There are no road safety issues.

#### f) Archaeology

The single storey cottage on the site is now used as an office. Although considered by the City Archaeologist to be historically significant, if consent is granted a detailed historic building survey should be undertaken prior to and during their demolition. This will be secured by a condition.

The archaeological issues can be addressed satisfactorily.

#### g) Flooding

In terms of LDP Env 21, the proposal will provide adequate drainage. The Council's Flood Team has confirmed that sufficient information has been submitted to satisfy flooding arrangements.

SEPA has objected to the principle of residential development on this site on the grounds of flood risk.

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

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

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA. In this instance, SEPA has stated that, should the Council be minded to approve the application, it recommends that:-

- finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard;
- flood resistant and resilient design and materials are included; and
- safe flood free access and egress can be provided.

The applicant has amended the proposals to meet these requirements. Despite the SEPA flood maps showing fluvial flood risk in the area the 2003 WoL model gives a flood level of 11.789mAOD with a 12% climate change allowance. Incorporating 600mm freeboard above this level gives 12.389mAOD. The applicant has proposed 12.775m AOD. Upon review the Council's Flooding team is satisfied that the current CEC requirement for 30% climate change would not require a higher finished floor level than that proposed by the applicant.

Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy Env 21 Flood Protection. As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers

#### h) Education

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate any pupils. A contribution towards education infrastructure is therefore not required.

#### i) Public Comment

### **Material Considerations**

- loss of historic fabric and design of the proposal - addressed in section 3.3b).
- height of the new built will darken neighbouring properties - addressed in section 3.3c) and found that the height of the new built is appropriate to the surrounding buildings.
- massing of the building on a small footprint - addressed in section 3.3b) and found that it is appropriate to the character of the area.
- Over development – addressed in section 3.3b) and found that the density is compatible with surrounding buildings.
- parking congestion on nearby streets - addressed in section 3.3e) and found that the parking arrangements complies with LDP Tra 2.

- proposed materials - addressed in section 3.3b) found that these are acceptable in this location.

### **Non-material considerations**

- Disruption during construction – not relevant to Planning process.
- Views of Water of Leith obscured by development - not relevant to Planning process.

### **Conclusion**

The proposal largely complies with the development plan and Council's non-statutory guidelines. The development is acceptable in terms of scale, design and materials in this location and would have an acceptable impact on the setting of Inverleith Conservation Area located to the south and west. The impact on neighbouring amenity is satisfactory and an adequate level of amenity will be provided for future occupiers, despite a slight infringement of open space provision. There are no transport issues. There are no other material considerations to outweigh this conclusion.

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

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. The application shall be notified to the Scottish Ministers prior to determination.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A 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 accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.
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. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build).
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 8 June 2018 and a total of 30 representations were received 28 objecting and 2 supporting. These included comments from Warriston Crescent Residents' Association.

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

## **Background reading/external references**

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



**Statutory Development****Plan Provision**

The site lies within the urban area of the Edinburgh Local Development Plan.

**Date registered**

29 May 2018

**Drawing numbers/Scheme**

1,2,3A-14A,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail: [jennifer.zochowska@edinburgh.gov.uk](mailto:jennifer.zochowska@edinburgh.gov.uk) Tel: 0131 529 3793

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## **Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)**

### **Consultations**

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#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the development of 11 new residential flats including associated parking, infrastructure and landscaping.

The site occurs on the southern bank of the water of Leith on the eastern edge of Canonmills, which was established as a centre for Holyrood Abbey's mills in the 12th century. The site is currently occupied by two linked buildings comprising a late 20th century building built onto the rear of an older, single-storey cottage. This cottage appears on Ainslie's 1804 map of Edinburgh, though it probably dates to the second half of the 18th century. By the 1st Edition OS map the site has been subsumed by the creation of a railway station and associated goods yard. Although the cottage clearly survives it is not clear from the map if it formed part of this station.

Accordingly this site has been identified as occurring within an area of potential national archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & 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 front of the site is occupied by single storey stone cottage constructed between c.1750 and 1804. Although undesignated, this building is a rare survival within urban central Edinburgh of an 18th century rural cottage. Such building types would have been once common but now are almost lost within central Edinburgh, as a result of both modern and historic 19th century growth of the city. Its historic significance is strengthened further by it being one of the oldest surviving buildings within the local area and significantly one which represents its former rural past.

Accordingly in my opinion this cottage must be regarded as having local and perhaps regional archaeological /historic significance and one that adds significantly to the local historic character of Canonmills and the Water of Leith. Accordingly the loss of this historic cottage as a result of its demolition is regarded as having a significant adverse archaeological impact and one which is contra to CEC Planning Policy ENV8(b).

If consent is granted for this revised scheme, it is essential that an historic building survey (level 3: internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during demolition. This will be linked with an appropriate programme of archaeological excavation undertaken prior to development to fully excavate, record and analysis any surviving archaeological buried remains. Should consent be granted, it is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

### **Children and Families**

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

### **Roads Authority Issues**

The application should be continued.

*Reasons:*

1. The proposed cycle store on the lower ground floor is not considered to meet Cycle by Design 2010 8.3.1 - General Considerations on the detailed design of cycle parking; as it is considered there will be difficulty in accessing the store and does not provide adequate space to manoeuvre a bicycle;
2. The proposed style of cycle parking is considered to be unsuitable, as there will be a requirement for the user to lift the cycle onto the rack;

3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Further comments received 08.11.18

Further to the response dated the 8th of June 2018 No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute the sum of £11,850 to the relevant transport actions from the Edinburgh LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from the date of payment.
2. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build);
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
5. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
  - a. A maximum of 11 car parking spaces, 9 car parking spaces are proposed;

- b. The justification for this level of car parking is based on local residents concerns regarding car parking over spilling onto the surrounding streets and the lack of on-street parking in this area.
- c. Where 10+ car parking spaces are being provided 1 in 6 should be equipped for Electric Vehicle charging;
- d. For 10+ dwellings 8% of car parking should be designated as accessible, the proposed 1 space is acceptable. The applicant should carefully consider the location of this space and should be located as close as possible to the appropriate entrances;
- e. A minimum of 23 cycle parking spaces, the 12 individual cycle storage cages proposed within the building are considered acceptable;
- f. No requirement for MC parking.

## **SEPA**

Thank you for your consultation email which SEPA received on 01 June 2018 and apologies for the delay in responding to this consultation. There are ongoing discussions between SEPA and Council staff with regards the likely Standard of Protection (SOP) afforded by the Water of Leith Flood Protection Scheme.

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

### Advice for the planning authority

We object to this planning application in principle on the grounds of flood risk on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Please note the advice provided below and the appended technical flood risk report (Appendix 1).

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

### 1. Flood Risk

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

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

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

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

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

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

1.7 Notwithstanding this position we have included our review of the information supplied in Appendix 1. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

## Regulatory advice for the applicant

### 2. Regulatory requirements

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

Edinburgh Office Silvan House SEPA 3rd Floor 231 Corstorphine Road Edinburgh EH12 7AT

Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me, or my line manager Sean Caswell by telephone on 01738 627989 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

### **Appendix 1: Technical flood risk report:**

1. We were consulted in February 2015 during pre-application engagement. At that time we supported the proposal to investigate all sources of flooding at the site and that safe access and egress could be provided during a flood event.
2. In August 2017, we published new guidance including Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme (FPS). This sets out the position that SEPA now takes for development behind a FPS. As the proposed development, from commercial to resiflats, will result in a land-use change from least vulnerable to highly vulnerable, based on our guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change, generally a 20% uplift. To be confident in the standard of protection offered by the FPS for all current and future phases of the scheme, we previously undertook an extensive review of the Water of Leith FPS documentation, spanning the last 18 years.
3. We have reviewed the FPS documentation held by SEPA, City of Edinburgh Council (CEC), and Scottish Government. We do not own these documents therefore should you wish to review these documents, please approach the council in the first instance. We have not included our entire review of the scheme in this response, but focused our response on the limitations of the scheme along this area of interest. Our position has been agreed with SEPA agency management teams and will thus be used to inform any future responses along the Water of Leith that is offered some protection by the FPS.
4. The remaining uncertainties of the scheme after a review of all readily available documentation includes; flow estimates, storm durations, reservoir operation, urban assumption, climate change allowance, bridge blockage and sensitivity analysis, reliance on flood gates, and freeboard. These uncertainties are elaborated upon below.



5. Flow estimates only include the gauged record which is approximately 55 years long at Murrayfield gauging station. Two significant events of similar magnitude to 2000, which occurred in 1920 and 1948, are not included within the gauged record and therefore not included within the analysis undertaken by the council's consultant. Taking into account these events, the April 2000 flood event may be closer to a 1:70 year return period, rather than a 1:100 year return period as estimated by the Council's consultant at that time.
6. Flow estimates are further complicated by uncertainties associated with the theoretical stage-discharge calibration at the upstream Colinton gauging station and the peak flow that the Murray Burn can generate, bearing in mind it is heavily culverted.
7. The storm duration used in the original study by the council's consultant is 10.5 hours at Colinton. It is worth noting that the flood generating storms on the Water of Leith have been over 10.5 hours in the past, and closer to 24-48 hours in duration.
8. CEC have confirmed that the upstream reservoirs are not managed for flood reduction and are left "as be", i.e. not drawn down prior to a predicted storm and not used to lower water levels quicker after an event. This 'hands off' approach is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. As such, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms.
9. The number of combined sewer overflows complicate the hydrology. Due to the assumption that the urban catchment would have a quicker response time than the arrival of the dominant rural flood peak, Babbie's initial study and continued in the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003), reduced the contribution of the urban catchment area by 21km<sup>2</sup> as these areas would drain to the combined sewer network. Should this assumption be wrong, the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003) estimates that flood levels at the Colonies and downstream would be approximately 200mm higher.
10. The applied climate change allowance is only a 12% increase and this has been applied to a peak flow estimate reduced to take account of the reservoir operating as designed, i.e. drawn down prior to a storm, which is currently not done. The Ove Arup & Partners Ltd Response to Reporter's Report (2005) states that "If the current SE predictions prove correct, then the scheme will continue to provide a 1 in 200 Standard of Protection for up to 45 years." It is worth noting that the lifetime of the proposed residential development would likely be greater than the lifetime of the scheme, especially since this report was published 13 years ago.

11. Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. Additional sensitivity of the model to varying flows, Manning's 'n' values, reservoir operation, and urban assumption are not fully investigated within the documentation reviewed. John Riddell and CarlBro (February 2003) note that should the assumptions about flow, roughness, reset time of the reservoir, and urban assumption be wrong then there is the potential for an increase in water level at the Colonies to be approximately 780mm higher. The above information demonstrates that the Water of Leith model is highly sensitive to changes in model parameters. Therefore, it is not clear whether a sufficient freeboard has been incorporated into the scheme design to take account of these uncertainties.
12. Protection to the site is reliant on the closure of a flood gate on Warriston Road, located immediately adjacent to the site. With all FPS's there remains the residual risk of floodwater entering the site because of a failed gate closure, breach or overtopping of defences.
13. A post flood survey undertaken in 2000 noted a flood level of 11.22 mAOD at Warriston Crescent, directly opposite the application site. Based on the topographic survey drawing (contained within the FRA), existing ground levels at the application site are quoted as 10.25 mAOD to 11.82 mAOD, therefore parts of the site are significantly below the 2000 flood level.
14. Flood levels vary for this site and are dependent on the model used and whether climate change has been included and the operation of the reservoirs. Based on information we hold sourced from CEC, Scottish Government, and internal SEPA documentation, flood levels for the 1:200 year event, range from approximately 11.22-11.68mAOD, although this is based on an older model and does not address all the limitations highlighted above.
15. The FRA supplied in support of the application, identifies the minimum elevation of the FPS of 11.83mAOD, and has contradicting information stating that the flood level adjacent to the site is 11.48mAOD in Section 2.2 and 11.46mAOD in Section 3.2. The freeboard available will be dependent on the peak flood levels applied to the model, model set-up, operation of the reservoirs, the urban assumption, and whether the climate change allowance is appropriate.
16. Whilst we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords and we do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming years. As such, we object in principle to the current planning application. No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided above, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in vulnerability of land-use type.

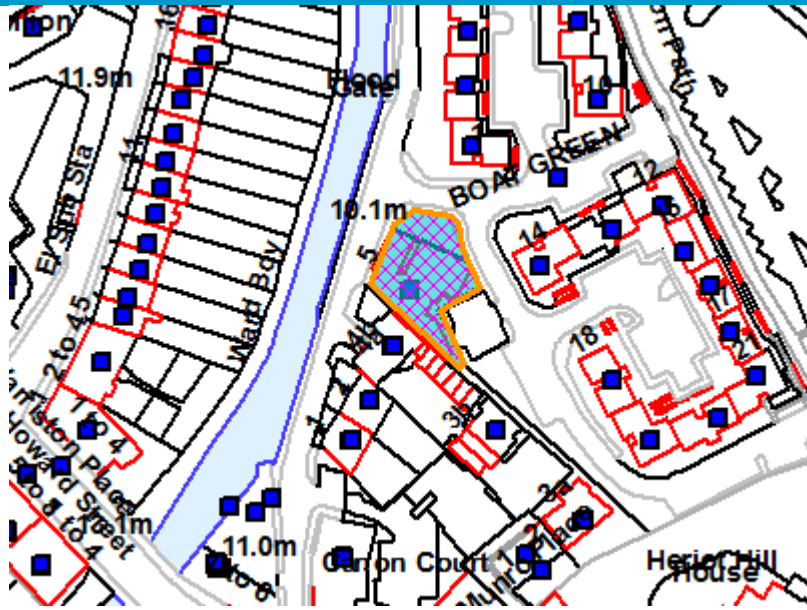
17. Should the council be minded to approve the planning application, in spite of our advice to the contrary, and given all the uncertainties highlighted above, we would recommend that finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard,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

### ***Caveats & Additional Information for Applicant***

- The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 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.
- 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 City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## Location Plan

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**END**

# Development Management Sub Committee

Report returning to Committee - Wednesday 9 January 2019

## **Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	B15 - Southside/Newington

### **Recommendations**

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

### **Background information**

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The Committee decided at their meeting on 5 December 2018 to continue the application for further consideration on the intensification of the proposed use and further details on cycle parking.

### **Main report**

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In terms of the cycle parking, amended plans have been received and the roads authority is now satisfied that these are acceptable.

In a report to the Planning Committee on 12 December 2018 on the scheme of delegation, paragraph 3.13 set out the Planning Service's common interpretation of "intensification of use".

This states "*The intensification of a use may constitute a material change of use, but only in circumstances where the intensification is so great as to affect the definable character of the land and of its use*".

In this particular case, the application is for a change of use from guest house to HMO so there is no intensification of the current use. As stated in the original report of handling, the determining factor is whether the proposal complies with policy Hou 7 on Inappropriate Uses in Residential Areas. Neither the policy nor the non-statutory Guidance for Business give any further indication of when such changes of use might be acceptable so the case must be determined on the basis of the intention of policy Hou 7 which is to *"preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions."*

Mayfield Gardens is part of the A701, the main road leading south out of the city and it has a mixed character with guest houses and residential properties lining this main road. The current guest house use can accommodate up to 17 guests and guest house use is typically high activity with a frequent turnover of guests. HMO use for 15 people would generate less activity as the residents will typically be long term renters with less turnover than guest house use. There is therefore no evidence it would cause a deterioration in living conditions in this mixed use area and so policy Hou 7 is complied with.

There is a concern from objectors that approving this HMO would increase the number of HMOs in the area to an unacceptable level. However, in planning terms there is no evidence to back this up. Since 1995, there have been only 29 planning applications for change of use to HMO in the EH9 area. It should be noted that whilst there may be more HMO licences approved, if the property has 5 or less unrelated people living in the property, the planning unit remains classified as residential and no change of use is required. In addition, there is no policy basis to restrict HMOs which are an important part of the range of living accommodation available in the city.

In conclusion, HMO use is acceptable in this location and complies with LDP policy Hou 7. There are no material considerations which would outweigh this conclusion.

## Links

### Policies and guidance for this application

LDPP, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSLBCA, NSBUS, OTH, CRPCMP,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PEU6D7EWK0U00>

Or [Council Papers online](#)

### **David R. Leslie**

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# Development Management Sub-Committee

**10.00am, Wednesday 9 January 2019**

## **Protocol Note for Hearing**

**Planning Application No 17/04137/FUL & 17/04138/LBC  
Corstorphine Hospital, 136 Corstorphine Road, Edinburgh**

<b>Item number</b>	6.1(a)
<b>Report number</b>	
<b>Ward</b>	

### **Laurence Rockey**

Head of Strategy and Communications

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# Summary

## Protocol Note for Hearing

### Summary

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

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

### Committee Protocol for Hearings

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

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



## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	10.10 - 10.30
2	<b>Representors or Consultees</b> Dr Charlotte Macdonald, Director of Conservation and Living Collections, Royal Zoological Society of Scotland, Edinburgh Zoo	10.30 -10.35
3	<b>Ward Councillors</b> Councillor Scott Douglas Councillor Gillian Gloyer Councillor Frank Ross	10.35 - 10.40 10.40 - 10.45 10.45 - 10.50
4	<b>Break</b>	10.50 - 11.05
5	<b>Applicant and Applicant's Agent</b> John Campbell, Director, Dundas Estates & Development Co Ltd David Arthur, Development Manager, Dundas Estates & Development Co Ltd Mike Andrews, Land & Development Manager, Dundas Estates & Development Co Ltd Jeremy Scott, Director, Michael Laird Architects	11.05 -11.20
6	<b>Debate and Decision on Application by Sub-Committee</b>	11.20

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

# Development Management Sub Committee

Wednesday 9 January 2019

## **Application for Planning Permission 17/04137/FUL At Corstorphine Hospital, 136 Corstorphine Road, Edinburgh**

**Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended).**

<b>Item number</b>	6.1(b)
<b>Report number</b>	
<b>Wards</b>	B06 - Corstorphine/Murrayfield

### **Summary**

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The proposals comply with the Local Development Plan and non-statutory guidelines, with the exception of Policy Tra 2 in terms of car parking provision. However, a departure is justified in this case. The proposals have no adverse effect on the character or setting of the listed building and are acceptable in terms of scale, form, design and materials. The development will have no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure and will have no significant impacts in terms of flooding or aerodrome safety. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU05, LEN04, LEN03, LDES01, LDES03, LDES04, LDES05, LDES06, LHOU03, LHOU04, LEN09, LEN12, LEN16, LEN21, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, NSMDV,

# Report

## **Application for Planning Permission 17/04137/FUL At Corstorphine Hospital, 136 Corstorphine Road, Edinburgh Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application refers to the former Corstorphine Hospital site comprising an 'L' shaped plot of land of approximately 1.61 hectares on the north side of Corstorphine Road to the west and south of Edinburgh Zoo. The hospital closed in 2014.

The site slopes upwards from Corstorphine Road and contains a variety of buildings, notably the original hospital at the top of the site: an Italianate-style, T-plan, two-storey, sandstone structure by Peddie and Kinnear, dating from 1866 with the addition of two-storey symmetrical pavilions to the east and west in 1891. The building has a number of later 20th century additions to the rear and a three-storey, glazed curtain wall enclosure was added to the front elevation in 1961-2.

The South Lodge, a single-storey, Italianate style structure dating from 1866, is situated on the west side of the main entrance off Corstorphine Road.

The original hospital and pavilions, the South Lodge and the gatepiers, railings and boundary walls are category C listed (reference 52367, listed on 11 January 2016). The following structures are excluded from the listing: the modern flat-roofed wings to rear of the main hospital, the glazed curtain walling on the front elevation, the later flat-roofed extension on the South Lodge and the rendered North Lodge in the north-east corner of the site.

The remaining building on site is the former Murray Park Nursing Home: a single-storey, pitch-roofed, reconstituted stone structure, dating from the 1980s.

The site is bounded by the original sandstone walls, comprising a dwarf wall and hedge along Corstorphine Road and full-height walls along the side and rear boundaries. There are four stone gatepiers with railings in between, terminating each end of the curved, recessed main entrance. The access road runs up the east side of the site and the main car parking areas are to the north of the nursing home and along the front and west side of the original hospital.

The surrounding area is predominantly residential with modern residential apartment blocks on the adjoining site to the west and older housing stock further west and on the south side of Corstorphine Road, although there are some commercial uses in the area including an office block opposite the site.

There are a number of trees on the site of varying type and quality with dense tree lines along the east, west and north boundaries.

## **2.2 Site History**

26 August 1998 - planning permission granted to construct a nursing home for young people (application reference 98/01160/FUL).

## **Related Planning History**

27 May 2005 - planning permission granted for the erection of 30 extra care residential flats on the site adjacent to Corstorphine Hospital at Kaimes Road/Corstorphine Road (application reference 04/04047/FUL).

29 August 2018 - planning permission granted for the erection of two single storey animal houses, with visitor access and viewing areas at Edinburgh Zoo (application reference 18/03727/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for change of use and redevelopment of the former hospital site for residential use comprising a total of 76 apartments as follows:

- 30 apartments in the original hospital building (11 one-bedroom, 12 two-bedroom, 8 three-bedroom and 1 four-bedroom);
- 24 apartments in two new rear extensions to the main hospital building (8 one-bedroom, 12 two-bedroom and 2 three-bedroom); and
- 22 apartments in a new building to the south of the main hospital building (13 two-bedroom and 9 three-bedroom).

The South Lodge will be converted to a community hub and management/concierge services centre.

The proposed physical development involves the demolition of all the non-listed 20th century additions to the front and rear of the original hospital, the North Lodge, the modern extension on the South Lodge and the existing nursing home.

The main new-build elements comprise two near-symmetrical, four storey extensions to the rear of the original hospital building, adjoining the junctions of the side pavilions with the central block and a new three/four storey block in two distinct sections on the site of the existing nursing home.

These new buildings are contemporary in style with flat-roofs and large windows, finished in coursed ashlar sandstone with bronze-coloured anodised aluminium glazing frames and cladding panels on the top storeys.

The key additional external alterations to the listed hospital building comprise:

- the replacement of the existing three-storey curtain walling on the main elevation with a two-storey, bronze-coloured anodised aluminium-framed structure incorporating external terraces at first floor level with glass balustrades;
- the lowering of the cill heights of the windows at ground floor level and continuation of the existing surrounds in matching sandstone;
- the re-opening of previously blocked-up windows and introduction of transoms to all windows where new floor levels will be introduced;
- the installation of conservation type rooflights on the side and rear roof pitches;
- the infill of door openings with bronze-coloured anodised aluminium-framed entrance screens; and
- the replacement of the existing windows with white-painted, timber-framed windows to match the original pattern and insertion of new transoms in windows which will be split by new floor levels.

The existing modern extension on the South Lodge will be replaced with a contemporary style, flat-roofed structure housing internal and external seating areas. The extension will be finished in bronze-coloured, anodised aluminium cladding panels with a glazed balustrade around the roof terrace.

A new bin store will be constructed to the north of the South Lodge in bronze-coloured metal with a grass roof.

The apartments will have access to communal gardens and the majority will have private external balconies or terraces.

The proposed hard and soft landscaping materials include grass, ornamental planting and hedges, precast concrete pavements and tarmac. A total of 48 trees out of the existing 89 trees on the site will be removed.

The scheme provides 102 car parking spaces as follows: 54 residents' spaces in a new underground car park to the rear of the original hospital building, 22 residents' spaces in an underground car park in the new south building, seven accessible spaces, 15 visitor spaces and four electric car charge spaces distributed to either side of the hospital building. An additional nine motorcycle spaces will be provided.

A total of 152 cycle parking spaces will be provided. These spaces will be distributed in shared and private secure parking stores and communal bays within the underground car parks.

The existing access road will be upgraded to include a pavement and an entrance section to adoptable standards. The gateposts, dwarf wall and railings on the east side of the main vehicular entrance will be relocated further east on the same alignment to form a wider access.

Waste and recycling bins will be provided in the underground car parks with a bin store near the main entrance.

## **Scheme 1**

The original scheme proposed a total of 117 car parking spaces and omitted the new entrance section of road to adoptable standards.

## **Supporting Documents**

The applicant has submitted the following documents in support of the application which are available to view via Planning and Building Standards Online Services:

- Design Statement;
- Tree Survey and Arboticultural Constraints;
- Bat Assessment and Activity Survey;
- Archaeological Evaluation;
- Noise Impact Assessment;
- Ground Investigation Report;
- Transport Report;
- Affordable Housing Policy Position Statement;
- Flood Risk Assessment;
- Drainage Strategy; and
- SUDS and Surface Water Management Plan.

## **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.

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 development is acceptable in principle in this location;
- b) the proposals preserve the character of the listed building;
- c) the proposals are acceptable in terms of scale, form, design and materials and will not adversely affect the setting of the listed building;
- d) the proposals have an adverse impact on protected species;
- e) the proposals have an adverse impact on significant archaeological remains;
- f) the proposals are detrimental to residential amenity, road safety or infrastructure;
- g) the proposals have any significant impacts in terms of flooding or aerodrome safety; and
- h) public comments have been addressed.

#### **a) Principle**

This site lies within an urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 states that housing development will be supported on suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

Policy Hou 5 supports the conversion of non-residential buildings to housing in this area, provided a satisfactory residential environment can be achieved with appropriate open space.

Provided other policy requirements are met, the development is acceptable in principle.

#### **b) Character of Listed Building**

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.

The original category C listed hospital building was altered significantly and unsympathetically inside and out in the later 20th century. The most imposing addition is the 1960's three-storey, glazed curtain wall enclosure on the principal elevation and the flat-roofed, rendered extensions to the rear. The removal of these structures is a significant conservation gain and the proposed replacement structures are appropriate additions in terms of scale, design and materials. The geometric, rhythmic forms, ratio of solid to void and mix of sandstone with bronze-coloured aluminium respect the historic architecture of the listed building whilst clearly distinguishing the old from the new.



The new curtain walling on the front elevation will re-expose the original arched windows at third floor level and restore a version of the previously removed open arches with balustraded terrace above.

The proposed four storey extensions to the rear break the normal convention of being subservient in height to the original listed building. However, given the steep upwards slope of the site, these structures will not be visible from the main public viewpoints or within the lower sections of the site. A significant element of new build on site is necessary to cover the high costs of the restoration and redevelopment of the original listed building. The location of two large accommodation blocks to the rear of the main building where they will not be conspicuous ensures that the new build element within the landscape setting of the building remains appropriate in scale.

The other structures to be demolished, comprising the boiler houses and laundry to the rear of the main hospital building and North Lodge, are of no special historic or architectural merit and the cleared land will be used for soft landscaping.

The other proposed alterations to the original hospital building are restrained and appropriate, respecting the original fenestration pattern, window surrounds and door openings. Many of the original windows have been lost and/or altered over time, including the introduction of heavy transoms and mullions to windows in the flanking pavilions. The proposed transoms in the majority of replacement windows are necessary where new floor levels will be introduced and these are of minimal depth to avoid having a detrimental impact on the external appearance of the building. A condition has been applied to ensure that the detailing of the new windows is appropriate.

The existing flat-roofed extension on the South Lodge, which is an unsympathetic, modern addition, will be replaced with a contemporary extension of appropriate scale and design.

The relocation of the gateposts, dwarf wall and railings on the east side of the main entrance on the same alignment further east will have no adverse impact on the basic design of the entrance.

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.

### **c) Scale, Form, Design and Materials and Setting of Listed Building**

The surrounding area is mainly residential in character encompassing a wide range of dwellings in terms of age, type, scale and style, including a modern flatted development on the site to the immediate west of the application site. The proposed type and density of the development is appropriate within this area.

Historic Environment Scotland's document, "Managing Change in the Historic Environment: Setting" defines setting as "...the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced". Contributory factors can include views to, from and across or beyond the historic asset and key vistas that give the historic asset a context.

The existing 1980's Murray Park Nursing Home is low-lying but otherwise does not contribute to the original architectural quality or landscape setting of the listed building. The demolition of this structure along with the large car park on its north side and replacement with a high quality new building of architectural merit within a green setting will significantly improve the appearance of the site. A particular gain in terms of the setting of the original hospital building will be the removal of the existing outbuildings in the centre of the site and formation of formal gardens in their place.

The proposed new housing block is higher than the existing nursing home, but its massing is broken up into two distinct sections which step down to respect the topography of the site. The new building is confined to the east side of the site to ensure that it does not encroach on key views of the main hospital building, despite the increase in height compared to the existing structures on this part of the site. The contemporary style of the new building and materials palette is similar to recent flatted developments in the area.

The only other proposed structure on site is a low-lying bin store which will not be conspicuous to the north of the South Lodge.

The ratio of green open space to buildings and hardstanding will be improved and the proposed soft landscaping will restore a formal garden element to a significant part of the site. Fully detailed soft and hard landscape plans have been submitted which specify appropriate, high quality materials and species for the setting of this listed building which originally comprised formal gardens.

Approximately half of all the existing trees on site will be removed, but the majority of these are non-native, smaller specimens. Any native species to be felled are either small or in poor or damaged condition. All trees to be retained will be protected against damage during construction using protective barriers and the methodology for root protection areas as specified in the relevant British Standard.

The proposals are therefore acceptable in terms of scale, form, design and materials and will have no adverse effect on the setting of the listed building, in compliance with LDP Policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7, Hou 3, Hou 4 and Env 3.

#### **d) Protected Species**

The bat survey submitted identified no roosting bats in the buildings. However, there could be foraging bats around the mature trees to be removed to accommodate the development.

A condition has been applied to ensure that if any of these trees have the potential to support bats, then a further bat survey will be required.

An informative has been added on the incorporation of swift bricks into the new building in the interest of biodiversity enhancement.

The development will therefore have no adverse impact on protected species, in compliance with LDP Policy Env 16.

## **e) Archaeological Remains**

The site lies within an area of archaeological importance both in terms of the Victorian former hospital and the site's previous status as open farmland adjacent to the main medieval road linking Edinburgh to the West.

The associated ground works could disturb archaeological remains in the area. Accordingly, a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing. This will include a detailed historic building survey prior to any alterations/demolitions and during significant alterations/stripping in the main hospital building.

The proposals will therefore have no adverse impact on significant archaeological remains, in compliance with LDP Policy Env 9.

## **f) Residential Amenity, Road Safety and Infrastructure**

### Residential Amenity

LDP Policy Des 5 permits development that protects the amenity of neighbouring developments and future occupiers.

The proposed residential development is in a predominantly residential area and Environmental Protection has no objections to the proposed development, subject to conditions, including a site survey to check for potential contaminants in, on or under the soil and implementation of any necessary remedial and/or protective measures. A condition on site contamination has been applied.

The other condition relates to the provision of electric vehicle charging points in accordance with the requirements of the Edinburgh Design Guidance. Electric charging vehicles are being provided within the development, so no condition is required.

The site offers a tranquil green environment for occupiers of the new development. The proposed dwellings are adequate in scale with ample daylighting, elevated views, large communal gardens and private terraces or balconies for the majority. The apartments without private external spaces form part of the listed hospital building in locations where the formation of such spaces would have a detrimental impact on the character of the listed building. Accessible access is provided throughout the development with lifts serving all floors.

The gross internal floor area of each flat ranges from 60-86 square metres for the one-bedroom flats, 67-141 square metres for the two-bedroom flats, 85-219 square metres for the three-bedroom flats and 110 square metres for the four-bedroom flat which complies with the minimum standards as set out in the Edinburgh Design Guidance.

The development also complies with the daylighting, overshadowing and privacy standards in the Edinburgh Design Guidelines. There are no neighbouring residential properties in close proximity to the site.

## Road Safety

The Roads Authority has recommended refusal of the application on the basis that the proposed changes to the existing access do not promote inclusive mobility and prioritise walking and cycling ahead of other transport modes. Although the Roads Authority acknowledges that any proposed changes to the existing access will not meet the maximum allowable gradient for residential streets of 8% as set out in the "National Roads Development Guide," SCOTS 2014", it expects the applicant to improve the existing access considerably to bring it to adoptable standards either as a private road or public road.

This is a sensitive site which forms the landscape setting of a listed building and the allowable gradient for residential streets could not be met without the relocation of the new apartment block towards the centre of the site or formation of a new road where formal gardens are proposed. Either of these measures would have a significant detrimental impact on this green setting. The scheme has been revised to propose a 125mm upstand kerb to ensure that pedestrian safety is not compromised and a section of the access road at the main entrance where the gradient is less steep has been designed to adoptable standards.

An informative has been added regarding speed reduction and traffic management measures to reduce vehicle speed on the access road.

The proposed parking provision breaches the Council's 2017 parking standards which allows for a maximum of 76 parking spaces in Zone 2. However, the application was submitted prior to the approval of the 2017 parking standards, hence the Council's 2009 parking standards have been used in assessing the application. The proposed 102 car parking spaces, which include 7 accessible spaces, 15 visitor spaces and 4 electric vehicle charging spaces, comply with the 2009 parking standards which requires a total minimum of 91 parking in this zone (formerly Zone 3a).

The site is located on Corstorphine Road which is a major public transport route that benefits from regular and frequent bus services and the identified 'quiet route 9' walking and cycling route is easily accessible from the site, so private car journeys will be discouraged.

An informative has been added requiring the conclusion of a legal agreement to secure a financial contribution of £2,000 to progress a suitable order to introduce waiting and loading restrictions to prevent parking on the road. Further informatives on a Travel Plan, the management of parking spaces and accessible parking spaces have been added on the recommendation of the Roads Authority.

## Infrastructure

This site falls within the 'West Education Contribution Zone'. The development of 76 flats requires a financial contribution towards new primary school infrastructure as there is insufficient capacity within existing primary schools to accommodate the anticipated pupil growth from the development.

An informative has been added requiring the conclusion of a legal agreement to secure a financial contribution of £209,568 for this purpose.

As regards affordable housing, LDP Policy Hou 6 states that planning permission for residential development of 12 or more units should include provision for affordable housing amounting to 25% of the total units proposed, which should normally be on site for developments of 20 or more dwellings. However, an open book viability assessment of the development carried out by the Council's Estates service has shown that on-site delivery for a Registered Social Landlord (RSL) would not be feasible as the costs to build are too high. Also, the estimated market values of completed units are also prohibitively high for Golden Share to be a viable option.

On this basis, the developer could meet their affordable housing obligations by way of a commuted sum payment and the applicant has agreed to enter into a legal agreement with the Council to ensure an appropriate off-site affordable housing provision. An informative has been added requiring the conclusion of a legal agreement to secure a financial contribution of £712,500 for this purpose. This figure has provided by the District Valuer.

The proposals are not therefore detrimental to residential amenity, road safety or infrastructure, in compliance with LDP Policies Des 5 and Tra 3. The car parking provision does not comply with Policy Tra 2, but a departure is justified for the reasons detailed above.

#### **g) Flooding and Aerodrome Safety**

LDP policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

Flood Planning and SEPA has raised no objection to the final scheme in terms of increased or integral flood risk.

In terms of Sustainable Urban Drainage (SUDS), the scheme proposes significant areas of porous pavements within a green landscape, so there are no surface water drainage concerns.

An informative has been applied on radioactive substances on SEPA's recommendation, given the past use of the site.

Edinburgh Airport has no objections on the grounds of aerodrome safety, provided that conditions regarding bird hazard and a Sustainable Urban Drainage Scheme are applied. Appropriate conditions have been applied.

The proposals will therefore have no significant impacts in terms of flooding or aerodrome safety.

#### **h) Public Comments**

The objections submitted by Edinburgh Zoo and an individual have been withdrawn.

## **Other Material Considerations**

The north and east boundaries of the site are in close proximity to several animal enclosures within Edinburgh Zoo, including those of the Giant Pandas and the Monkey House. The pandas are particularly vulnerable in terms of negative health impacts to noise and vibration during demolition and construction works and Edinburgh Zoo has raised concerns for the pandas' well-being.

For this reason, Scottish Ministers have issued a direction requiring the Council to notify Ministers if it intended to approve the application, given that concerns around the welfare of the pandas could raise issues of national importance.

A condition has been attached based on an agreement reached between the applicant and Zoo which gives comfort that the redevelopment will not progress before adequate measures are taken to ensure that the wellbeing of the pandas is safeguarded from the possible negative impacts of demolition and construction works. These measures will also cover any possible negative impacts on the health of other animals in close proximity to the development.

Also, the construction of two new panda houses in the north-east section of the zoo is underway, so the animals can be re-located away from the development site.

## **Conclusion**

The proposals comply with the Local Development Plan and non-statutory guidelines, with the exception of Policy Tra 2 in terms of car parking provision. However, a departure is justified in this case. The proposals have no adverse effect on the character or setting of the listed building and are acceptable in terms of scale, form, design and materials. The development will have no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure and will have no significant impacts in terms of flooding or aerodrome safety. There are 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. Prior to the commencement of the development, both demolition and construction phases, acoustic monitoring shall be installed in accordance with the Acoustic and Vibration Method Statement as agreed between the developer and the Royal Zoological Society of Scotland. During the course of the development, any amendments to the Acoustic and Method Statement shall be submitted in writing to the Planning Authority in agreement with the Royal Zoological Society of Scotland.

The Acoustic and Vibration Method Statement must clearly set out the position of the acoustic barrier by reference to a plan and the location of the acoustic and vibration monitors. A specification for the acoustic barrier should also be incorporated into the Acoustic and Vibration Method Statement. This plan will then become an approved plan. The Acoustic and Vibration Method Statement must include the following information:

i) The following noise and vibration Backstop Action Limits shown in Table 1 will be applied to the North boundary of the Development site and Edinburgh Zoo.

ii) The Backstop Action Limits have been set based off previous background noise and vibration assessments and predicted noise and vibration reduction due to distance attenuation from source to sensitive receptors within Edinburgh Zoo. The predicted noise and vibration levels also consider additional acoustic attenuation to be provided by a 2m high acoustic barrier to be erected on the Edinburgh Zoo side of the North site boundary retaining wall during the demolition and construction phase of the Development.

iii) The acoustic barrier shall be constructed prior to commencement of the demolition and construction phase of the Development and made of 25mm thick timber with over-lapping boards and will be maintained by the Developer at their expense for the duration of the demolition and construction phase of the Development. Details of the location of the acoustic barrier can be seen in Figure 1.

*Table 1: Noise & Vibration Limit Levels at Development North Site Boundary*

<b>Time</b>	<b>Parameter</b>	<b>Backstop Action Limit</b>
Day (08:00 - 18:00)	Noise Level:	83 dB LAeq, 15min 78 dB LAeq, 12hour
	Vibration Level:	ppv 10 mm/s
Night (18:00 - 08:00)	Noise Level:	68 dB LAeq, 15min 63 dB LAeq, 12hour
	Vibration Level:	ppv 10 mm/s

iv) All monitoring should be completed using BS 5228-1: Code of practice for noise and vibration control on construction and open sites. An acoustic monitor shall be mounted at a height of 1m above the height of the acoustic barrier located at the northern border of the Development site to monitor free-field acoustics emanating from the Development site. A vibration monitor shall be located on the Development site at the base of the northern boundary retaining wall to measure ground borne vibration travelling across the northern site boundary.

v) All noise and vibration monitoring equipment shall be operational prior to commencement of the demolition and construction phase of the Development.

- vi) The acoustic and vibration monitors shall be placed at the location along the barrier closest to the nearest Noise Sensitive Premises (NSP), which in this case would be the Monkey House located in Edinburgh Zoo. Figure 1 details the location of the acoustic and vibration monitor locations. Both acoustic and vibration monitors shall upload values to an online portal which can be accessed by RZSS, the Developer and City of Edinburgh Council.
- vii) Both acoustic and vibration monitors will measure the levels outlined in Table 1 and send out a warning alert via text or email to a representative of RZSS and the Developer's site manager if the Backstop Action Limits are breached. If any Backstop Action Limits are breached, unless RZSS confirms in writing to the Council that it is satisfied that such noise and vibration levels are not causing distress to animals within Edinburgh Zoo or to the fabric of Edinburgh Zoo, all construction site activities should be stopped immediately until a new operational plan has been put into place which ensures that the works can be completed without breaching the Backstop Action Limits levels.
- viii) Once the Development is completed the acoustic barrier shall be removed along with the noise and vibration monitoring equipment.
2. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist. This shall include a detailed historic building survey (comprising phased plans and elevations and a photographic and written survey) prior to any alterations/demolitions and also during significant alterations/stripping undertaken in the main hospital building.
4. 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.



5. Details of the new windows hereby approved by in the listed building, including sections shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
  - monitoring of any standing water within the site temporary or permanent;
  - sustainable urban drainage schemes (SUDS) - such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>);
  - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds - the management plan shall comply with Advice Note 3 'Wildlife Hazards';
  - reinstatement of grass areas;
  - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
  - which waste materials can be brought on to the site/what if any exceptions e.g. green waste;
  - monitoring of waste imports (although this may be covered by the site licence);
  - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste; and
  - signs deterring people from feeding the birds.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances, it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

8. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- attenuation times;
- profiles and dimensions of water bodies; and
- details of marginal planting.

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

**Reasons:-**

1. In order to safeguard the welfare of nationally significant animals.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that the approved landscaping works are properly established on site.
7. In order to manage the development to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
8. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

**Informatives**

It should be noted that:

1. This application shall be notified to Scottish Ministers as a Notification of Intention to Develop
2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution of £209,568 to Children and Families to alleviate accommodation pressures in the local catchment area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. Consent should not be issued until the applicant has entered into a suitable legal agreement to ensure that a commuted sum of £712,500 is provided towards the provision of affordable housing off site.

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.

4. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution of £2,000 to the City of Edinburgh Council in relation to transport 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.

5. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
6. 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.
7. 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.
8. Cross reference should be made with the tree removal plan and bat survey and the potential for any of these trees to support bats. Depending on the findings, further bats surveys may be required.
9. The applicant should consider incorporating swift bricks into the building.
10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including the provision of pedal cycles (including electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.

11. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
12. All accessible parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
13. The steepness of the existing road requires speed reduction and traffic management measures to influence driver behaviour to reduce vehicle speed to levels that are appropriate for local streets and deliver safe streets for all. The applicant is required to introduce traffic calming measures preferably localised narrowing or chicanes west of the existing road to slowdown downhill (ESDG Factsheet G6).
14. SEPA have no record of any licences relating to radioactive substances for the Corstorphine Hospital. However, it would be prudent to carry out a detailed desk study to establish whether radioactive substances were used at the hospital and the possibility for the burial of radioactive wastes. If such materials were used in the past SEPA will provide further advice.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 not advertised. Two representations were received objecting to the proposals, including one from Edinburgh Zoo. However, both of these objections have been withdrawn.

## **Background reading/external references**

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- 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 Edinburgh Local Development Plan, within the Urban Area.

**Date registered**

12 September 2017

**Drawing numbers/Scheme**

01-09,10A,11A,12A,13,14,15A,16-26,27A,28-31,32A,33,34A+35-59,

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**

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**Relevant Policies Relevant policies of the Local Development Plan.**

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

LDP Policy 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 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 12 (Trees) sets out tree protection requirements for new development.

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

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

### **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.



# Appendix 1

## **Application for Planning Permission 17/04137/FUL At Corstorphine Hospital, 136 Corstorphine Road, Edinburgh Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended).**

### **Consultations**

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#### **Archaeology**

*The Victorian former Corstorphine Hospital was designed and built by Peddle & Kinnear as a convalescence home for Edinburgh's Royal Infirmary in 1866/7. The hospital ceased to operate in 2014. Both the Victorian buildings and South Gate-house along with the sites boundary walls and gate piers are C listed, the later North Gatehouse is unlisted along with the modern (1980's) care-home buildings. Prior to the hospital construction, historic maps indicate it was open farmland adjacent to the 'Glasgow' Road, a main medieval road linking Edinburgh and West.*

*Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Plan (2016) policies ENV4 & ENV9.*

*This scheme will have significant impacts both upon the layout of the main hospital buildings and will see the demolition of the modern care home and north gatehouse. In addition, ground works may impact and reveal evidence for the design and operation of the 19th century hospital. However, although adverse these impacts are considered to be of low-moderate, archaeological, significance. The loss of both the care-home and north gatehouse are not seen as significant.*

*Accordingly, it is recommended that if consent is granted that a detailed historic building survey is undertaken (phased plans and elevations, photographic and written survey) prior to any alterations/demolitions and also during significant alterations/stripping undertaken in the main hospital building.*

*Accordingly, it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.*

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

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Environmental Protection**

*Environmental Protection offer no objection to this proposal. However, we would need the applicant to install electric vehicle charging points throughout the large car parking area. It should be noted that the site is near the St Johns Road Air Quality Management area therefore the applicant must make effort to mitigate any impacts they may have.*

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

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

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

*Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that 7Kw EV charging outlet should be installed serving the all car spaces.*

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

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

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

*Therefore, Environmental Protection would not object to this application in regard to local air quality subject to conditions on EV Infrastructure being included as a condition or legal agreement.*

## *Contaminated Land*

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

*Therefore, Environmental Protection offer no objection subject to the following conditions;*

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

*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

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

*ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.*

*2. Prior to the use being taken up a 7Kw chargers must be installed serving all the car parking spaces proposed.*

## **Roads Authority**

*The application should be refused.*

### *Reasons*

*The applicant submitted a transport note in support of the proposed development of 76 residential units. The application was submitted prior to the approval of the 2017 parking standards, hence the Council's 2009 parking standards have been used in assessing the planning application. The application was also assessed against the Council's 2017 parking standards for comparison. The transport note submitted did not contain information on estimated trips likely to be generated by the proposed development hence no information on likely impacts. Notwithstanding the lack of trips information, the proposed site is highly accessible by public transport. The layout and gradient of the existing access is likely to promote high traffic speeds instead of low speeds and is contrary to Edinburgh Street Design Guidance Factsheet G6, "Speed reduction and Traffic Management" which seeks to promote street design that reduce traffic speeds to levels appropriate for residential streets that deliver safe streets for all.*

*The applicant's proposed changes to the existing access fall short of streets that promotes inclusive mobility and prioritise walking and cycling ahead of other transport modes. Whilst it is acknowledged that any proposed changes to the existing access will not meet the maximum allowable gradient for residential streets of 8% ("National Roads Development Guide," SCOTS 2014 Page 80), the applicant is expected to considerably improve the existing access to bring it to adoptable standards either as a private road or public road. The proposed parking spaces west of the existing access is likely to compromise the effective width of the already narrow carriageway and could force vehicles to run on the 25mm kerb height footway. For pedestrian safety a 125mm upstand kerb is considered appropriate for the proposed footway. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions to prevent parking on the road.*

*1. The applicant proposes a total of 152 cycle parking provision and complies with the Council's 2009 parking standards. However, the proposed 68 cycle parking at the parking bays will be inaccessible as they will be blocked by vehicles using the adjacent parking bays. This is not acceptable. The applicant is required to submit details of the design and type of cycle parking being provided and how the minimum cycle parking requirement fits the proposed cycle parking space being proposed.*

*2. The applicant stated in a latter submission that the decision to require bringing an existing road to adoptable standards rest solely on the applicant and not the Local Authority. This statement is flawed and CEC require both the footway and the road to be brought to an adoptable standard for the following reasons:*

*a. SCOTS Guide 2014 - 6 or more individual dwellings should normally be served by a 'road' and therefore the existing access needs to be brought to adoptable standards;*

*b. The proposed footway on the existing access is the only accessible route for disabled users and is required to be built to adoptable standards (private road/public public); the proposed does not comply with inclusive design and hence the Equality Act 2010.*

*c. The effective width of the road will be compromised by parking in the proposed bays and potentially forcing vehicles to run on the proposed footway or close to the footway;*

*d. The steepness of the existing road requires Speed reduction and traffic management measures to influence driver behaviour to reduce vehicle speed to levels that are appropriate for local streets and deliver safe streets for all. Applicant is required to introduce traffic calming measures preferably localised narrowing or chicanes west of the existing road to slowdown downhill (ESDG Factsheet G6).*

*3. The transport note does not establish the level of trips likely to be generated by the proposed development for each mode of transport to help understand the impacts of the proposed development and how it can be mitigated.*

*If the application is minded to grant the following should be included as conditions or informatives:*

*1. The applicant proposes to widen the existing site access to allow for two-way traffic flow at the site entrance to prevent blockade of Corstorphine Road as result of accessing the proposed development by vehicles;*

2. Swept path analysis has been undertaken to demonstrate that the proposed access is able to accommodate refuse and service vehicle. The applicant proposes a collective bin storage adjacent the existing gatehouse for refuse collection;

3. The applicant proposes 102 parking provision (76 allocated spaces, 15 visitor, 7 accessible parking and 4 EV charging spaces). The Council's 2009 parking standards requires the applicant to provide a minimum of 91 parking spaces (76 plus 15 visitor parking spaces of which 5 of the total spaces should be disabled parking spaces) - it appears in the applicant's transport note that the minimum required 5% disabled parking spaces has been added to the total parking provision instead of being part of the total parking provision (96 spaces). The total parking provision complies with the Council's 2009 parking standards in Zone 3a;

4. The applicant proposes a total of 152 cycle parking provision and complies with the Council's 2009 parking standards;

5. The applicant proposes a 2m wide footway from the existing site entrance to the proposed shared area adjacent the gatehouse;

6. A raised junction will be required at the site junction with Corstorphine Road to prioritise pedestrian movement along the footway on Corstorphine Road;

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

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

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

## Note

*The total parking provision breaches the Council's 2017 parking standards which allows for a maximum of 76 parking spaces in Zone 2. No parking required under the Council's 2017 parking standards was submitted to justify the level parking.*

## Affordable Housing

### 1. Introduction

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

- 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.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh Local Development Plan.*

### 2. Affordable Housing Provision

*An open book viability assessment of the development has been carried out by the Council's Estates service. This exercise has shown on site delivery for an RSL would not be feasible as the costs to build are too high for an RSL. The estimated market values of completed units are also prohibitively high for Golden Share to be a viable option.*

*On this basis, the developer could meet their affordable housing obligations by way of a commuted sum payment. The applicant has agreed to a commuted sum on the principle of providing a sum equivalent to 25% of the land value and we would fully support this approach. The applicant has suggested a figure of £636,261 (an affordable contribution of £33,487 x 19 units), however we would not accept this figure as the applicant is unable to share the land cost, which is commercially confidential. On this basis the recommendation is for an independent assessment of the land value, undertaken by the District Valuer, will be the basis for agreeing the commuted sum.*

### 3. Summary

*The applicant is required to provide a 25% affordable housing contribution:*

- On site affordable housing through an affordable housing provider was not achievable.*
- The homes proposed for Golden Share have values which are significantly in excess of the maximum purchase price for a Golden Share home;*
- The applicant has agreed to a commuted sum, secured through S75 and paid prior to commencement of the development.*
- DV assessment of the land price will form the basis of the commuted sum figure.*

## **Communities and Families**

*The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated September 2017), 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.*

*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 current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.*

### *Assessment and Contribution Requirements*

*Assessment based on:  
59 Flats (17 one bedroom flats excluded)*

*This site falls within Sub-Area W-1 of the 'West Education Contribution Zone'.*

*The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

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

*Total infrastructure contribution required:  
£168,091*

*Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.*

*Total land contribution required:  
£41,477*

*Note - no indexation to be applied to land contribution.*

## **Flood Planning**

*This proposal is acceptable and Flood Planning is happy for this to proceed to determination with no further comments.*

## **SEPA**

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

### *1. Water environment*

*1.1 Planning authorities have been designated responsible authorities under the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. As such authorities are required to carry out their statutory functions in a manner that secures compliance with the objectives of the Water Framework Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015 and there is no further deterioration in status. This will require water quality, quantity and morphology (physical form) to be considered.*

### *Surface water*

*1.2 We expect surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 268) and, in developments of this scale, the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDS help to protect water quality and reduce potential for flood risk. Guidance on the design and procedures for an effective drainage system can be found in Scotland's Water Assessment and Drainage Assessment Guide.*

*1.3 The proposed SUDS should accord with the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. The applicant should use the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate. In particular, as the site is a brownfield site the SUDS should be designed and built in accordance with SEPA's Brownfield SUDS advice note and Chapter 8 of the CIRA C753 manual.*

*1.4 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753).*

*1.5 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of your authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.*

### *Waste water*

*1.6 The waste water to be connected to public sewer is acceptable. The applicant should consult with Scottish Water (SW) to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development.*



1.7 We recommend that the applicant keeps in regular contact with SW to ensure such a connection is available at the time of development of the site, as SW facilities may have accepted discharge from other developments before construction commences at this site.

1.8 It should be noted that should a connection to the public sewer not be achievable then we would be required to be re-consulted as any private waste water discharge would require authorisation under Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Given the size of the development SEPA would have concerns over such an authorisation, which could in turn potentially constrain development at the site.

## 2. Sustainable waste management

2.1 Scottish Planning Policy Paragraph 190 states that "All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations." In accordance with this policy, the relevant Local Development Plan and the Scottish Government Planning and Waste Management Advice, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. This includes provision to separate and store different types of waste, kerbside collection and centralised facilities for the public to deposit waste for recycling or recovery ("bring systems"). Please consult the council's waste management team to determine what space requirements are required within the application site layout. Scottish Planning Policy (Paragraph 192) states that planning authorities should consider requiring the preparation of sites management plans for construction sites. In the interests of seeking best practice and meeting the requirements of Scottish Planning Policy, we recommend that a site waste management plan (SWMP) is submitted, showing which waste materials are going to be generated and how they are going to be treated and disposed.

2.2 All wastes should be handled in accordance with the "waste management duty of care" - residual contamination should be dealt with through the local authority planning and contaminated land departments. See Section 5 below for details.

## 3. Contaminated land

3.1 Advice on land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters under Part IIA of the Environmental Protection Act 1990 except for matters relating to radioactively contaminated land or special sites.

## 4. Radioactive substances

4.1 SEPA have no record of any licences relating to radioactive substances for the Corstorphine Hospital. However, it would be prudent to carry out a detailed desk study to establish whether radioactive substances were used at the hospital and the possibility for the burial of radioactive wastes. If such materials were used in the past SEPA would be happy to provide further advice.

## 5. Air quality

5.1 *The local authority is the responsible authority for local air quality management under the Environment Act 1995, however we recommend that this development proposal is assessed alongside other developments that are also likely to contribute to an increase in road traffic. This increase will exacerbate local air pollution and noise issues, particularly at busy junctions and controlled crossing points. Consideration should therefore be given to the cumulative impact of all development in the local area in the ES or planning submission. Further guidance regarding these issues is provided in NSCA guidance (2006) entitled Development Control: Planning for Air Quality.*

5.2 *If the proposed development is in close proximity to or within an Air Quality Management Area, an air quality assessment should also be included to ensure compliance with the appropriate air quality standards. Air Quality Management Areas are designated for areas which have levels of air pollution that exceed recommended exposure limits that have been set to protect human health.*

## 6. Energy

6.1 *We would advise the Council to consider if the development meets the Council's standards for energy efficiency.*

### **Scottish Water**

*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 2008 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 Balmore 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 may impact on existing Scottish Water assets.*

- *Scottish Water infrastructure running through the area of the proposed development.*

*The applicant should identify any potential conflicts with Scottish Water assets. I can confirm that I have made our Asset Impact Team aware of this proposed development and someone from the Service Relocation Team will be in contact with you directly. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

### *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.*

### **Edinburgh Airport**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below.*

#### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- *monitoring of any standing water within the site temporary or permanent*
- *sustainable urban drainage schemes (SUDS) - such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*
- *management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds - the management plan shall comply with Advice Note 3 'Wildlife Hazards'*
- *reinstatement of grass areas*
- *maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- *which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- *monitoring of waste imports (although this may be covered by the site licence)*
- *physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- *signs deterring people from feeding the birds.*

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances, it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:*

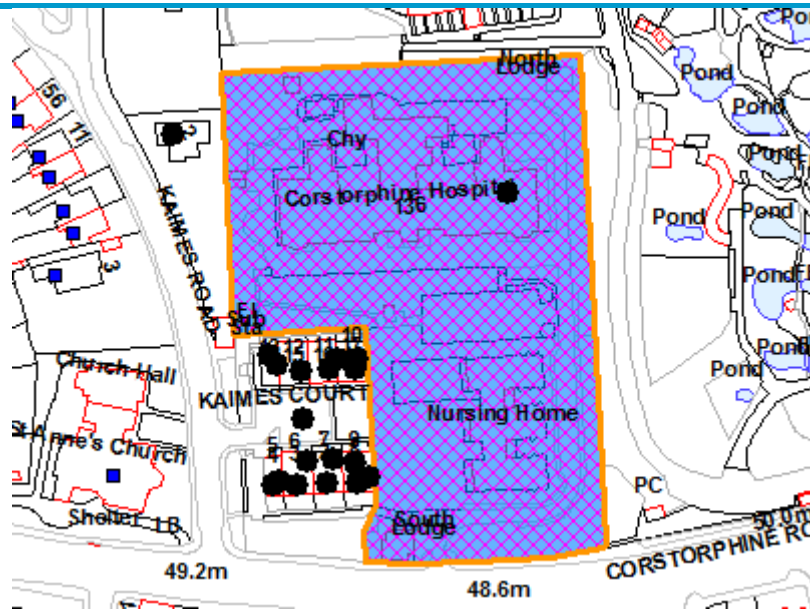
- Attenuation times*
- Profiles & dimensions of water bodies*
- Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

## Location Plan



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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Listed Building Consent 17/04138/LBC  
At Corstorphine Hospital, 136 Corstorphine Road,  
Edinburgh  
Re-development of the former Corstorphine Hospital  
building to form 54 residential apartments.**

<b>Item number</b>	6.1(c)
<b>Report number</b>	
<b>Wards</b>	B06 - Corstorphine/Murrayfield

## Summary

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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.

## Links

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

# Report

## **Application for Listed Building Consent 17/04138/LBC At Corstorphine Hospital, 136 Corstorphine Road, Edinburgh Re-development of the former Corstorphine Hospital building to form 54 residential apartments.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application refers to the former Corstorphine Hospital site comprising an 'L' shaped plot of land of approximately 1.61 hectares on the north side of Corstorphine Road to the west and south of Edinburgh Zoo. The hospital closed in 2014.

The site slopes upwards from Corstorphine Road and contains a variety of buildings, notably the original hospital at the top of the site: an Italianate-style, T-plan, two-storey, sandstone structure by Peddie and Kinnear, dating from 1866 with the addition of two-storey symmetrical pavilions to the east and west in 1891. The building has a number of later 20th century additions to the rear and a three-storey, glazed curtain wall enclosure was added to the front elevation in 1961-2.

The South Lodge, a single-storey, Italianate style structure dating from 1866, is situated on the west side of the main entrance off Corstorphine Road.

The original hospital and pavilions, the South Lodge and the gatepiers, railings and boundary walls are category C listed (reference 52367, listed on 11 January 2016). The following structures are excluded from the listing: the modern flat-roofed wings to rear of the main hospital, the glazed curtain walling on the front elevation, the later flat-roofed extension on the South Lodge and the rendered North Lodge in the north-east corner of the site.

The remaining building on site is the former Murray Park Nursing Home: a single-storey, pitch-roofed, reconstituted stone structure, dating from the 1980's.

The site is bounded by the original sandstone walls, comprising a dwarf wall and hedge along Corstorphine Road and full-height walls along the side and rear boundaries. There are four stone gatepiers with railings in between, terminating each end of the curved, recessed main entrance.

## 2.2 Site History

26 August 1998 - planning permission granted to construct a nursing home for young people (application reference 98/01160/FUL).

Current planning application under consideration for re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (application reference 17/04137/FUL).

## Related Planning History

27 May 2005 - planning permission granted for the erection of 30 extra care residential flats on the site adjacent to Corstorphine Hospital at Kaimes Road/Corstorphine Road (application reference 04/04047/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application is for redevelopment of the former hospital building for residential use comprising 30 apartments in the original hospital building and 24 apartments in two new rear extensions to the main hospital building.

The South Lodge will be converted to a community hub and management/concierge services centre.

The key additional external and internal alterations to the listed hospital building comprise:

- the demolition of the modern flat-roofed extensions to the rear and erection of two near-symmetrical, contemporary style, four storey extensions finished in coursed ashlar sandstone with bronze-coloured anodised aluminium glazing frames and cladding panels on the top storeys, adjoining the rear junctions of the side pavilions with the central block;
- the replacement of the existing three-storey curtain walling on the main elevation with a two-storey, bronze-coloured anodised aluminium-framed structure incorporating external terraces at first floor level with glass balustrades;
- the lowering of the cill heights of the windows at ground floor level and continuation of the existing surrounds in matching sandstone;
- the re-opening of previously blocked-up windows and introduction of transoms to all windows where new floor levels will be introduced;
- the installation of conservation type rooflights on the side and rear roof pitches;
- the infill of door openings with bronze-coloured anodised aluminium-framed entrance screens;



- the replacement of the existing windows with white-painted, timber-framed windows to match the original pattern and insertion of new transoms in windows which will be split by new floor levels;
- the erection of new partitions in the former wards to form living accommodation; and
- the removal of the existing main stair and installation of a new stair and lift in the same location.

The existing modern extension on the South Lodge will be replaced with a contemporary style, flat-roofed structure housing internal and external seating areas. The extension will be finished in bronze-coloured, anodised aluminium cladding panels with a glazed balustrade around the roof terrace.

The gateposts, dwarf wall and railings on the east side of the main vehicular entrance will be relocated further east on the same alignment to form a wider access.

### **Supporting Document**

The applicant has submitted the following document in support of the application which are available to view via the Planning and Building Standards Online Services:

- 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.

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.

### **3.3 Assessment**

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

- a) the proposals preserve the character of the listed building and its setting; and
- b) public comments have been addressed.

#### **a) Character and of Listed Building and its Setting**

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.

Historic Environment Scotland's document, "Managing Change in the Historic Environment: Setting" defines setting as "...the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced". Contributory factors can include views to, from and across or beyond the historic asset and key vistas that give the historic asset a context.

The original category C listed hospital building was altered significantly and unsympathetically inside and out in the later 20th century. The most imposing addition is the 1960's three-storey, glazed curtain wall enclosure on the principal elevation and the flat-roofed, rendered extensions to the rear. The removal of these structures is a significant conservation gain and the proposed replacement structures are appropriate additions in terms of scale, design and materials. The geometric, rhythmic forms, ratio of solid to void and mix of sandstone with bronze-coloured aluminium respect the historic architecture of the listed building whilst clearly distinguishing the old from the new.

The new curtain walling on the front elevation will re-expose the original arched windows at third floor level and restore a version of the previously removed open arches with balustraded terrace above. The irregular rhythm to the louvres has no negative impact on the original architectural style and the design of the new extension is symmetrical complementing the symmetry of the main facade.

The proposed four storey extensions to the rear break the normal convention of being subservient in height to the original listed building. However, given the steep upwards slope of the site, these structures will not be visible from the main public viewpoints or within the lower sections of the site. The location of two large accommodation blocks to the rear of the main building where they will not be conspicuous ensures that the new build element within the landscape setting of the building remains appropriate in scale.

The landscape setting of the listed building will be further enhanced by the demolition of the 20th century structures to the rear of the main building which are an amalgamation of service structures added over time which have no architectural cohesion. These outbuildings will be replaced with green landscaping which will make a positive contribution to the landscape setting.

The other proposed alterations to the original hospital building are restrained and appropriate, respecting the original fenestration pattern, window surrounds and door openings. Many of the original windows have been lost and/or altered over time, including the introduction of heavy transoms and mullions to windows in the flanking pavilions. The proposed transoms in the majority of replacement windows are necessary where new floor levels will be introduced and these are of minimal depth to avoid having a detrimental impact on the external appearance of the building. The lowered cills of the windows at first floor level on the main elevation will not be highly conspicuous behind the glazed balustrade of the new extension, so there will be no significant visual disruption to the original horizontal planes. A condition has been applied to ensure that the detailing of the new windows is appropriate.

There are no significant internal architectural features or spaces, so the proposed internal alterations will have no detrimental impact on the building's special historic or architectural interest.

The existing flat-roofed extension on the South Lodge, which is an unsympathetic, modern addition, will be replaced with a contemporary extension of appropriate scale and design.

The relocation of the gateposts, dwarf wall and railings on the east side of the main entrance on the same alignment further east will have no adverse impact on the basic design of the entrance.

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.

## **b) Public Comments**

### Material Objections

- the massing of the new north extensions are disproportionate to the existing building and should be subservient to the existing building - this has been addressed in section 3.3 a).
- the lowering of the cills and transoms to the first floor will change the fundamental horizontal planes of the classical design - this has been addressed in section 3.3 a).
- a regular rhythm to the new louvers on the south facade would enhance the existing classical design - this has been addressed in section 3.3 a).

### Non-material Objections

- The other comments regarding the new apartment block to the south of the listed hospital building and affordable housing provision relate to the associated application for planning permission (reference number 17/04137/FUL).

## **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 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.
2. Details of the new windows hereby approved in the listed building, including sections, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

## **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. 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**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 22 September 2017. One representation was received from the AHSS objecting to the proposals.

A full assessment of this representation can be found in the main report in the Assessment Section.

## Background reading/external references

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- 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 Edinburgh Local Development Plan, within the Urban Area.

**Date registered**

7 September 2017

**Drawing numbers/Scheme**

01, 02 - 08, 09A, 10, 11, 12A + 13 - 39,

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](mailto:clare.macdonald@edinburgh.gov.uk) Tel: 0131 529 6121

**Links - Policies**

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**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 17/04138/LBC At Corstorphine Hospital, 136 Corstorphine Road, Edinburgh Re-development of the former Corstorphine Hospital building to form 54 residential apartments.

### Consultations

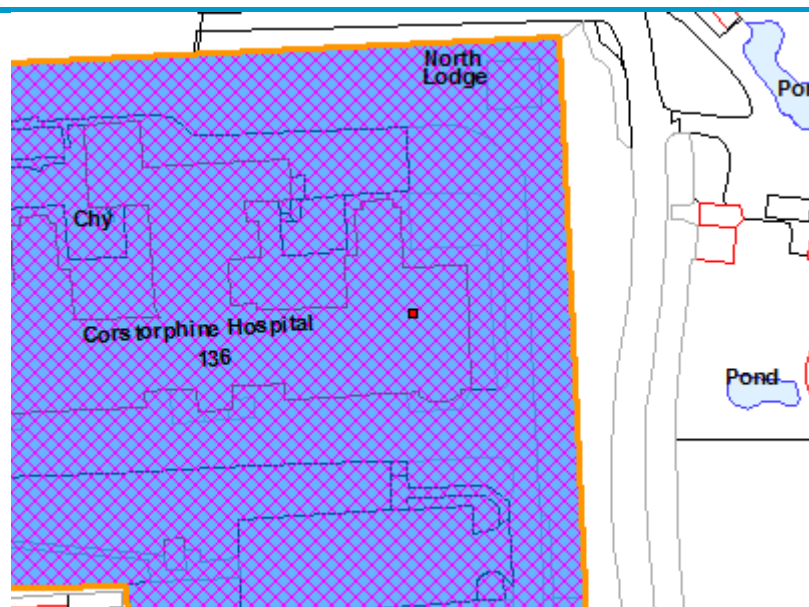
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#### Historic Environment Scotland

*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/conservation area consent, together with related policy guidance.*

### Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 17/05071/FUL  
At 30 Corstorphine Road, Edinburgh, EH12 6HP  
Conversion of the former nursing home, gate lodge and  
stable block to residential use, erection of two residential  
blocks comprising 27 residential units, associated  
landscaping and ancillary works.**

<b>Item number</b>	7.1(a)
<b>Report number</b>	
<b>Wards</b>	B06 - Corstorphine/Murrayfield

## Summary

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The proposal complies with the development plan and is acceptable. The character and appearance of the conservation area and the setting of the listed buildings will be preserved. There will be no significant impact on residential amenity and road safety will not be affected by the proposal. There are no material considerations that outweigh this conclusion.



## Links

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### [Policies and guidance for this application](#)

LDES01, LDES03, LDES04, LDES05, LEN03, LEN04, LEN05, LEN06, LEN12, LEN16, LHOU03, LEN21, LHOU01, LHOU02, LHOU05, LHOU06, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSP, CRPWMU, LDPP, LDES05, LDES01, LDES03, LDES04, LEN03, LEN04, LEN05, LEN06, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU05, LHOU06, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSP, CRPWMU,

# Report

## **Application for Planning Permission 17/05071/FUL At 30 Corstorphine Road, Edinburgh, EH12 6HP Conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site extends to approximately 0.77 hectares and is located on the north side of Western Terrace. The site contains a number of buildings, Tor House, a Category B listed building (Date of listing 15.04.1991; LB ref: 30256) which has significant later additions, a stable block located to the north of the site and a lodge house located to the south. The site was previously used as a care home.

The surrounding area is mainly residential. To the north of the site is the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sit to the east and west of the site. Further west towards Ellersley Road, sites have been redeveloped with modern developments.

The site is bounded by a high stone wall. Landscaped gardens sit to the front of the site with a variety of trees and shrubs. The ground gradually slopes upwards towards the rear of the site where the main buildings are located.

Vehicular and pedestrian access is taken from Corstorphine Road adjacent to the lodge house.

This application site is located within the West Murrayfield Conservation Area.

#### **2.2 Site History**

November 2017 - Listed building consent pending consideration for alterations to the stable block and removal of non original extensions to Tor House (application number 17/05073/LBC).

November 2017 - Conservation area consent pending consideration for demolition of non original extensions (application number 17/05074/CON).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal is to for a change of use of the existing buildings and the erection of two flatted residential blocks in the grounds of the listed building. The total number of residential units is 32, comprising 27 units in the two new build blocks, 2 units in Tor House, 2 units in the stable block and 1 unit in the lodge house.

#### Conversions

The main listed building will have the non-original extensions removed and will be converted into two, three bedroom residential dwellings.

The stable block will have an increase to its roof height to accommodate two, two bedroom apartments.

The lodge house will be retained in residential use.

#### New Construction

##### North block

It is proposed to build a new five storey residential block to the east of the main house, containing fourteen flats: nine, two bed and five, three bed. Thirteen of the apartments will have private terraces.

This new building is contemporary in style with a flat-roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

##### South Block

To the south of this block, it is proposed to erect a five storey block containing thirteen flats: five, two bed flats and eight, three bed flats. Twelve of the apartments will have private terraces.

This building mirrors the north block with its contemporary style, flat roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

#### Access and Car Parking

The existing vehicular access will be widened by 1.8 metres and a new separate pedestrian access will be created adjacent to this.

Thirty two parking spaces will be provided throughout the site and include four spaces for disabled people and four with electric charging. Seventy three cycle spaces are provided in secure cycle parking located in the south east and north west of the site.

## Landscaping

Open space will be provided throughout the site with the north and south blocks positioned around landscaped gardens. A number of trees and shrubs will be required to be removed in the south east and south west of the site. The mature planting running along the boundary to the south will be retained.

## Scheme 1

This proposed the demolition of the stable block. The new residential block has been reduced in height.

## Applicant's Supporting Statement

The following documents are available on the Planning and Building Standards Online Services:

- Design and Access Statement;
- Planning Statement;
- Tree Survey;
- Landscape Strategy and Visual Appraisal;
- Flood Risk Assessment;
- Transport Statement; and
- Daylighting Assessment.

### **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 development is acceptable in principle in this location;
- b) the development will impact on the character and appearance of the conservation area;
- c) the character and setting of the listed buildings is safeguarded;
- d) the scale, form, design and materials are acceptable;
- e) the development will impact on residential amenity;
- f) the proposal raises any issues in terms of residential amenity for the future occupiers of the development;
- g) transport, parking and access are satisfactory;
- h) there will be any significant loss of tree cover;
- i) there is an Affordable Housing contribution required;
- j) the proposal is acceptable in relation to other relevant material considerations;  
and
- k) the representations have been addressed.

#### a) Principle

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy Hou1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

#### b) Conservation Area

Policy Env 6 of the Edinburgh Local Development Plan permits development which preserves or enhances the character and appearance of the conservation area, preserves trees, hedges and boundary walls and demonstrates high standards of design.

The site sits within the Country House Sub Area of the main West Murrayfield Conservation Area. The essential characteristics are:

- The area is bound together by high stone boundary walls with houses less concerned with their relationship to each other, but more with their own design and layout within their grounds.

- The underlying spatial structure of the area is one of large 'country houses' in generous grounds close to main city access routes.
- Despite a gradual process of subdivision of the grounds, houses remain either free standing in generous plots or more uniformly laid out in smaller plots.
- Imposing gates set into boundary walls mark a transition from public to private, and retain an effect of privacy.
- A continuing interest and concern for landscaped gardens and woodland trees is clearly indicated by a high degree of maintenance.

These characteristics place emphasis on the retention of high boundary walls, creating a sense of privacy between private and public spaces, and concern for areas of landscaping.

The conservation area has seen some significant changes in recent years with new developments particularly in Ellersly Road and Kinellan Road bringing contemporary styled buildings closer to street boundaries. Such developments include flats at 33 Ellersly Road (Wallace Gardens), townhouses at 4 Ellersly Road (former Ellersly Hotel opposite the site) and the development at Westerlea. The proposed two new residential blocks within the grounds of Tor House are similar in style, massing and density to those in the surrounding area and will not adversely affect the character of the conservation area.

The proposal retains the boundary wall and mature landscaping to the south, an important characteristic of this site. Contemporary development is evident within the wider area and modifies the appearance of this conservation area. This proposal is set behind the stone wall and will be substantially screened from public view within the generous landscaped grounds. There will therefore be little impact on the appearance of the conservation area.

The proposal represents an acceptable balance between the restoration of the listed building and the new development. Their design and materials will not detrimentally impact on the character and appearance of the conservation area and accords with LDP policy Env 6.

### c) Setting of Listed Buildings

Policy ENV3 of the Edinburgh Local Development Plan states that development within the curtilage or affecting the setting of a listed building will be permitted if it is not detrimental to the character, appearance or historic interest of the building, or its setting. Policy Env 4 of the LDP states that alterations or extensions of a listed building is permitted where they will not cause any unnecessary damage to historic structures or diminish its interest.

Historic Environment Scotland's document, "Managing Change in the Historic Environment: Setting" defines setting as "...the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced". Contributory factors can include views to, from and across or beyond the historic asset and key vistas that give the historic asset a context.

## Tor House

The demolitions of the non-original extensions will allow the main listed building to sit once again in its own space and is a gain in terms of the setting of this original building. The new block to the north of the site will be positioned between the stable block and the main house. The site is currently flanked by the large flatted block at Westerlea sitting at a height of 71.6m AOD. The new block will sit 6.45m lower than this building but will sit higher than the existing Tor House by 5.4 metres. Whilst the new building is not subservient to the listed building, the height of the building has been reduced by a storey and the massing of the block reduced by stepping in the upper level. The building is located 19.4 metres from Tor House and 7.6 metres from the stable block and is set away from the main frontage of the listed building ensuring there will be no significant impact to its setting.

## Stable Block

The retention of this block is welcomed as part of the proposals and the alterations are for minor works to this building including the removal of non-original additions. The marginal increase in height to the roof and change to zinc will not adversely impact on the setting of the listed building or its character.

The wall located to the south is not included in the listing description and appears to be a later addition. Its removal will allow the full elevation of the stable block to be visible again.

The proposal accords with LDP policy ENV 3 and Env 4.

### d) Scale, Form, Design and Materials

#### New Build

Edinburgh Local Development Plan policy Des 1, Des 3 and Des 4 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings. Policy Hou 4 seeks appropriate density on each site.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The surrounding area is mainly residential in character encompassing a wide range of dwellings in terms of age, type, scale and style, including a modern flatted development on the site to the immediate north of the application site. The proposed type and density of the development is appropriate within this area.

The new build elements of the development adopt a contemporary feel to their design. The solid to void ratio, verticality of window openings and recessed terraces within the design of the building create a strong frontage that sits comfortably within the site. The combination of natural stone and brick fit with the context of the surrounding area and are materials that have been utilised on developments within the immediate surroundings.

The block to the north is a five storey building with recessed top floor positioned between the main house and the stable block. The height of this block will sit 6.45 metres lower than the flatted block at Westerlea and provides a natural stepping down of heights between the two sites allowing the building to sit comfortably within its immediate context. The front and rear elevation will be natural stone and is appropriate in this context ensuring the proposal does not affect the setting of the listed buildings.

The linear block located to the south is five storeys in height with a recessed top floor similar in design to the north block. This sits 2 metres lower in height than the block to the north, is set back in excess of 25 metres from the frontage of the site and is surrounded by landscaped gardens. This building is confined to the east side of the site ensuring the views of Tor House is not affected. The style, height and massing of this building has similar characteristics to the surrounding buildings and urban grain found within the immediate area and the density is comparable with new development in the area. This complies with policy Hou 4.

The design and materials of the development are of a high quality and the development accords with policies Des 1 and Des 3 of the LDP. A condition has been attached requesting a sample panel of materials to be produced to ensure the quality of the proposed external materials is assessed.

#### e) Residential Amenity

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The south block is orientated so that its main windows are facing north and south taking advantage of the open aspect over the gardens. The windows in the east elevation look onto the blank gable of the neighbouring property.

The north block is orientated so that the majority of windows are to the south, east and west with kitchen windows located on the north elevation. This block is positioned between 5.8 metres to 6.9 metres off the boundary to the north and is located an appropriate distance to the neighbouring development at Westerlea, which sits between 5.6 and 4.6 metres off the boundary.

A detailed assessment of daylighting has been prepared by the applicant. This can be viewed on the online services.



Daylighting: The detailed study tests show that the windows on the south elevation of the neighbouring north block will have reduced daylighting to the windows with five of these bedroom windows failing the vertical sky component (VCS); three of these windows are on the ground floor and two at the first floor. A further assessment using the Average Daylight Factor (ADF) has been undertaken and this demonstrates that the bedroom windows meet the criteria set out in the Edinburgh Design Guidance.

Sunlight: The block to the north does not comply with the 45 degree/2 metre height on the boundary. The area of garden is positioned on the gable end of the Westerlea site and does not form the main garden area for this development. A shadow will already be cast by the existing building at Westerlea and stone boundary wall and this proposal will not result in a significant further loss of sunlight to this space.

The proposal meets amenity tests under Des 5.

#### f) Amenity of future occupiers

Environmental Protection has raised concerns regarding the noise from Western Terrace Road and may require mitigation measure to be carried out to the internal and external spaces. The positioning of this development will not sit closer to the road than the existing neighbouring residential properties that are affected by traffic noise and disturbance similar to the application property and it would be unreasonable to attach a condition requiring this and would not be a justifiable reason to refuse planning permission.

The proposal will not have a detrimental impact on residential amenity and accords with policy Des 5 of the LDP.

The proposal comprises a mix of two and three bed units all of which exceed the minimum internal floor area requirements set out in the Edinburgh Design Guidance. The proposal complies with Hou 2 of the LDP.

In terms of open space the proposal will reduce the level of hardstanding currently on the site by returning these to usable landscaped areas. Each of the new blocks are arranged around a landscaped area so that many of the apartments have an aspect looking onto it and can benefit from its amenity. Open space provision complies with policy Hou 3 of the LDP and is acceptable.

#### g) Transport

Policy Tra 2 and Tra 3 states permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The development is providing 32 parking spaces for the residential units including 4 spaces for disabled people and four with electric charging points. A new pedestrian access will be provided from Corstorphine Road. The distribution of parking around the site, access routes to them and the provision meets levels required in the Council's guidance and is satisfactory. Two secure cycle stores are to be located to the south of the site and to the east of the Tor House to provide secure cycle parking.

Transport, parking and access are satisfactory and accords with policy Tra 2 and Tra 3 of the LDP.

#### h) Landscape

Policy Env 12 states that permission will not be granted for development if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree unless for good arboricultural reasons.

The proposed development will result in the loss of twenty four trees within the site to facilitate the development. The trees along the southern boundary form part of the established character of the conservation area and it is accepted that the removal of a few trees is required as part of good tree management. A condition will be attached to ensure the remaining trees are protected during construction work.

Nine trees will be removed in the eastern part of the site to accommodate the new south block. These trees are a variety of species including a Sycamore, Tulip Tree, Cedar of Lebanon and Weeping Ash. It has been identified that some of these have limited life expectancies due to age, and significant defects. The loss of these trees needs to be balanced against the impact the proposal will have on the landscape character of the site. The removal of these trees will have a short term impact on the landscape character of the site but any impacts will be mitigated in the longer term by the new tree planting proposed ensuring the landscape character of the site is not significantly impacted.

The proposal accords with Env 12 of the LDP.

#### i) Affordable Housing

Policy Hou 6 Affordable Housing of the local plan states that sites consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. For proposals above 20 or more units, the provision should be on site. Whenever practical, the affordable housing should be integrated with market housing.

The policy does recognise that some projects will be expensive to deliver if the affordable housing is to be delivered in a way that blends in with the rest of the development. It states that where a development is in a conservation area or involves the conversion of a listed building, the Council may consider receiving off-site land or a commuted sum payment in lieu of on-site affordable housing where there are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, or there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere.

The applicant has stated that the affordable housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (application reference 16/05524/FUL) and will provide nine affordable homes in total. This will provide an additional two affordable homes which will be 6% above the 25% requirement and is accepted by the service. It is therefore recommended that a legal agreement be entered into. An informative to this effect will be attached to the consent.

j) Other relevant material considerations

**Flooding**

No objection has been raised by the flood team in respect of the proposed development.

**Archaeology**

No significant archaeological remains are expected on this site. However, it is recommended that a condition be appended to the consent requiring a standard programme of archaeological work to be undertaken given the significance of the buildings and the house's Victorian interior. This is to provide a permanent record of Torwood House and its Gate-house and to record significant fabric affected and exposed by these works.

**Education**

Policy Del 1 requires proposals to contribute towards education provision.

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required is £76,092 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required is £17,081, no indexation to be applied to land contribution.

A legal agreement is recommended to secure the required contribution.

## k) Representations

### **Material Representations - Objection**

- inappropriate density - assessed in section 3.3 (d).
- impact on character and appearance of the conservation area - assessed in section 3.3 (b).
- loss of stable block - assessed in section 3.3 (c).
- setting of the listed building - assessed in section 3.3 (c).
- quality of design - assessed in section 3.3 (d).
- height of the development - assessed in section 3.3 (d).
- loss of daylight, sunlight and overshadowing - assessed in section 3.3 (e).
- inadequate parking - assessed in section 3.3 (f).

### **Murrayfield Community Council**

The Murrayfield Community Council did not request to be a statutory consultee but it objected on the following grounds:

Listed Building - the demolition of the stable block - addressed in paragraph 3.3 (c) above and is now being retained as part of the revised proposals.

Loss of mature trees - they are an essential part of the character of the conservation area - addressed in section 3.3 (h) above.

North block restricts daylighting to adjacent properties - addressed in section 3.3 (e) above.

### Conclusion

The proposal complies with the development plan and is acceptable. The character and appearance of the conservation area and the setting of the listed buildings will be preserved. There will be no significant impact on residential amenity and road safety will not be affected by the proposal. There are 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. No development shall take place within until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
2. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

3. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
4. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.

**Reasons:-**

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

**Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded for the following developer contributions:

Children and Families

A total infrastructure contribution of £76,093 (indexed linked) and a land contribution of £17,081 to alleviate accommodation pressures in the local catchment area.

Affordable Housing

Affordable Housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (application reference 16/05524/FUL) and will provide nine affordable homes in total.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

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

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

A total of 36 letters of representation has been received. Ten of these were received when the neighbour notification was first undertaken in November 2017 objecting to the proposal, a further 26 objections were submitted when further notification was undertaken on the 15 May 2018 after amended information was submitted.

An objection was received from Murrayfield Community Council.

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

## Background reading/external references

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- 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 - The site is designated as an Urban Area.

### **Date registered**

2 November 2017

### **Drawing numbers/Scheme**

01A-13A,14,15A-16A,17-31,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

## **Links - Policies**

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### **Relevant Policies:**

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.



LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

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 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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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.

## **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 'PARKING STANDARDS' set the requirements for parking provision in developments.

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

### **Relevant policies of the Local Development Plan.**

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

# Appendix 1

## **Application for Planning Permission 17/05071/FUL At 30 Corstorphine Road, Edinburgh, EH12 6HP Conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works.**

### **Consultations**

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#### **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. 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.*

#### *2. Affordable Housing Provision*

*This application is for a development consisting of 29 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (7) homes of approved affordable tenures.*

*The applicant has stated that the affordable housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (ref: 16/05524/FUL) and will provide nine affordable homes in total. This is welcomed by the department as this will provide additional two affordable homes which will be 6% above the 25% requirement.*

*The applicant will need to ensure that the offsite provision is a viable option for affordable housing. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.*

### 3. Summary

*The applicant has made a commitment to provide 31% off site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of affordable housing in City.*

- o The offsite provision must provide a viable site for the delivery of affordable housing*
- o The tenure of the affordable housing must be agreed with the Council*
- o All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

### **Roads Authority**

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

- 1. The applicant proposes 2 cycle stores with capacity 73 cycle parking spaces and 4 cycle spaces in the garages and complies with the Council's 2017 Parking Standards which requires the applicant to provide a minimum of 77 secure cycle parking for the proposed development in Zone 2;*
- 2. The applicant has demonstrated by swept path analysis that refuse collection could be accommodated within the proposed development;*
- 3. The proposed 32 parking provision of which 4 are disabled bays and complies with the Council's 2017 parking standards which allows a maximum of 32 parking provision for the proposed development in Zone 2. The proposed 2 motorcycle parking provision complies with the Council's 2017 Parking Standards which requires a minimum of 1 motorcycle parking space.*
- 4. The applicant proposes raised tables on the shared surface to promote slow vehicular speed whilst maintaining 1.5m wide flush shared surface for disabled access.*
- 5. The applicant proposes 3m wide pedestrian access from Corstorphine Road.*
- 6. All doors should be opened inwards and not outwards onto adopted road.*
- 7. A road serving 6 or more residential units is considered public road and has to be built to adoptable standards under road construction consent.*
- 8. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site.*
- 9. The applicant proposes 4 electric vehicle charging infrastructure including dedicated parking spaces with charging facilities at least ducted to allow electric vehicles to be readily accommodated in the future and complies with the 2017 parking standards.*

## Children and Families

### Updated response July 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:*

*27 Flats*

*5 Houses*

*This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

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

*Total infrastructure contribution required:*

*£76,092*

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

*Total land contribution required:*

*£17,081*

*Note - no indexation to be applied to land contribution.*

## Response January 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'.*

### **Assessment and Contribution Requirements**

*Assessment based on:*

*29 Flats*

*3 Houses*

*This site falls within Sub-Area W-2 of the 'West Education Contribution Zone'.*

*The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

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

*Total infrastructure contribution required:*

*£62,116*

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

*Total land contribution required:*

*£13,871*

*Note - no indexation to be applied to land contribution.*

### **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked applications for the conversion of the former nursing home and gate-lodge to residential use (including demolition of non-original extensions and stable block), erection of two residential pavilions comprising 29 residential units, associated landscaping and ancillary works.*

*The application affects the former Torwood Nursing Home built around and incorporating the B-listed Torwood House and Gate-house constructed in 1866. Although these regionally important buildings have been surrounded by 20th century addition, the interior of the the former Victorian Villa has remained relatively untouched, with the rooms within the house containing significant late Victorian decor. This application must therefore be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and CEC Edinburgh Local Development Plan (2016) policies ENV4, & ENV9.*

*It is welcomed that proposals will see both the removal of later buildings and the retention of the house's significant Victorian décor which will enhance and preserve the significant character of these buildings.*

*However, the scheme will require significant alterations and down-takings. In archaeological terms, these works are considered to have a low impact. However, given the significance of the buildings and the house's Victorian interior it is considered important that that a programme of historic building recording (annotated plans and elevations, photographic and written description and analysis) is undertaken prior to and during any alterations and development. This is to provide a permanent record of Torwood House and its Gate-house and to record significant fabric affected and exposed by these works.*

*Therefore, it is recommended that the following condition be applied to any consent, if granted, to secure this programme of archaeological works;*

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

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

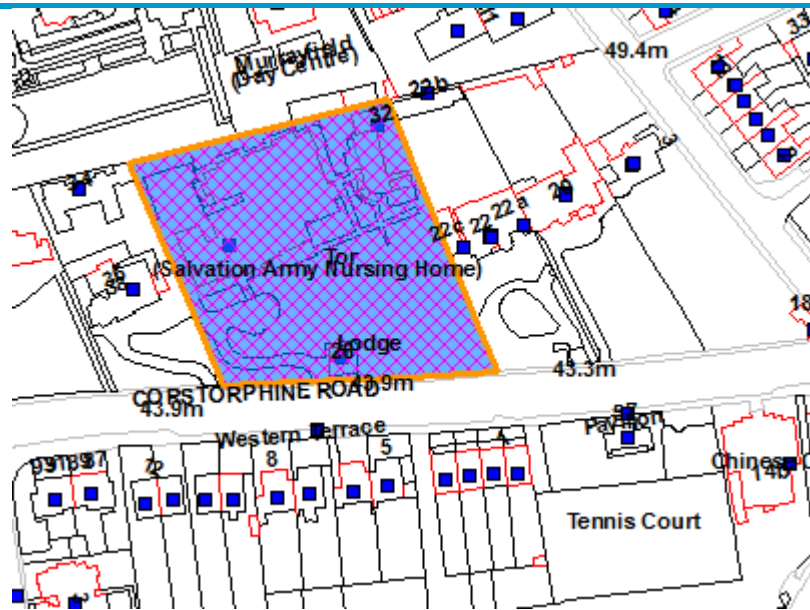
## **Flood Planning**

*I have reviewed the documents available on the planning portal. I can confirm that the submission has been accepted by Flood Prevention with no comments.*



## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Listed Building Consent 17/05073/LBC  
At 30 Corstorphine Road, Edinburgh, EH12 6HP  
Alterations to stable block and removal of non-original  
extensions to former Tor Nursing Home. Alterations to  
Torwood House to facilitate conversion to residential use  
(as amended).**

<b>Item number</b>	7.1(b)
<b>Report number</b>	
<b>Wards</b>	B06 - Corstorphine/Murrayfield

## Summary

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The proposals have special regard to the desirability of preserving the building and its setting and the proposals do not adversely affect any features of special architectural interest or the setting of the listed building. The proposals preserve the character and appearance of the conservation area.

## Links

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

# Report

## **Application for Listed Building Consent 17/05073/LBC At 30 Corstorphine Road, Edinburgh, EH12 6HP Alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site extends to approximately 0.77 hectares and is located on the north side of Western Terrace. The site contains a number of buildings, Tor House, a Category B listed building (Date of listing: 15/4/1991; LB ref:30256) which has significant later additions, a stable block located to the north of the site and a lodge house located to the south. The site was previously used as a care home.

The surrounding area is mainly residential. To the north of the site is the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sit to the east and west of the site. Further west towards Ellersley Road, sites have been redeveloped with modern developments.

The site is bounded by a high stone wall. Landscaped gardens sit to the front of the site with a variety of trees and shrubs. The ground gradually slopes upwards towards the rear of the site where the main buildings are located.

Vehicular and pedestrian access is taken from Corstorphine Road adjacent to the lodge house.

This application site is located within the West Murrayfield Conservation Area.

#### **2.2 Site History**

24 October 2013 - Permission to fell two trees in the garden area (application reference 13/04259/TCO).

17 December 2013 - Planning permission granted for the installation of a glazed door in each bay window. The installation of 3 new roof lights to line through with the existing two in the adjacent room (application reference 13/04737/FUL).

17 December 2013 - Listed building consent granted for conversion of the existing room at the Tor Nursing Home to form two new en-suite bedrooms, including the installation of a glazed door in each bay window. An existing store room on the floor above is to be converted to form a staff room including the installation of 3 new rooflights to line through with the existing two in the adjacent room (application reference 13/04738/LBC).

November 2017 - Conservation area consent pending consideration for demolition of non original extensions (application reference 17/05074/CON).

November 2017 - Planning permission pending consideration for conversion of the former nursing home and gate lodge to residential use (including demolition of non-original extensions and stable block), erection of two residential blocks comprising 29 residential units, associated landscaping and ancillary works (application reference 17/05071/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal is to alter Tor House, stable block and vehicular entrance to the site.

#### Tor House

The building will be converted to residential use and divided into two residential units.

A series of internal partitions will be removed to reinstate a number of rooms back to their original proportions. The modern additions on the east elevation of the building and an external fire escape stair on the west elevation will be removed.

The existing windows on the south elevation will be retained and on the north elevation new timber glazed screens are proposed at the ground floor level.

#### Stable Block

This is being retained and converted into two dwellings. A boundary wall and non original extension to the building will be removed. The proposed alterations include increasing the height of the roof by 1.5 metres to allow accommodation to be created at the first floor level. This new roof extension will be finished in a zinc cladding. On the south elevation new timber sash and case windows at first floor and new screens on the ground floor are proposed. The infill on the west elevation will be stone to match existing.

#### Lodge House

This will be retained as a single dwelling and no external or internal changes are proposed to this building.

## Scheme 1

The stable block was to be demolished and the height of the north block has been reduced by one storey.

### **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.

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.

### **3.3 Assessment**

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

- a) the proposals adversely affect the character of the listed building;
- b) the proposals adversely affect the character or appearance of the conservation area; and
- c) comments raised have been addressed.

#### a) Character and Setting of Listed Building

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

Historic Environment Scotland's document, "Managing Change in the Historic Environment: Setting" defines setting as "...the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced". Contributory factors can include views to, from and across or beyond the historic asset and key vistas that give the historic asset a context.

Tor House has been altered significantly and unsympathetically both internally and externally in the later 20th century. The most imposing addition is the large two storey pitched roof extension and conservatory to the side and rear of the building. The removal of these structures is a significant conservation gain and will allow the main building to sit once again in its own space.

The front elevation will remain unaltered and the glazed screen and glazed extension to the rear is of an appropriate design that is sympathetic to the character of the building. The internal alterations involve the removal of a number of non original partitions to allow the principal rooms to be reinstated to their original proportions.

The proposed new five storey blocks to the north and south of the site breaks the normal convention of being subservient in height to the original listed building. The location of this block is set away from the main frontage of the listed buildings ensuring there will be no impact to its setting. These blocks are of an appropriate scale and sit comfortably within the landscape setting of the site.

The alterations to the proposed boundary walls to increase the width of the vehicular access, relocate the gatepost and create a new pedestrian access will have no adverse impact on the basic design of the entrance.

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.

### Stable Block

This block is being retained and limited alterations are required to convert the main stable block to residential. The interventions in the form of increasing the roof height are acceptable and will not dominate the original building as a result of its scale and location. The proposed zinc roof provides a suitable contrast to the traditional slate and is an appropriate material within this context. The removal of the wall will not adversely impact on the character or setting of the listed building and is acceptable.

In conclusion, the alterations and refurbishments safeguard, and will not adversely impact upon, the character of the listed buildings.

### b) Character and Appearance of the Conservation Area

The site sits within the Country House Sub Area of the main West Murrayfield Conservation Area as identified in the conservation Area Character Appraisal. The essential characteristics are:

- The area is bound together by high stone boundary walls with houses less concerned with their relationship to each other, but more with their own design and layout within their grounds.
- The underlying spatial structure of the area is one of large 'country houses' in generous grounds close to main city access routes.
- Despite a gradual process of subdivision of the grounds, houses remain either free standing in generous plots or more uniformly laid out in smaller plots.
- Imposing gates set into boundary walls mark a transition from public to private, and retain an effect of privacy.
- A continuing interest and concern for landscaped gardens and woodland trees is clearly indicated by a high degree of maintenance.

These characteristics place emphasis on the retention of high boundary walls, creating a sense of privacy between private and public spaces, and concern for areas of landscaping.

The removal of the extension will have a positive impact of the character and appearance of the conservation area, as it removes a large non-original feature. Other alterations to the main listed building will be largely external and will have no impact on the conservation area. The new zinc roof on the stable block will be a small change to the listed building on the site and overall there will be no adverse impacts on the conservation area in terms of the works to the listed building.

### c) Representations

#### Material Objections

- there is no justifiable reason to demolish the stable block - this is addressed in section 3.3(a).

#### Conclusion

The proposed alterations to the listed buildings are of an appropriate scale and will not have any adverse impact on the character of the buildings in accordance with non-statutory guidance on Listed Building and Conservation Areas.

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**

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##### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

#### **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 representation has been received and was from The Architectural Heritage Society of Scotland (AHSS).

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

## **Background reading/external references**

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- 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 - The site is designated as an Urban Area.

**Date registered**

2 November 2017

**Drawing numbers/Scheme**

01A - 04A, 05 - 09, 11A -14A, 15-21,

,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

**Links - Policies**

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

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

**Other Relevant policy guidance**

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

# Appendix 1

## **Application for Listed Building Consent 17/05073/LBC At 30 Corstorphine Road, Edinburgh, EH12 6HP Alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended).**

### **Consultations**

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#### **Historic Environment Scotland**

*Thank you for your consultation which we received on 10 November 2017. The proposals affect the following:*

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
LB30256	30 Corstorphine Road Tor Nursing Home, including Gate Lodge, Gatepiers, railings and boundary walls	Listed Building

#### **Our advice**

*This application proposes a range of interventions at the former Tor Nursing Home, Corstorphine Road. Built in 1866 (originally Torwood House) in a Neo-Jacobean style the building retains much of its original residential appearance and character, despite significant later twentieth century adaptations to a nursing home.*

*A lot, if not all, of the alterations and additions from its recent history as a nursing home will be undone. This includes the removal of the substantial extension and, in our reading of the floor plans, much of what appears to be modern internal partitioning. This is very much welcomed. The proposal to sub-divide the property into two residential units should not have a significant impact on its special interest.*

*We know the house still retains rooms with significant decorative schemes. This includes the entrance hall, main stair and, perhaps most significantly, the dining room complete with embossed and gilded Tynecastle wall coverings. We welcome the commitment in the Design Statement to retain all the highly decorative rooms in full.*

*Having had the opportunity to assess the application on site, your Council will be able to assess the impact of the internal alterations in more detail. We would be happy to provide further advice if required.*

*The application also proposes the demolition of the former stables to help enable subsequent development in the garden grounds - although we do not view this as an enabling development case. As Torwood House is listed at Category B, we have no role in assessing new development in its setting. However, we view the removal of the stables to be the most damaging aspect of the proposals. Although not highlighted in the list description, we consider the building does contribute to the significance of Torwood House as an ancillary structure, and assume your Council will consider it is covered by curtilage. The surviving stalls also adds interest to the stables and we note that a radical 2010 approved scheme (along which lines we wouldn't have an issue with now) allowed for their retention.*

*The argument for demolition of the stables, as set out in the Planning Statement, is that the building is of less architectural interest than the main house and therefore will meet demolition test a) (as set out in the Historic Environment Policy Statement). If your Council decide to assess the loss of the stables against the demolition tests then this is a potentially reasonable conclusion to make. However, the stables do have some interest, as noted above, even if they might not merit listing in their own right.*

*Although, it is largely a building of more simple utilitarian design and does not appear to have been intended to be practically prominent, either from the house (with its now currently separated by the extension to the house) or Corstorphine Road, being located at the northeast corner of the site, they are of some interest. With this in mind, we would be happy to provide further advice on the significance of the stables if this would aid your own assessment. It may be worth investigating if the location of the new-build elements can be amended which may allow the retention and conversion of the stables, or even keeping the most important portion of the altered stables.*

*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 with national and local policy on listed building/conservation area consent, together with related policy guidance.*

## **Further Information**

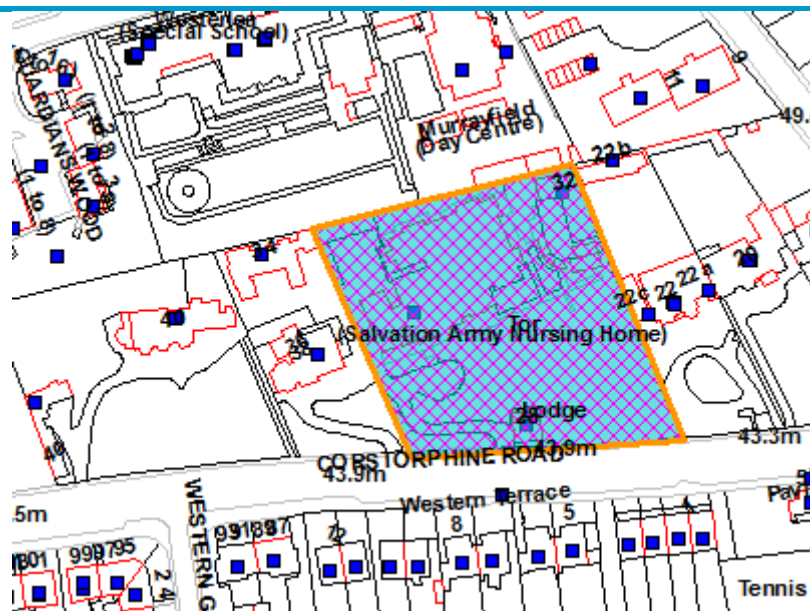
*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*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/](http://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.enginshed.org](http://www.enginshed.org).*

As this application involves the demolition of a listed building, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encourage to complete and return the Consent Application Referral Form found at [www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).

Please contact us if you have any questions about this response. The officer managing this case is Ian Thomson who can be contacted by phone on 0131 668 8076 or by email on [ian.thomson@hes.scot](mailto:ian.thomson@hes.scot).

## Location Plan



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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/00892/FUL  
At Springwell House, 1 Gorgie Road, Edinburgh  
Change of use and conversion of the original Springwell  
House buildings from vacant offices to 39 new residential  
apartments. Demolition of some rear extensions and  
construction of 7 new town houses. Refurbishment of  
existing lodge house and construction of new detached  
lodge house giving 48 residential units in total. (as  
amended).**

Item number	7.2
Report number	
Wards	B07 - Sighthill/Gorgie

## Summary

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The proposal is acceptable in principle and is of a suitable design, form and scale which will not be damaging to the character and appearance of the surrounding area. The proposal will not have an adverse impact on the unique historical and architectural character of the listed buildings on the site, or their setting. The proposal will result in the creation of a satisfactory residential environment, will not have a detrimental impact on the amenity of neighbouring residents, and does not raise any issues in respect of the additional planning matters relevant to the application.

The proposal represents a departure from policy Hou 6 and the Council's Guidance for Developer Contributions and Affordable Housing due to the absence of any on site or alternative off site affordable housing provision from the scheme.

The absence of any affordable housing provision is considered to be justified in the context of this application having regard to the exceptional circumstances relating to the proposal. The proposed development will safeguard the retention of two important listed buildings which are currently vacant and deteriorating, and which contribute to the historical character of the local area.

### Links

<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LHOU03, LDES01, LDES04, LDES05, LEN03, LEN04, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU05, LHOU06, LTRA02, NSG, NSHAFF, NSGD02,
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# Report

**Application for Planning Permission 18/00892/FUL  
At Springwell House, 1 Gorgie Road, Edinburgh  
Change of use and conversion of the original Springwell  
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construction of 7 new town houses. Refurbishment of  
existing lodge house and construction of new detached  
lodge house giving 48 residential units in total. (as  
amended).**

## Recommendations

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

## Background

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### 2.1 Site description

The site is the Springwell House complex, most recently in use as Council and NHS Social Work and Health Centre. The site covers a total area 0.64 hectares and is dominated by two Scots Baronial style buildings originally constructed in 1863. Springwell House consists of the larger, three storey, former asylum building which is located at the centre of the site and forms the primary built feature. A baronial style lodge house is situated at the main entrance to the site on Gorgie Road. The smaller building is a three storey, cruciform plan, gabled villa situated adjacent to the eastern boundary of the site, running parallel to Ardmillan Terrace.

The two original buildings are linked by a non-original two storey post war extension. Another large, two and three storey extension has also been constructed to the side and rear of the smaller building fronting out onto Ardmillan Terrace. Several later addition single storey extensions to the main building lead out southwards from its rear elevation.

The south western corner of the site is currently in use as a car park for the adjacent Springwell Medical Centre.

The surrounding area has a mixed residential/commercial nature and is characterised by tenement flats and terraced dwellinghouses. Various commercial uses are located in the surrounding area including Gorgie City Farm directly to the west and the Springwell Medical Centre to the south. North Merchiston Cemetery is situated adjacent to the southern boundary of the site.

An extensive line of trees is located adjacent to the northern boundary wall of the site. Additional clusters of trees are also located adjacent to the later addition single storey extensions leading out from Springwell House, and along the southern and western boundaries of the site.

Both original buildings and the lodge house are category C listed buildings (listing reference: 26743, listing date: 9/2/1993).

## **2.2 Site History**

4 May 2018 - Application submitted for listed building consent for alterations to Springwell House to facilitate the construction of 39 residential apartments (application reference: 18/00892/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks planning permission to create a total of 48 dwellings on the site.

Thirty nine flats will be formed within Springwell House, the villa building and a newly constructed contemporary extension which will be sited adjacent to the eastern and southern boundary of the site. The non-original extension situated to the side and rear of the villa building will be demolished and a new contemporary extension constructed in its place. The new extension will largely occupy the same footprint as the existing extension and will be of a similar form and design. It will incorporate facing brickwork on the external elevations and PPC aluminium framed windows. The new extension incorporates a pitched roof element to be sited adjacent to the villa building.

The link building which joins Springwell House and the villa building will be retained and overclad with new facing brickwork and new aluminium windows.

The composition of the flatted dwellings is as follows:

- One studio apartment
- 27 one bedroom apartments
- Seven two bedroom apartments
- Four three bedroom apartments

A new contemporary style three bedroom lodge house will be constructed within the north west corner of the site. The exterior of the lodge house will be finished in facing brick work.

The original lodge house will be converted to form a one bedroom dwellinghouse

The existing access from Gorgie Road will be enlarged by 2 metres to allow access for emergency vehicles and refuse collection lorries. This will be facilitated by relocating two existing stone piers 2 metres to the west and rebuilding a section of the northern boundary wall in a new position.



Seven two storey three bedroom townhouses will be constructed in the south western corner of the site. The townhouses will be created through the demolition of several later addition single storey extensions situated to the rear of Springwell House. The exterior of the townhouses will be finished in facing buff brick and the buildings will have PPC aluminium framed windows.

### Supporting Documents

The applicant has submitted the following supporting documents which are available to view via planning and building standards Online Services:

- Transport Statement;
- Tree Survey Report, Schedule and Constraints Plan;
- Bat Survey;
- Drainage Strategy Plan;
- Design Statements;
- Valuation Report; and
- Supplementary Transport Note and Swept Path Analysis.

### Scheme 4

The submitted drawings were amended to reflect the extent of tree coverage on the site, the proposed tree works, the widened access from Gorgie Road and the finalised vehicle parking and cycle storage layout.

### **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.

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;

- b) The design, scale, form and density of the proposal is acceptable and the proposal will have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal would have a detrimental impact on the unique architectural and historical character of the listed building or its setting;
- d) The proposal raises any issues in respect of the delivery of affordable housing;
- e) The proposal would result in the creation of a satisfactory residential environment;
- f) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- g) The proposal raises any issues in respect of parking and road safety;
- h) The proposal raises any issues in respect of developer contributions and infrastructure delivery;
- i) The proposal raises any issues in respect of other matters relevant to its determination, and
- j) Any matters raised in representations have been addressed.

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that in respect of housing development, priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in part 1 section 5 of the plan on suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

The application site is designated within the LDP as being in the urban area. The principle of residential development in this location is acceptable and the proposal complies with policy Hou 1, provided other policies within the LDP are met.

b) Design of the Proposal

LDP policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design which would be damaging to the character or appearance of the area around it. Policy Des 4 states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape.

The proposal seeks to retain Springwell House and the villa building which form the most important built features on the site. The most significant new development on the site involves the demolition of the post war extension situated to the side and rear of the villa building and its replacement with a new extension building.

The new extension will be similar in height, form and scale to the structure which it is replacing. The front (north) elevation has been designed to mirror the pitched roof style and general appearance of the villa building and forms a more sympathetic built feature which represents an improvement on the appearance of the existing flat roof extension. The resultant effect will be a minor positive change in the overall appearance of the eastern boundary of the site and the wider Ardmillan Terrace streetscape.

The new lodge house is of an appropriate contemporary design which mirrors the appearance of the original lodge house sited adjacent to the main entrance. The overall visual impact of this new building on the established streetscape will also be limited by its position adjacent to the high stone boundary wall which marks the western boundary of the site.

The use of buff facing brick as the predominant external material is acceptable within the context of the development. The existing extensions encompass brick exteriors and the use of a similar material for the new extensions will ensure that there is only a minor change in the overall impact which development on the site has on both the surrounding streetscape, and the listed structures within the site.

The design and form of the townhouses is appropriate. The location of the townhouses is such that they will be predominantly obscured from wider view by the positioning of the new retaining wall and Springwell Medical Centre.

The proposal includes provision for a two tier bike rack cycle store to be located adjacent to the north eastern corner of the site. The cycle store will be situated in an appropriate location, set back from the main streetscape, and will be partially obscured from view by presence of the high stone boundary wall which bounds the site.

The proposed development has a suitable mix of house types and sizes in compliance with policy Hou 2.

The proposed development has a density level of 75 dwellings per hectare (d/ha). This an appropriate level of development which has regard to the varying density levels in the surrounding area, reflected in the presence of both tenement flats and terraced dwellinghouses situated on the adjacent streets. The proposed development is not therefore considered to be overdevelopment of the site and complies with policy Hou 4.

The design of the proposal is acceptable, will not be damaging to the character and appearance of the surrounding area and will have a minor positive impact on the character of the wider townscape. The proposal complies with policies Des 1 and Des 4 and housing policies Hou 2 and Hou 4.

### c) Character, Appearance and Setting of the Listed Building

LDP policy Env 4 states that proposals to alter a listed building will be permitted where there will be no unnecessary damage to historic structures or diminution of its interest. In addition, policy Env 3 states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

The single storey outshoots to the rear of the Springwell House are not original features and do not contribute to the historic character of the main building. Their removal to facilitate the construction of the townhouses is acceptable and will not have a detrimental impact on the character of the building.

The post war link building connecting Springwell House and the villa, and the extension to the rear and side of the villa are all later additions which hold no particular architectural merit and the removal of which will have no impact on the character of either building.

The proposal seeks to maintain and refurbish the original windows which are still situated within Springwell House and the villa building, preserving the character of both buildings.

The key aspect of the setting of Springwell House is the open area separating the principal elevation of the main building from the high stone wall which bounds Gorgie Road. The proposals will maintain this degree of openness, with the new lodge house being situated adjacent to the western boundary of the site and in a position where it will not interfere with the interpretation of the main building's principal elevation. The majority of the trees adjacent to the northern boundary wall, which also serve to contribute to the setting of the site, will be retained.

The original lodge house adjacent to the main entrance gates will be maintained in situ. The lodge house is an important building which serves to clearly denote the main entrance to the site. Maintaining the lodge house will ensure that a key historical built feature will be retained.

The relocation of the two gate piers at the main entrance to the site on Gorgie Road is appropriate in the context of the scheme. The piers will be situated in appropriate positions so as to ensure that they maintain a suitable degree of symmetry with the other piers on the opposite side of the entrance. The overall impact on the appearance of the site entrance will therefore be minimal.

The proposal will not have an adverse impact on the unique architectural and historical character of the listed building or its setting. The proposal complies with LDP policies Env 3 and Env 4.

#### d) Delivery of Affordable Housing

LDP Hou 6 states that planning permission for residential development, including conversions, consisting of twelve or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings the provision should normally be on-site. Whenever practical, the affordable housing should be integrated with the market housing.

The Council's Affordable Housing team was consulted on the proposal.

On site delivery of affordable housing through a registered social landlord (RSL) was considered but was discounted for three main reasons: the high purchase cost, potential maintenance liability for a listed building and need to take on minority ownership within a shared stairwell all contribute to making it unviable for an RSL to deliver affordable provision on site.

Two alternative methods of delivery were also assessed: unsubsidised share equity and golden share. 12 units were originally proposed for shared equity, although only one unit within the development is suitable in both size and eligibility thresholds making this option unviable.

Golden Share, which would have involved 12 units being sold at a 20% discount on their market value was also discounted as a potential delivery mechanism, as was a commuted sum for the delivery of affordable housing at another location.

Golden Share and a commuted sum were discounted due to the impact they would have on the financial viability of the proposal as a whole. The developer has undertaken a valuation survey outlining the purchase and development costs associated with the development which has been subject to an independent open book assessment by council surveyors. The assessment verified that under a 'best case scenario' where the development delivered affordable housing through the Golden Share Mechanism, only a 3% profit would be achieved. This level of profit is far below normal expected market levels of profit which would normally be expected for a scheme of this type and would render the development as a whole financially unviable.

Having regard to the above, the Affordable Housing team has advised that no form of affordable housing provision is feasible in respect of this development. The proposal represents a departure from LDP policy Hou 6. However, the circumstances regarding this application are considered to be exceptional. In addition, the proposal will safeguard the retention and refurbishment of listed buildings which form important features of both architectural and historical interest, which contribute significantly to the character and appearance of the surrounding area, and which are currently vacant and deteriorating. Having regards to the difficulties of providing affordable housing onsite through an RSL, and the impact any form of alternative provision would have on the financial viability of the scheme as a whole, the absence of any affordable housing provision is acceptable in the context of this application.

#### e) Creation of a Satisfactory Residential Environment

Policy Des 5 of the LDP states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. Policy Hou 5 states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided a satisfactory residential environment can be achieved and housing would be compatible with nearby uses. In addition, policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

All of the proposed apartments and houses accord with the floorspace requirements for studio, one, two and three bedroom dwellings outlined in the Edinburgh Design Guidance. The habitable rooms of all dwellings will have access to acceptable levels of daylight.

All of the townhouses will have access to a private garden area to the rear.

The proposal includes provision for 1370 square metres of amenity space within the curtilage of the site which can be utilised by residents. This represents 21% of the total site area and accords with the requirements of policy Hou 3. The site is also located within convenient walking distance of Murieston Park to the north and Harrison Park to the south.

Environmental Protection had originally requested that a noise impact assessment be undertaken in order to ascertain prospective noise levels for the proposed apartments on the site. The site is located within an established urban area with numerous nearby residential properties along Ardmillan Terrace, Gorgie Road, Dalry Road and Henderson Terrace which experience noise from several commercial premises, road traffic and the railway line. It is not anticipated that prospective residents will be subjected to noise levels in excess of the levels which other nearby residents experience and a Noise Impact Assessment is not considered necessary in the context of this application. Any decision to install specific glazing measures to satisfy the individual requirements of prospective occupants in respect of noise levels in the apartments will lie with the developer.

The proposal will result in the creation of a satisfactory residential environment and complies with policies Des 5, Hou 3 and Hou 5.

#### f) Impact on the Amenity of Neighbouring Residents

In addition to the criteria outlined in section e) of the report, Policy Des 5 of the LDP requires proposals to demonstrate that the amenity of neighbouring developments is not adversely affected.

The proposal will not result in any loss of daylight or adverse overshadowing for any neighbouring property.

The windows of the flats which will be located within the new building adjacent to the villa, flats 13, 14, 27, 28 and 39, will all be sited further than 18 metres from the windows of the residential flats situated on the opposite side of Ardmillan Terrace. This distance is sufficient to maintain an acceptable level of privacy and prevent any overlooking.

The proposal will not have an adverse impact on the amenity of neighbouring residents and complies with LDP policy Des 5.

#### g) Parking and Road Safety

Policy Tra 2 requires proposed car parking provision to comply with and not exceed the parking levels set out in Council Guidance.

The application site is located within zone 1 of the Parking Standards outlined in the Edinburgh Design Guidance. Residential developments in zone 1 should have a maximum car parking provision of one space per dwelling. The standards also detail that the proposal should have a minimum of 90 cycle parking spaces.

The proposal includes provision for 30 spaces within the curtilage of the site, including three disabled access bays. Each of the seven townhouses in the south western corner of the site will have their own spaces provided by an internal garage. This gives the proposal a total provision of 73%.

The provision is considered to be acceptable. The site is located within close proximity to bus stops serving seven bus routes providing access across the city, and will provide good access and public transport links for prospective residents.

The proposal includes provision for 88 cycle parking spaces which is considered to be an acceptable provision. The spaces will be provided through a secure cycle store and non-standard store situated behind the rear elevation of Springwell House which will give 28 spaces, and a two tier high rise store to be located adjacent to the north eastern corner of the site.

The Roads Authority was consulted on the proposal and raised no objection subject to two separate contributions of £2000 for the introduction of waiting and loading restrictions, and the progression of a stopping up order for a section of footway along the eastern boundary of the site. These contributions will be secured through a legal agreement to be concluded before any final decision notice is granted. The Roads Authority did not raise any concerns regarding vehicle movements to and from the site or road safety.

Access to the rear of the development will be facilitated by the private entrance road which also serves the Springwell Medical Centre to the south. There are currently gates at the junction between Ardmillan Terrace and this road which are closed out with clinic hours to prevent indiscriminate parking. The applicant has advised that these gates will be removed as part of the sale agreement for the site and access to both the development and medical centre will be controlled by barriers. This will allow refuse lorries and residents vehicles to access the development unhindered.

The proposal does not raise any issues in respect of parking and road safety and complies with LDP policy Tra 2 and Tra 3.

#### h) Developer Contributions and Infrastructure Delivery

LDP policy Des 1 states that proposals will be required to contribute to the education provision where relevant.

Children and Families (CF) was consulted on the proposal and identified that the site falls within sub area T-1 of the Tynecastle Education Contribution Zone. CF have stated that a contribution of £10,392 indexed linked towards the delivery of the education infrastructure actions for this zone will be required should consent be granted. This amount will be secured by a legal agreement to be concluded before any final decision notice is granted.

The proposal complies with LDP policy Des 1 and does not raise any issues in respect of developer contributions.

i) Other Matters Relevant to the Determination of this application

The following matters are considered relevant to the determination of this application:

**Flood Prevention**

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

Flood Risk Assessments and Drainage Strategies were submitted for both schemes. Flood Prevention was consulted on the proposal and raised no objection.

The proposal complies with policy Env 21.

**Waste Provision**

LDP policy Des 5 requires developments to demonstrate that refuse and recycling facilities have been sensitively integrated into the design.

The development includes provision for two bin stores to be situated on the site. One bin store will be located close to the rear elevation of Springwell House, adjacent to the rear cycle store, and one will be situated in the north eastern corner of the site, adjacent to the two tier cycle store.

Both bin stores will be situated in appropriate locations which will limit their visual impact on the wider area and their impact on the amenity of prospective residents.

Waste Services was consulted on the proposal and raised no objection. The proposal includes provision for adequate levels of refuse and recycling facilities which have been sensitively integrated into the design and complies with policy Des 5.

**Protected Species**

Policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

A Bat Assessment and Survey Report was submitted in support of the application. The survey outlined that there were no bat roosts present within the buildings and that the potential to support roosting bats is low.

The proposal complies with policy Env 16.

**Tree Removal**

Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.



A tree survey has been submitted as part of the application in order to identify the species and condition of all mature trees present on the site. The survey, updated drawings and tree removal plan denote that the following trees will be removed as part of the development.

- Three sycamore trees in the south western corner of the site, denoted within the survey and accompanying plan as T7, T8 and T9. These trees are all identified as being category U and are in a poor condition.
- Two clusters of self-seeded sycamore and ash trees adjacent to the rear outshoot buildings, denoted within the survey and accompanying plan as T10. These trees are all identified as being category U and are in a poor condition with a limited life span.
- Two small hawthorn and ash trees located in front of the principal elevation of Springwell House, denoted as T11 and T12. The hawthorn tree is identified as being a poor specimen while the ash is identified as being of reasonable quality. Both trees are identified as being category C.
- A whitebeam tree situated in the North West corner of the site, denoted as T 13. This tree is identified as having a poor shaped crown and needing attention and is assessed as being category C.
- Two rowan trees situated within a row of several such species adjacent to the north boundary wall of the site, denoted as T 17 and T 26. Both of these trees are identified as being category U and are no longer viable.
- One bird cherry tree situated in the north east of the site adjacent to the northern boundary wall, denoted as T 30. This tree is identified as being category C with a weak crown and is a poor specimen.

The majority of the tree removals on the site consist of poor quality specimens located towards the side and rear of the main building, in particular the two clusters of self-seeded ash and sycamore trees. In addition to their poor condition, these trees are also largely obscured from wider view owing to the position of the various buildings located on the site and their contribution to the visual character of the surrounding area is limited. The removal of these trees will have no impact on the visual character of the surrounding area.

The extensive row of predominantly rowan trees along the northern boundary wall of the site forms an important natural feature which makes a positive contribution to both the setting of the site and the wider streetscape. The vast majority of these trees will be retained preserving the character of this row. A sizeable lime tree located in the north east corner of the site, providing a key boundary feature, will also be retained in situ.

A condition will be applied to any consent to restrict tree removal to the approved removal plan, and to require details of root protection measures to safeguard those trees which are to be retained to be submitted and approved before work commences.

The proposal complies with policy Env 12.

## **Air, Water and Soil Quality**

Policy Env 22 states that planning permission will only be granted for development where there will be no significant effects for health, the environment and amenity.

Environmental Protection has requested that a site survey is undertaken prior to the commencement of development in order to establish whether there is a risk to human health from contaminants in the land. The applicant will be required to complete and submit a contaminated land investigation for approval by the Council before any works commence on site.

The proposal complies with policy Env 22.

## **Development of a Site of Archaeological Significance**

LDP policy Env 9 states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and, if requested by the Council, a field evaluation, that no significant archaeological features are likely to be affected by the development.

The City Archaeologist was consulted on the proposal and highlighted the site as being a location of archaeological significance. A condition will be attached requiring a programme of archaeological work to be undertaken prior to the commencement of development on site.

The proposal does not raise any issues in respect of the development of a site of Archaeological Significance and complies with LDP policy Env 9.

### **j) Matters Raised in Representations**

#### **Objection Comment**

#### **Material Considerations**

- Proposal will have an adverse impact on vehicle movements and access arrangements to the site - addressed in section 3.3 (f).
- Proposal is overdevelopment and will have an adverse impact on the character and appearance of the surrounding area - addressed on section 3.3 (b).
- Proposal may have an adverse impact on protected species - addressed in section 3.3 (i).

#### **General Comment**

#### **Non-Material Consideration**

- Overlooking into the neighbouring medical centre - The planning process does not safeguard privacy distances for non-residential institutions.

## Conclusion

In conclusion, the proposal is acceptable in principle and is of a suitable design, form and scale which will not be damaging to the character and appearance of the surrounding area. The proposal will not have an adverse impact on the unique historical and architectural character of the listed buildings on the site, or their setting. The proposal will result in the creation of a satisfactory residential environment, will not have a detrimental impact on the amenity of neighbouring residents and does not raise any issues in respect of parking and road safety, waste collections, tree removal, protected species, flood prevention, soil quality or development of a site of archaeological significance.

The proposal represents a departure from policy Hou 6 and the Council's Guidance for Developer Contributions and Affordable Housing due to the absence of any on site or alternative off site affordable housing provision from the scheme.

The absence of any affordable housing provision is considered to be justified in the context of this application, having regards to the exceptional circumstances relating to this proposal. The impact of the estimated build costs on the overall profit level of the proposal would mean that the inclusion of any affordable housing provision would render the proposed development financially unviable. In addition, the proposed development will safeguard the retention of two important listed building which are currently vacant and deteriorating, and which contribute to the historical character of the local area.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Only the tree/s shown for removal on the approved drawing number 36 (applicant reference SWH-(00)-002) and the submitted tree survey report shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction". Details of the location of the proposed fencing shall be submitted to the planning authority prior to the commencement of works on the site.
4. 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.

5. Prior to the commencement of development:

(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.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard protected trees.
3. In order to safeguard protected trees.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.

**Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded for the following developer contributions.

Children and Families

A contribution of £10392 towards the Tynecastle Education Contribution Zone.

This 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.

Roads Authority

A contribution of £2000 to progress a suitable order to introduce waiting and loading restrictions as necessary.

A contribution of £2000 to progress a Stopping Up Order of a section of footway along the eastern boundary of the site on Ardmillan Terrace

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Cycle parking provision to be set at a minimum of 90 spaces located in covered and secure stores, in accordance with the Edinburgh Design Guidance 2017 (see Note 2);
6. Car parking to be set at a maximum of 37 spaces inclusive of spaces suitable for disabled use as per the Edinburgh Design Guidance 2017
7. All accesses must be constructed to an adoptable standard
8. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
9. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity
10. The applicant should be advised that:
  - a. as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build);
  - b. as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category E - Sub divided, or converted);
11. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.

12. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
13. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
14. Electric vehicle charging outlets should be considered for this development. Passive provision should be made as a minimum, including ducting and infrastructure to allow a charging point(s) to be readily accommodated in the future.
15. If any bats or bat roosts are discovered during construction work, a licensed bat worker should be employed to assess the situation accordingly.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

One letter of objection and one general comment were received in respect of the application. A full summary of the matters raised in these representations can be found in section 3.3 (j) of the main report.

## **Background reading/external references**

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- 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 Edinburgh City Local Plan.

### **Date registered**

6 March 2018

### **Drawing numbers/Scheme**

01, 02A, 03 - 14, 15C, 16A, 17C – 19C, 20A, 21 - 22, 23B - 25B, 26 - 33, 34C, 35 – 37

Scheme 4

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.



LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for 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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

**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 18/00892/FUL  
At Springwell House, 1 Gorgie Road, Edinburgh  
Change of use and conversion of the original Springwell  
House buildings from vacant offices to 39 new residential  
apartments. Demolition of some rear extensions and  
construction of 7 new town houses. Refurbishment of  
existing lodge house and construction of new detached  
lodge house giving 48 residential units in total. (as  
amended).**

## Consultations

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### Affordable Housing

#### 1. Introduction

*I refer to the consultation request from the Planning Department about this planning application.*

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

*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.*

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

#### 2. Affordable Housing Provision

*This application is for a development consisting of 48 homes and as such the AHP will apply, 12 units (25%) will be required to be provided as affordable housing. However, the development costs have been assessed through an 'open book' viability assessment; an independent assessment by a chartered surveyor. This process verified the development costs within the applicant's proposal and has concluded that provision of any affordable housing is unviable.*

*Both the applicant and CEC Estates have identified an undue amount of time taken to agree the conditions of the sale, following agreement on price, as a contributing factor to the deterioration of the existing building. This in turn has had an impact on the level of contribution that can be made for affordable housing.*

*On the basis of this independent assessment the conclusion is drawn the affordable provision is not feasible in this instance. The below paragraphs outline the steps taken to assess the proposal presented.*

*In all instances the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. It is only in exceptional circumstances, where the Council is satisfied that the affordable housing could not be viably delivered by a housing association, that we consider alternative proposals.*

*Onsite RSL delivery was considered but discounted for the following three reasons:*

- 1. High purchase costs - At £215,000 for the lowest priced unit, the properties are not financially viable for an RSL. The average construction cost of a housing association flat in recent years has been around £150,000 per unit. This is the main reason for RSLs not wanting to consider these properties.*
- 2. Ongoing Maintenance liability - Should they be financially viable for an RSL, the future maintenance liability for a listed building is something an RSL would need to carefully consider.*
- 3. Minority ownership within a communal stair - RSLs do not want to take on flats within a shared stairwell due to the ongoing responsibility for tenants and maintenance implications.*

*Where the developer has clearly established that the development would not be viable for a housing association to deliver, then the affordable housing policy allows for alternative methods of delivery to be considered. On this basis the following delivery methods were proposed by the developer but also discounted as unviable:*

- 1. Unsubsidised Shared equity - 12 units were proposed for shared equity but there is only one unit that is both suitable in size and within eligibility thresholds. It is not recommended this option is pursued, especially as this one unit is at the upper end of affordability.*
- 2. Golden share - The developer proposed golden share, however the financial model for the development requires the 20% discount on the market value to be returned to the developer after ten years. This is not golden share as we define it in our guidance and could not accept this proposal. Even if it was golden share as we define it, the properties are at the upper end of the affordable threshold.*

*Usually in this scenario a commuted sum would be sought. However, the development costs were assessed by Council surveyors through an 'open book' viability assessment; an independent assessment by a chartered surveyor. This process verified the development costs within the applicant's proposal. The stated "best case scenario" from this appraisal is if the development delivers the 25% affordable through Golden Share, a 3% profit could be achieved. A 3% return would, in normal circumstances, rule out the development as it is not viable and far from expected market levels of profit (around 15% to 25%).*

*On the basis of this independent assessment, with the 3% return on profit, the conclusion is drawn the affordable provision is not feasible in this instance.*

## Archaeology

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the change of use and conversion of the original Springwell House buildings from vacant offices to 39 new residential apartments, demolition of some rear extensions and construction of 7 new town houses, refurbishment of existing lodge house and construction of new detached lodge house giving 48 residential units in total.*

*The application site affects the C-listed Springwell House. This former CEC/NHS Health and Social care building was originally constructed in the early 1860s and comprises two separate Victorian buildings and institutions: The Magdalene Asylum (fronting onto Gorgie Road) and the Girls Reformatory (fronting onto Ardmillian Terrace. The Listed Lodge on Gorgie Road was constructed as part of the Magdalene Asylum. The Magdalene Asylum for 'fallen women' was founded in 1797 on the Western side of Tolbooth Wynd, before moving to this purpose built building in c.1863. This effective workhouse was complemented by the adjoining reform intuition for girls and both institutions continuing in operation into the 20th century. The Girls Reformatory was taken over in 1961 as the HQ for Edinburgh's Civil Defence Corp before its disbandment in 1968.*

*This application site and its associated listed buildings are regarded as occurring within an area of archaeological potential and of local historic significance. Therefore, these applications must be considered under terms of Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV4 & ENV9.*

*The listed Springwell House complex is of local archaeological and historic significance especially in terms of their former civic functions as a Magdalene Asylum, Reform institution and Cold War associations with the UK's Civil Defence Corp. It is therefore to be welcomed that the three historic buildings at the core of this complex will be retained and converted. That said associated demolitions and conversion works (e.g. internal stripping out) could impact upon and reveal important historic fabric associated with the buildings former uses.*

*It is therefore recommended that a historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken both prior to any demolition and during associated internal strip-out/conversion works associated development. This is required to provide permanent records of these important civic buildings.*

*In addition, demolition and development will require significant ground-breaking works which could reveal remains associated with the use of these Victorian Institutions. Accordingly archaeological mitigation will also be required to be undertaken to record and fully excavate any significant remains that may be disturbed during such works.*

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

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

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

*Please contact me if you require any further information.*

### **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:**

**12 Flats (27 one bedroom / studio flats excluded)**

**9 Houses**

*This site falls within Sub-Area T-1 of the 'Tynecastle 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:**

**£10,392**

*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 Protection**

*The proposal is to convert the category C-listed Springwell House and the 1960's extensions to create 39 residential apartments. The property is surrounded by business uses, including medical centres and Gorgie City Farm, and is on the corner of two very busy streets.*

*Environmental Protection has concerns in relation to commercial and traffic noise affecting the amenity of the proposed residents. The applicant has not submitted a Noise Impact Statement.*

*Therefore, Environmental Protection cannot support this application. However, should the Committee be minded to grant, we would recommend the following condition be attached:*

*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.*

### **Flood Planning**

*For your information please find attached information submitted by Goodsons in support of Springwell House application. Following this I am happy for this application to be determined with no further comments or outstanding information from flood prevention.*

### **Roads Authority**

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

- 1. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 2. Contribute the sum of £2,000 to progress a Stopping Up Order of a section of footway along the eastern boundary of the site on Ardmillan Terrace. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*

3. *Cycle parking provision to be set at a minimum of 90 spaces located in covered and secure stores, in accordance with the Edinburgh Design Guidance 2017 (see Note 2);*
4. *Car parking to be set at a maximum of 37 spaces inclusive of spaces suitable for disabled use as per the Edinburgh Design Guidance 2017 (see Note 3);*
5. *All accesses must be constructed to an adoptable standard (see Note 4);*
6. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
7. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
8. *The applicant should be advised that:*
  - a. *as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build);*
  - b. *as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category E - Sub divided, or converted);*
9. *Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;*
10. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
11. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
12. *Electric vehicle charging outlets should be considered for this development. Passive provision should be made as a minimum, including ducting and infrastructure to allow a charging point(s) to be readily accommodated in the future.*

*Note:*

1. *The proposals will require the stopping up of a section of existing widened footway along Ardmillan Terrace along the Springwell House Health Centre frontage.*

2. Current cycle parking standards require a minimum of 90 cycle parking spaces - (1 per Studio Flat x 1, 2 per 1-2 bedroom flat / lodge x 35, and 3 per 3 bedroom flat / lodge / 2 bedroom townhouse x 12). The applicant proposes to provide 24 cycle spaces in a "Secure Cycle Store" design from the Edinburgh Street Design Guide factsheets; 60 cycle spaces using a two tier storage system housed in a secure covered location to the front of the building; and a cycle store suitable to house 4 non-standard cycles. Two additional spaces will be required. While the two tier system is not a preferred choice for cycle storage per the ESDG, the proposed system removes the straight lifting element of a vertical racking system which was previously proposed by the applicant. As a listed building, it is understood that there are areas to the main elevations that need to be protected, and therefore the applicant has tried to achieve the required cycle storage as unobtrusively as possible. To provide the preferred "Secure Cycle Store" layout was not possible with limited space on the site available to do so. Over the same footprint that has been utilised, approximately 30 cycle spaces would have been lost by using only this layout with single-level Sheffield type stands.

3. The application has been assessed under the 2017 parking standards for Zone 2. These permit a maximum of 1 space per unit, equating to 48 spaces for the proposed development inclusive of 8% of the bays suitable for disabled users. The applicant proposes 7 spaces for the townhouses (provided by an integral garage for each property. 30 spaces are being provided for the remaining 41 dwellings (a 73% parking ratio) which is deemed acceptable for a centrally located site adjacent to two major arterial roads with excellent public transport links. The area is subject to extensive parking restrictions, including Greenways and is on the edge of the extended controlled parking zone S4, and the existing on-street parking space is generally fully utilised at all times, therefore the risk of overspill from the development is considered to be low.

4. Normally for developments of more than 6 dwellings, Transport would expect that 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, and the extent of adoptable roads (including footways, footpaths, accesses, cycle tracks, verges and service strips) would be agreed between the applicant and the Council as Roads Authority. However, it is considered that the proposed accesses for this development should remain as private accesses. In this context the following should be noted:

#### *Gorgie Road Access*

*An aim of the residential conversion by the applicant is to preserve the listed building and its original setting - this includes maintaining the status quo in terms of the perceived division between public and private land and space. The applicant notes that this is particularly relevant as there are currently no public access routes through the site. In order to continue this aspect, it is considered by the applicant that the grounds in front of the historic building should remain private but with public access to the building entrances. The existing Gorgie Road site entrance is to be adjusted to increase the width between the stone gate posts to 5.5m to allow for delivery and emergency vehicles to access the site and the building entrances. Pedestrian footpaths are to be provided to allow access for residents and visitors. Private road lighting powered from the landlord's supply is to be provided to a lighting level that fulfils public and residents' safety requirements but respects the nature and setting of the historic façade. The aim of the applicant is not to create a "gated secure community" but to simply retain the existing boundary which separates public and private areas, and adapt to the building's new lease of life by providing access for residents, deliveries, emergency vehicles and visitors, whilst at the same time deterring the general public from entering the site on a casual basis.*



### *Ardmillan Terrace Access*

*Access to the rear of the development is being facilitated by the existing entrance to the NHS Lothian Breast Screening Clinic and Springwell Medical Centre. This is a private access owned by NHS Lothian and is currently fitted with gates across both the existing footway and carriageway. These are closed outwith clinic operating hours to prevent indiscriminate parking. The applicant has rights of access over it, but no direct control over its use. It lies outwith the planning boundary for the proposed development.*

*The applicant has confirmed that as part of the sale agreement the access will be improved to an adoptable standard and the external gates removed allowing permanent access from Ardmillan Terrace. It is however, to remain private. This access will continue to serve the clinic and medical centre as well as the 7 proposed townhouses in the southern part of the site. Cycle parking (in secure stores) and bin stores. Servicing will be achieved by utilising the internal site layout as a turning head.*

*General vehicular access by the public will continue to be controlled via barriers - one located on the NHS access road (closed outwith clinic opening hours) and one located on the access to the townhouses. Both have been located to allow refuse vehicles to turn unhindered and provide access to the development bin store. The latter barrier is to be vehicle actuated and, as per the access from Gorgie Road, its main function is to deter the general public from entering on a casual basis.*

*Pedestrian access to the townhouses will be via the footway on the north side of the access road. Beyond the bin and cycle stores the proposed parking court will act as a shared surface as vehicle activity will be very low. Again private lighting powered from the landlord's supply.*

*5. Inspections (and appropriate fee payable) will be required to ensure that the access construction is to an adoptable standard. If inspections are not carried out, there would a requirement to undertake core sampling of the road surface construction makeup if it were to offered for adoption as part of further development of the site.*

### **Waste Services**

#### **Response Dated 10 April 2018**

*I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.*

*I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at [justine.taylor@edinburgh.gov.uk](mailto:justine.taylor@edinburgh.gov.uk)*  
*Waste Management Responsibilities*

*The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.*

*Although there is no details of any commercial aspect, for completeness, 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, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).*

*The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.*

*For high density properties such as the apartments in the original building, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The number of bins required is calculated on the number of properties using each bin store, so if all 39 are to use the one bin store, there would need to be 5 residual 1280L, 4 mixed recycling 1280L, 1 glass 660L and 2 food 500L. However, it should be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.*

*It is usually most appropriate for townhouses to have individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food bin and kitchen caddy. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times.*

*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.*

#### *Operational Viability*

*Developers need to ensure that services are accessible so that our 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. Current plans do not show sufficient turning areas at the bin store, so this would need to be addressed at the earliest opportunity.*

*Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect's Instructions, which will be provided on request.*

*I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.*

### Response Dated 30 May 2018

*I refer our email correspondence and site meeting and confirm that agreement on the waste requirements for this development has been reached.*

#### *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*

*Further to our discussions, we agree that the bin store to the East boundary will serve the apartments to the East side of Springwell House. This covers 22 flats in total, so will require:*

*3 x 1280L residual, 2 x 1280L mixed recycling, 1 x 660L glass and 1 x 500L food.  
Information showing the dimensions of the communal containers has already been provided for your information in the architect instructions.*

*This would be accessible for waste collection directly from Ardmillan Terrace.*

*The bin store to the rear would serve the apartments formed to the West side of Springwell House, as well as the 7 townhouses. This would cover 24 properties in total, so will require:*

*3 x 1280L residual, 2 x 1280L mixed recycling, 1 x 660L glass and 1 x 500L food.*

*This bin store will be accessed for waste collection from Ardmillan Terrace, by using the entrance of the NHS building as per the attached revised drawing. We require sufficient space for the bin lorry to turn within this access road to reverse the lorry to this bin store for collection, so there must be no restrictions to the access to this entrance.*

*The two lodge houses to the South (Gorgie Road) side of the site would have their own individual bins to be presented for collection by the homeowners on Gorgie Road. Each will require:*

- 1 x 140 litre Grey residual wheelie bin*
- 1 x 240 litre Green recycling wheelie bin*
- 1 x 240 litre Brown garden waste wheelie bin (if they opt to pay for this service)*
- 1 x 25 litre Food Waste kerbside bin*
- 1 x 5 litre kitchen caddy*
- 1 x 33 litre blue recycling box*

*It is 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 but will recover the costs of doing so. We require 12 weeks notice for bin orders, in order to arrange for the ordering, manufacture and delivery of bins. These should be submitted as a purchase order to myself.*

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

#### *Property management*

*Please provide contact details of any factor or property management company responsible for these flats once they are completed.*

*Please advise residents of the townhouses that they should use the bin store and not individual bins.*

*Property management responsibility includes:*

*Ensure that all material, residual or recyclable, are deposited within the bins prior to collection*

*Removal of excess waste where residents do not use the containers provided*

*Removal of any dumped items e.g. furniture, carpets, white goods etc*

*General cleaning of any bin storage areas*

*Ongoing provision and maintenance of associated infrastructure, e.g. bin stores etc*

*The City of Edinburgh Council responsibility includes:*

*Provide initial guidance documentation for residents in using the recycling facilities*

*Servicing of residual and recycling waste containers as scheduled*

*It is appreciated that new occupiers may initially have quantities of cardboard and other recyclable material generated from new appliances. We request that householders flatten and rip up cardboard boxes and put them in their green mixed recycling wheelie bins.*

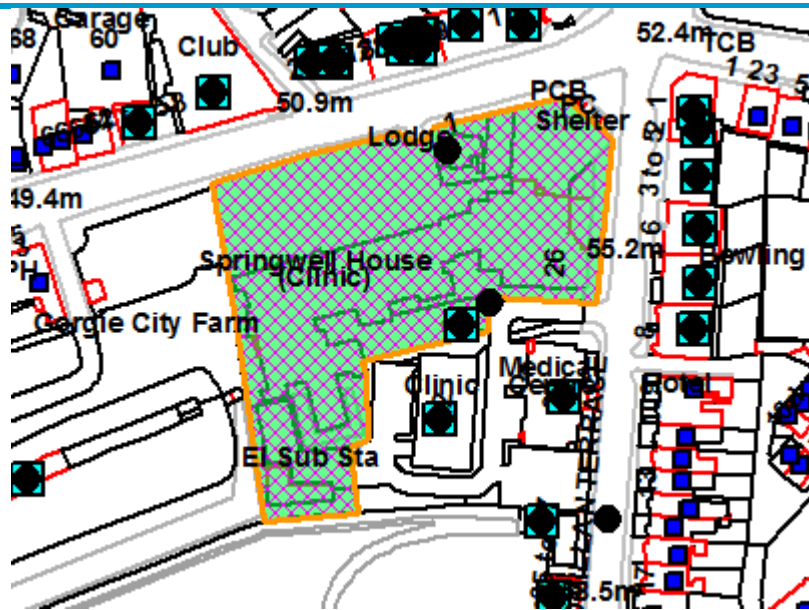
*Cardboard boxes and other waste that is too large for the bin needs to be taken to a Household Waste Recycling Centre. Alternatively, a collection of bulky waste items can be booked. Information on these services is available online:*

*<http://www.edinburgh.gov.uk/recycle>*

*I trust the above information is of assistance, however if I can be of further help, please don't hesitate to contact me.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/03695/FUL  
At 20 Charlotte Square, Edinburgh,  
Alteration and extension to offices, removal of non-original  
dormers to front elevation (as amended).**

<b>Item number</b>	8.1(a)
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The proposals comply with the Edinburgh Local Development Plan and the non-statutory guidance stated and will not adversely impact on the setting of the listed building, on the character and appearance of the conservation area, on amenity or upon highway safety. There are no other material considerations which outweigh this conclusion.

## Links

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<a href="#">Policies and guidance for this application</a>	LEN03, LEN04, LEN06, LDES04, LDES05, LDES12, NSGD02, NSLBCA, LTRA02,
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# Report

## **Application for Planning Permission 18/03695/FUL At 20 Charlotte Square, Edinburgh, Alteration and extension to offices, removal of non-original dormers to front elevation (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site constitutes four town houses, currently vacant and formerly in office use, on the west side of the street fronting Charlotte Square, plus a rear courtyard and car parking area accessed off Randolph Place Lane. The site forms part of the original First New Town Plan 1766. The buildings were designed by Robert Adam in 1791 and were listed category A on 3 March 1966 ref: LB28504. They were built largely between 1803 and 1807 with later 20th century attics.

There are residential apartments and offices to the south and offices to the north. To the west across the courtyard car park is a modern block of offices known as Randolph House, accessed off Randolph Lane.

The development is within the Edinburgh World Heritage Site - First New Town.

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

#### **2.2 Site History**

The pre -1990 history of the four townhouses can be seen in the applicant's Design Statement. The post 1990 history is as follows:

27 August 1991 - No.19-20: Listed building consent granted for alterations. (Planning reference 91/1437/LBC).

22 May 1992 - No.19-20: Listed building consent granted in retrospect for internal alterations (as amended). (Planning reference 91/2524/LBC).

## Main report

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### 3.1 Description Of The Proposal

The proposals, as amended, are to refurbish the buildings for office use and construct a glass box in the rear courtyard to provide an auditorium, a raised courtyard garden with extra office space below it, and a rectangular pavilion/function room with green roof which will complement the office space. Two parking spaces will be lost as a result but bicycle storage provision will be increased.

The auditorium - 10m x 6m (60m<sup>2</sup>) will replace the existing pyramidal glazed extension to the rear of No.23 at lower ground level and will span over two levels with a glazed atria link access from the townhouses being at lower ground and ground floor levels. On the south boundary, a louvred metal fence will be installed in the gap between the auditorium and the office block to the west (Randolph House). It will have a sandstone base.

The pavilion to the rear of No.20-21 will measure 18m x 6m (108m<sup>2</sup>), have a green sedum roof and a green wall on the west side. The large elements of glazing and mirrored rainscreen cladding allow tenants to have a stronger connection with the green amenity space whilst protecting privacy.

The courtyard ground surface will be light sandstone paving.

The vertical outshoots at the back of the buildings will be extended laterally in rubble stone to allow for tea prep areas and toilets for each floor. A lift will be installed in the small rear room of each townhouse in the former toilet and secondary areas.

The dormers on the front elevations will be removed and the roof re-instated with conservation style rooflights. To the rear, the mix of dormers will be removed and a linear, slated mansard fillet with two tripartite mansard windows installed per feu, will be built between each boundary skewput to house the lift lobbies and toilets.

The windows are to be replaced with slimline double glazed astragaled units.

#### Scheme 1

Originally, the front first floor windows were to have their cills raised back to above the band course to match the others in the terrace.

The proposed raised front window cills are deleted. Demolition of the wall between the front vestibule of Nos.20-21 are deleted. Opening up of the 1st floor dummy window has been omitted. There has been a reduction in the wall slapping width between Nos.20 and 21 at first floor, with retention of nibs to each side of each opening.

#### Supporting Document

A Design Statement has been submitted by the applicant which is available to view on the Planning and Building Standards Online 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 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 design of the external alterations have an adverse impact on the character of the listed building or the character and appearance of the conservation area;
- b) there are any amenity issues;
- c) there are any transport issues;
- d) the representations have been addressed; and
- e) there are any equality or human rights issues.

#### **a) Impact on Listed Building and Conservation Area**

Development within the conservation area is considered against policy Env 6 of the LDP and seeks to ensure that development preserves and enhances the area. In addition policy Des 1 requires proposals to contribute towards a sense of place and draw on an overall design concept.

The New Town Conservation Area Character Appraisal states “*The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area*” form part of the essential spatial character; and in terms of building forms “*The consistent massing of buildings retaining the original building proportions.*” As regards architectural character, the following forms part of the essential character: “*Original design forms...and the standard palette of materials including blonde ashlar sandstone, timber windows and pitched slated roofs.*”

The new auditorium to the rear of No. 23 replaces an existing glazed pyramidal roofed room and this will be a similar sized structure. This extension will provide a mix of traditional stone and glazing. The areas of glazing will provide a visual separation between the rear of the townhouse and the new build.

The new pavilion will be clad in buff ashlar sandstone, mirror glazed curtain walling and a living wall system on the rear (west) elevation. The materials are of a quality finish and appropriate to the enclosed courtyard context at the rear of the building. Despite a mainly glazed appearance, it will have a sandstone base which will ground it visually in relation to the listed buildings. The proposed pavilion will be set within the enclosed courtyard and will have no adverse impact on the character or appearance of the conservation area. The modern intervention will make a positive contribution to this space.

#### Outshots

The outshots are later, but early additions to the back of the buildings. Increasing these laterally and sympathetically in rubble stone will not detrimentally impact on the character of the buildings. They will be seen as typical rear bay/ tower elements which traditionally house the likes of servants’ sculleries and toilets. The top part of the extension will be seen in restricted views from Randolph Place and Melville Street, but otherwise will be obscured from view within the conservation area.

#### Roof Alterations

The rear elevation has traditionally been less of a public elevation and has had tower elements and dormers added to the roof over time. On the adjacent part of the terrace to the north, mansard fillets have been added. The replacement of the dormers on the rear roof with similar mansard fillets achieves the toilet and lift lobby spaces required. It is the most effective way of encapsulating the required spaces without building several awkward looking individual dormers in close proximity to each other.

The proposals represent a significant alteration to the fabric of the rear roof but one which complements its character and reflects changes made to the roof of the north range of townhouses. The mansard will be seen in limited views and will otherwise match the massing and appearance of the rear of this terrace. By providing the facilities within the rear outshots and the roof alteration this allows the listed building to be retained internally as considered within the concurrent listed building application. The removal of the dormers of the front elevation and replacement with conservation rooflights restores the profile of the important historic roof with the conservation area.

#### Windows

Due to potential presence of original glass, a condition is recommended that requires a full window survey to be carried out before any slimline double glazing is fitted to ensure any historically important fabric is retained.

The external proposals, in terms of design and materials are acceptable and will not adversely impact on the setting of the listed building or upon the character and appearance of the conservation area in accordance with the Local Development Plan.

### **b) Amenity**

Policy Des 5 of the LDP refers to amenity. The widened outshoots will be no nearer to the offices across the rear courtyard than existing. In terms of overshadowing, the courtyard pavilion is positioned centrally to allow sufficient daylight to all surrounding windows.

The proposed lifts are positioned centrally to each building and away from any mutual wall. It is not considered that there will be any issues from the installation of lifts within the premises.

The proposals comply with Policy Des 5 of the LDP.

### **c) Transport**

Policy Tra 2 requires development to have sufficient parking to meet the demands of the relevant building use. In this case, the 19 space car parking courtyard to the rear, shared with the other offices at the back of the site, is to be reduced to 17 spaces. The reduction in the number of existing spaces is welcomed.

As part of the reconfiguration of the car parking area, a new cycle parking area is proposed within this space. The location of this cycle parking is acceptable. Any visitor cycle parking to the front of the building would be difficult to secure due to the historic nature of the site. Cycle parking is available within the wider area.

The proposals result in an extra 255 sq m gross floor area of offices added to the existing 1413 sq m of the townhouses. The site is in within zone 1 of the tram line, therefore a tram contribution of £17,000 will be required and secured through an appropriate legal agreement.

### **d) Public Comments**

#### Material Comments

- Support the scheme but have concerns about the noise and vibration of the proposed lift in number 23 – this is addressed in 3.3b) above.

#### Non-Material

- Impact of works on adjacent renovations.

### **e) Equalities and Human Rights**

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

## **Conclusion**

The proposed remodelling of the buildings to retain the use as modern offices will enhance the listed buildings. The extensions are well placed and will be built in quality materials to complement the location.

The proposals comply with the Edinburgh Local Development Plan and the non-statutory guidance and will have a positive impact on the setting of the listed building, on the character and appearance of the conservation area.

There are no other 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. Details of a window survey plus slimline double glazing cross-sections/ elevations at not less than 1:20 scale shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
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 landscaping specification of the sedum roofs and green wall of the raised courtyard and pavilion 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 character of the conservation area.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to safeguard the character of the conservation area.

#### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.

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.

A tram contribution of £17,000 is required.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 27 July 2018. Two letters have been received, one supporting and one commenting.

The above comments are addressed in the Assessment to this report at paragraph 3.3d).

## **Background reading/external references**

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- 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 allocated as City Centre in the Edinburgh Local Development Plan (LDP) where mixed uses are acceptable subject to complying with other policies in the LDP.

**Date registered**

12 July 2018

**Drawing numbers/Scheme**

01 - 08; 09A-10A; 11- 15; 16A; 17-23,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

**Links - Policies**

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**Relevant Policies:**

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

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

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.

# Appendix 1

## **Application for Planning Permission 18/03695/FUL At 20 Charlotte Square, Edinburgh, Alteration and extension to offices, removal of non-original dormers to front elevation (as amended).**

### **Consultations**

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#### **Historic Environment Scotland**

Planning revised comments:

*The application properties, 4 terraced houses, form part of the west side of Charlotte Square, designed by Robert Adam, 1791. The properties form part of a neo-classical palace block formed of 6 individual houses, one of a pair that flank former St George's church. We recognise the applicant's intention to create high quality Grade A office accommodation within the Charlotte Square properties and welcome the proposed conservation elements, including the removal of later dormers.*

*The proposed mansard replacement of the historic roof profile to the rear of Nos 20, 21 & 22 Charlotte Square would, in our view diminish the setting of the rear of the terrace. The original profiles are important and are visible over Queensferry Street. We would ask that alternatives design solutions be considered that could enable greater retention of the 3 townhouses' existing roof profiles.*

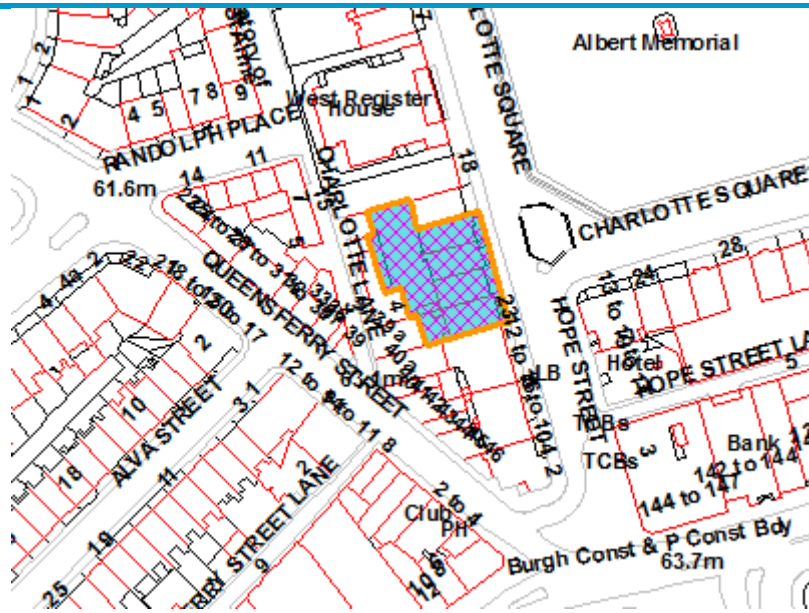
#### **Roads Authority issues:**

*The site is within Zone 1 of the City Centre. The proposals represents an increase of 255 sq.m gross office floorspace over that existing. A tram contribution of £17,000 will be required to serve the use.*



## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 9 January 2019

**Application for Listed Building Consent 18/03413/LBC  
At 20, 21 And 22-23 Charlotte Square, Edinburgh,  
Demolition of existing non-original rear extensions and  
dormers to front elevation, construction of new rear  
extensions and new mansard roof at rear, installation of  
new rooflights, slim double glazed windows and internal  
alterations (as amended)**

Item number	8.1(b)
Report number	
Wards	B11 - City Centre

## Summary

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The proposed works have special regard to the desirability of preserving the building and its setting, will have no adverse effect on any feature of special architectural interest. The works observe the non-statutory Guidance for Listed Buildings and Conservation Areas, and will not adversely impact on the character and appearance of the listed building. There are no other material considerations which outweigh this conclusion.

## Links

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

# Report

## **Application for Listed Building Consent 18/03413/LBC At 20, 21 And 22-23 Charlotte Square, Edinburgh, Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site constitutes four town houses on the west side of the street fronting Charlotte Square, plus a rear courtyard and car parking area accessed off Randolph Place Lane. The site forms part of the original First New Town Plan laid out in accordance with James Craig's famous design of 1766. The buildings were designed by Robert Adam in 1791 and were listed category A on 3 March 1966 ref: LB28504. They were built largely between 1803 and 1807 with later 20th century attics.

The development is within the Edinburgh World Heritage Site - First New Town.

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

#### **2.2 Site History**

The pre -1990 history of the four townhouses can be seen in the applicant's Design Statement. The post 1990 history is as follows:

27 August 1991 - No.19-20: Listed building consent granted for alterations.(Planning reference 91/1437/LBC).

22 May 1992 - No.19-20: Listed building consent granted in retrospect for internal alterations (as amended). (Planning reference 91/2524/LBC).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposals, as amended, are to refurbish the buildings for office use and construct a glass box in the rear courtyard to provide an auditorium, a raised courtyard garden with extra office space below it, and a rectangular pavilion/function room with green roof which will complement the office space.

The auditorium - 10m x 6m (60m<sup>2</sup>) will replace the existing pyramidal glazed extension to the rear of No.23 at lower ground level and will span over two levels with a glazed atria link access from the townhouses being at lower ground and ground floor levels. On the south boundary, a louvred metal fence will be installed in the gap between the auditorium and the office block to the west (Randolph House).

The pavilion to the rear of No.20-21 will measure 18m x 6m (108m<sup>2</sup>), have a green sedum roof and a green wall on the west side. The large elements of glazing and mirrored rainscreen cladding allow tenants to have a stronger connection with the green amenity space whilst protecting privacy.

The vertical outshoots at the back of the buildings will be extended laterally and in rubble stone to allow for tea prep areas and toilets for each floor. A lift will be installed in the small rear room of each townhouse in the former toilet and secondary areas.

The dormers on the front elevations will be removed and the roof re-instated with conservation style rooflights. To the rear, the mix of dormers will be removed and a linear, slated mansard fillet with two tripartite mansard windows per feu, will be built between each boundary skewput to house the lift lobbies and toilets.

The windows are to be replaced with slimline double glazed units.

### **Internal Alterations**

At ground floor, the non-original inner lobby entrance screen is to be removed in no.20 and replaced with a replica of the original at no.21. The earlier proposals to demolish the walls between the lobbies themselves has been omitted. Removal of part rear walls and some sash and case windows to gain access to the pavilion and allow the toilets to be created will be required.

At first floor, the central two properties are to be linked by creating a slapping through both sides of the small office situated behind the central porticoed part of the building. The gaps have been reduced in width and nibs left to mark the line of the walls removed. The opening up of the dummy window in the arched glazed centre piece is omitted.

At second floor, two partition walls are to be removed at the front which intersect with piers of the large arched window.

## Scheme 1

Originally, the front first floor windows were to have their cills raised back to above the band course to match the others in the terrace.

The proposed raised front window cills are deleted. Demolition of the wall between the front vestibule of Nos.20-21 are deleted. Opening up of the 1st floor dummy window has been omitted. There has been a reduction in the wall slapping width between Nos.20 and 21 at first floor, with retention of nibs to each side of each opening.

## Supporting Documents

A Design Statement has been submitted by the applicant which is available to view on the Planning and Building Standards Online Services.

### **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.

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.

### **3.3 Assessment**

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

- a) the design of the proposals have an adverse impact on the character and appearance of the listed building and the conservation area;
- b) the internal alterations to the listed building adversely impact on the character of the listed building;
- c) public comments have been addressed; and
- d) there are any equality or human rights issues.

#### **a) Impact on Listed Building and Conservation Area**

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Edinburgh Local Development Plan (LDP such as Env4 and Env6) inform the assessment of the proposals and are a material consideration.

The New Town Conservation Area Character Appraisal states (that) "The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area" form part of the essential spatial character; and in terms of building forms, "The consistent massing of buildings retaining the original building proportions." As regards architectural character, the following items form part of the essential character: "Original design form..... and the standard palette of materials including blonde ashlar sandstone, timber windows and pitched slated roofs." It says that "...flexibility of use of original townhouses" is also part of the essential character.

The new auditorium to the rear of No. 23 replaces an existing glazed pyramidal roofed room and this will be a similar sized structure. This extension will provide a mix of traditional stone and glazing. The areas of glazing will provide a visual separation between the rear of the townhouse and the new build.

The Pavilion makes use of a barren parking courtyard, which runs the whole length of the four townhouses and has no traces of town house feu walls. It is centred away from the rear elevation of the listed buildings and is not overdevelopment of the site. In some ways, it represents a modest form of the overarching glazed atrium treatment carried out on the rear of the townhouses on the south side of Charlotte Square by the same developer. The pavilion is sufficiently detached (small glazed link only) from the rear elevation of the listed building that it respects its setting and character and utilizes an otherwise visually poor car park/courtyard which detracts from the character of the listed building.

The new pavilion will be clad in buff ashlar sandstone, mirror glazed curtain walling and a living wall system on the rear (west) elevation. The materials are of a quality finish and appropriate to the enclosed courtyard context at the rear of the building. Despite a mainly glazed appearance, it will have a sandstone base which will ground it visually in relation to the listed buildings. The proposed pavilion will be set within the enclosed courtyard and will have no adverse impact on the character or appearance of the conservation area. The modern intervention will make a positive contribution to this space.

#### Outshots

The outshots are later, but early additions to the back of the buildings. Increasing these laterally and sympathetically in rubble stone will not detrimentally impact on the character of the buildings. They will be seen as typical rear bay/ tower elements which traditionally house the likes of servants' sculleries and toilets. The top part of the extension will be seen in restricted views from Randolph Place and Melville Street, but otherwise will be obscured from view within the conservation area.

#### Roof Alterations

The rear elevation has traditionally been less of a public elevation and has had tower elements and dormers added to the roof over time. On the adjacent part of the terrace to the north, mansard fillets have been added. The replacement of the dormers on the rear roof with similar mansard fillets achieves the toilet and lift lobby spaces required. It is the most effective way of encapsulating the required spaces without building several awkward looking individual dormers in close proximity to each other.

The proposals represent a significant alteration to the fabric of the rear roof but one which complements its character and reflects changes made to the roof of the north range of townhouses. The mansard will be seen in limited views and will otherwise match the massing and appearance of the rear of this terrace. By providing the facilities within the rear outshots and the roof alteration, this allows the listed building to be retained internally as considered within the concurrent listed building application. The removal of the dormers of the front elevation and replacement with conservation rooflights restores the profile of the important historic roof with the conservation area.

### Conclusion

The external alterations are measured and appropriate to the special character of the listed building and its appearance within the conservation area.

### **b) Character of Listed Buildings - Internal**

The proposed alterations to the properties at 20 – 23 Charlotte Square retain the plan form of these townhouses and introduces minimal interventions to the principal rooms across all properties. The proposals have been revised to retain the entrance hallways at Nos 20 and 21 to ensure the individual characteristics of the townhouses are retained.

The alterations on the second floor of these buildings will restore the intended Adam design appearance of the central window at 20 and 21 whilst allowing circulation space at this level of the building.

Previous connections between numbers 22 and 23 are removed and these buildings are restored as standalone properties. A connection is made at upper levels between 20 and 21 to allow circulation between these two properties. Overall the internal alterations are minimal and any interventions, i.e slappings are away from the significant rooms and detailing. Facilities such as toilets and lifts have been positioned to the rear within architecturally unimportant, secondary area. The character of the four individual townhouses is retained across the proposals.

Due to the potential presence of original glass/frames, a condition is recommended to require a window survey before any alterations are carried out to ensure any historically important fabric is retained. This condition addresses their concerns.

### Conclusion

Internally, the principal rooms, stairs and lobbies remain intact and this a fundamental benefit of the proposed works. The internal works will not adversely impact on the character of the listed buildings.

### **c) Public comments**

#### Material Comments

- Concerned about proposed slappings across several floors – addressed in 3.3 b) of the assessment.

- Level of original fabric that will be lost - wall loss on several floors to rear - addressed in 3.3 a) of the assessment.
- Proposed mansard roof to rear - addressed in 3.3 a) of the assessment.
- Overdevelopment - new pavilion. Need to maintain subtle separation between the fues - addressed in 3.3 a) of the assessment.
- Windows are to be replaced - addressed in 3.3 a) of the assessment.
- Opening up of (original) dummy window to the centre of nos. 20 and 21 at front first floor – the dummy window is being retained as part of the proposals.

#### **d) Equalities and Human Rights**

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

#### **Overall Conclusion**

The proposed remodelling of the buildings to serve a re-use as high quality offices with up-to-date facilities and total refurbishment of the listed fabric will enhance the buildings. The extensions are relevant and well placed and will be built in quality materials which complement the location and the listed building.

The proposed works have special regard to the desirability of preserving the building and its setting, will have no adverse effect on any feature of special architectural interest. The works observe the non-statutory Guidance for Listed Buildings and Conservation Areas, and will not adversely impact on the character and appearance of the listed building.

There are no other 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. Sample/s of the proposed materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. Details of a window survey plus slimline double glazing cross-sections/elevations at not less than 1:20 scale 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 character of the statutorily listed building.
2. 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**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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. One letter has been received from the Architectural Heritage Society of Scotland.

## **Background reading/external references**

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- 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 allocated as City Centre in the Edinburgh Local Development Plan (LDP) where mixed uses are acceptable subject to complying with other policies in the LDP.

**Date registered**

4 July 2018

**Drawing numbers/Scheme**

01-08; 09A,;

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

**Links - Policies**

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**Relevant Policies:**

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.

**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 18/03413/LBC At 20, 21 And 22-23 Charlotte Square, Edinburgh, Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended)**

### **Consultations**

---

#### **Historic Environment Scotland**

The 4 terraced houses at numbers 20 to 23, form part of the west side of Charlotte Square, built by Robert Adam, 1791. The properties form part of a neo-classical palace block formed of 6 individual houses, one of pair that flank the former St George's church.

Proposals to alter a listed building must be informed by, and respond to an understanding of the building's special architectural interest, and preserve or enhance its character and appearance. The proposals would see alterations, upgrading and extensions to the listed buildings to provide office accommodation. The scheme would include reworking of some internal spaces, removal of east facing dormers along with down-takings and extensions to the rear. Our views on the revised proposals are as follows:

#### Internal alterations

The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors is a key component of the character and special interest of any building. Historic features such as doors, windows, fireplaces, cupboards and decorative plasterwork also make a significant contribution to the building's special interest.

We note and welcome the revised proposals for the entrance hallways for the Nos 20 & 21, and for the street facing rooms directly above at first floor level.

#### Works to rear elevation

The existing form of the townhouses' rear elevations contribute to the buildings' character and appearance. The proposed works to create additional provision of toilet and tea preparation facilities would see the loss of the historic 2-storey outshot at Nos 20 & 21, loss of six original windows and the construction of new full-height, broad masonry extensions. The form of these 3 rear extensions would, in our view significantly diminish the historic character and appearance of the terraced houses.

We would ask that the proposed loss of the outshot and the addition of broad, masonry, full height extensions be reconsidered. Furthermore, consideration should, in our view, be given to retaining the external form of the existing outshots and externally expressing the additional service accommodation by the use of a contrasting, cladding material, perhaps lead or zinc. We do not consider rebuilding them in masonry is the best approach, either historically or architecturally.

#### Rear roof proposals

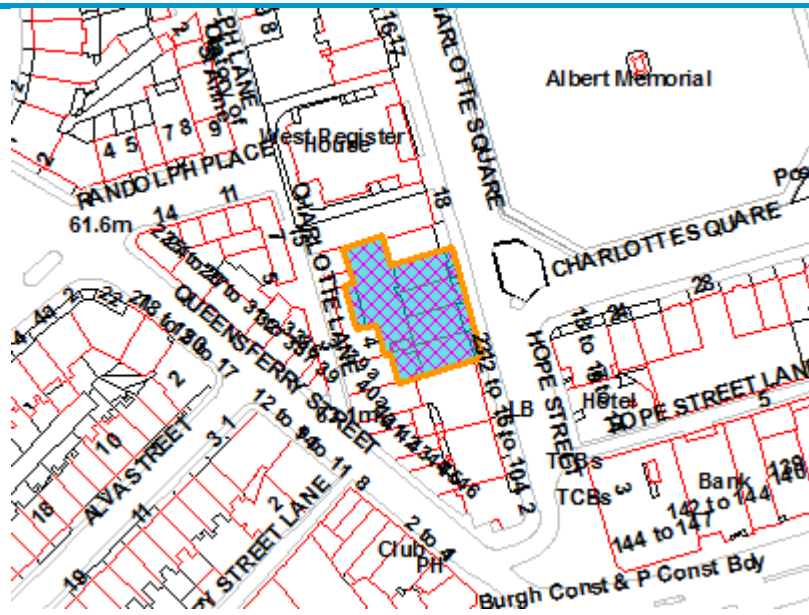
The complete loss of the existing, sloping rear roofs to Nos 20, 21 & 22 and their replacement with mansard roofs would in our view have a significant detrimental impact on the character and appearance of the rear of the properties. This element of the scheme should be given further consideration to enable a greater retention of the historic form of the rear roofs.

#### Windows

We note the proposed replacement of all windows. There is a presumption in favour of retention, overhauling and upgrading of historic windows. A window survey would enable an assessment of the age and condition of each window and inform an appropriate retention overhaul or replacement strategy. Many of the windows are original and contain historic Crown glass. Without a survey we would suggest this part of the proposals is not consented, or is appropriately conditioned.

## Location Plan

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**END**