

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 23 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:

Email: veronica.macmillan@edinburgh.gov.uk /
jamie.macrae@edinburgh.gov.uk

Tel: 0131 529 4283 / 0131 553 8242

1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 21 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

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

3. Minutes

- 3.1 None.

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

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

Pre-Applications

- 4.1 543 Gorgie Road, Edinburgh - Forthcoming application by S Harrison Developments Ltd for Erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure - application no 18/09808/PAN - report by the Chief Planning Officer (circulated)
- 4.2 24 Westfield Road, Edinburgh, EH11 2QB – Forthcoming application by Harrison Developments Ltd for Erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscape

and infrastructure – application no 18/09804/PAN – report by the Chief Planning Officer (circulated)

Applications

- 4.3 Craigentiny Primary School, 4 Loganlea Drive, Edinburgh, EH7 6LR – A proposal to construct a 2-storey nursery containing 3 playrooms, as well as ancillary accommodation and external garden, to serve 137 children – application no 18/09635/FUL - report by the Chief Planning Officer (circulated)

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

- 4.4 215 High Street, Edinburgh, EH1 1PE – Change of use of former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building - application no 18/02294/FUL - report by the Chief Planning Officer (circulated)

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

- 4.5 144 Pitt Street, Edinburgh EH6 4DD – Demolish existing building and erection of a five storey building comprising eight flatted dwellings (as amended) - application no 18/04658/FUL – report by the Chief Planning Officer (circulated)

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

5. Returning Applications

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

- 5.1 None.

6. Applications for Hearing

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

- 6.1 None.

7. Applications for Detailed Presentation

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

- 7.1 27 Lanark Road, Edinburgh, EH14 1TG - Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended) – application no 18/02817/FUL – report by the Chief Planning Officer (circulated)

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

8. Returning Applications Following Site Visit

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

8.1 None.

Laurence Rockey

Head of Strategy and Communications

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

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

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

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

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4240, email committee.services@edinburgh.gov.uk.

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

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

Webcasting of Council Meetings

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.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

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).

Development Management Sub Committee

Wednesday 23 January 2019

Report for forthcoming application by

S Harrison Developments Ltd. for Proposal of Application Notice

18/09808/PAN

**At 543 Gorgie Road, Edinburgh,
Erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure.**

Item number	4.1
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for full planning permission for the 'erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure'.

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 12 November 2018 (reference: 18/09808/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is within the Gorgie/Chesser area of the Edinburgh approximately five kilometres west of the City Centre. Gorgie Road itself forms a main arterial route with the site lying on the southern side just beyond its junction with Chesser Avenue. The site, which is previously developed and now vacant, covers approximately 0.5 hectares and is a former yard/commercial premises.

The surrounding area is mixed use in nature with the site being immediately west of the Category B listed Stenhouse-Saughton Parish Church and garden spaces for adjacent residential properties. The site is bounded to the west by the Water of Leith, beyond which lies ELS House comprising a five storey, flat roofed, brick built office on a sloping site where the ground floor is used as a car showroom. An existing single storey building currently used as a gym is located along Gorgie Road at a section of the north of the site's north boundary, and a four storey residential development lies opposite to the northern side of Gorgie Road. The south of the site is bounded by residential properties at Chesser Grove.

2.2 Site History

18 July 2018 - application withdrawn for 'Demolition of Existing Buildings and Erection of 23 residential properties, with Associated Access Roads, Landscaping and Boundary Treatments (as amended)' (reference: 17/00392/FUL).

Main report

3.1 Description Of The Proposal

An application for full planning permission will be submitted for the 'erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure'.

3.2 Key Issues

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

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

The site is located within the Urban Area as shown on the Local Development Plan (LDP) map. The site must be assessed against all relevant policies within the LDP including policies Hou1 Housing Development and Hou 8 Student Accommodation. The site's former use for employment means policy Emp 9 must also be considered. Supplementary planning guidance, such as the Student Housing Guidance and the Edinburgh Design Guidance will also need to be considered by the applicant.

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

The proposal will be assessed against relevant design policies in the LDP as well as supplementary guidance where applicable (e.g. Edinburgh Design Guidance). The applicant should clearly demonstrate how the proposal's design has considered the Council's policies and guidance. A design and access statement will be required to support the major planning application in addition to daylight, overshadowing and privacy information for the proposal's future residents and neighbouring properties.

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

Requirements set out in the Council's Student Housing Guidance relating to location for student accommodation and LDP transport policies will apply to the proposal. It is expected that the applicant will provide transport information to demonstrate how the proposal complies with parking standards including service arrangements and cycle parking provision. Information relating to the site layout including any streets or paths, and the potential for road or pedestrian connections from the site to neighbouring streets should be included with the planning application.

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

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents will be submitted:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Statement;
- Arboricultural impact assessment;
- Ground investigation information;
- Waste management information;
- Protected species information/extended phase 1 survey;
- Ground investigations/Site investigations - site's former industrial use;
- Flooding risk and drainage information; and
- Noise/air quality information.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that a public exhibition will be held at Gorgie Dalry Stenhouse Church of Scotland, 537 Gorgie Road on 9 January 2019 from 14.00 - 20.00. A public notice will be placed in the Edinburgh Evening News at least seven days prior to the event and the applicant intends to advertise the event locally by using posters in public buildings.

The applicant has confirmed that Hutchison Chesser Community Council and local councillors received a copy of the Proposal of Application Notice on 9 November 2018.

Background reading/external references

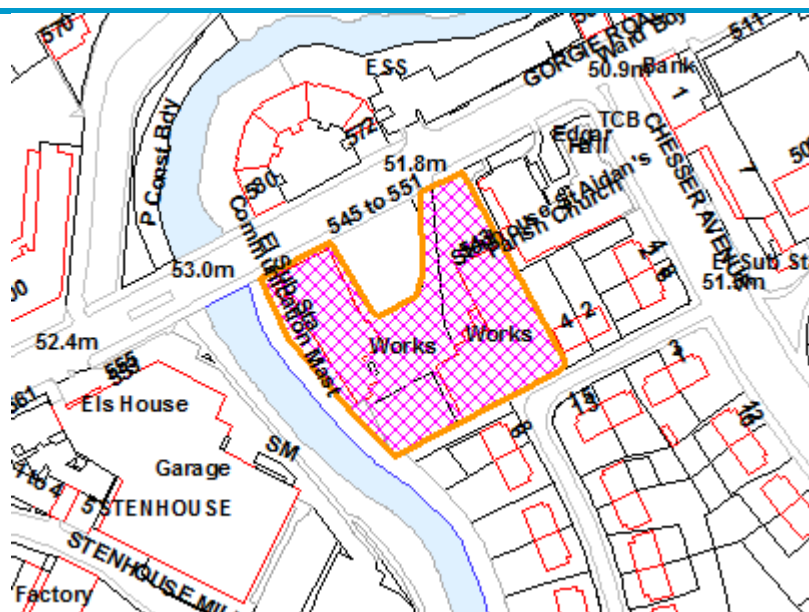
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

- [Edinburgh Local Development Plan](#)

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

Contact: Elaine Campbell, Team Manager
E-mail: elaine.campbell@edinburgh.gov.uk Tel: 0131 529 3612

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 January 2019

Report for forthcoming application by

S Harrison Developments Ltd. for Proposal of Application Notice

18/09804/PAN

At 24 Westfield Road, Edinburgh, EH11 2QB

Erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscape and infrastructure.

Item number	4.2
Report number	
Wards	B07 - Sighthill/Gorgie

Summary

The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for full planning permission for the 'erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure'.

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 12 November 2018 (Reference: 18/09804/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is within the Gorgie/Dalry area of the Edinburgh west of the City Centre. The site is currently occupied by a furniture showroom which has ceased trading, an office building and a car park associated with the showroom. The site covers approximately 0.31 hectares and is located on the corner of Westfield Avenue and Westfield Road.

The surrounding area is mixed use in nature. The site is bound to the north by a showroom and factory. There is a residential flatted development to the north west of the site on Westfield Avenue. The site is currently accessed via the shared vehicular access with Sainsburys filling station which bounds the site to the east. A Wickes Store is situated to the west of the site and to the south lies a row of traditional tenements and Sainsbury's carpark.

The Water of Leith is west of the site and can be accessed via the Westfield Avenue housing development. The train line runs north of the site.

2.2 Site History

25.10.2018 GRANTED Change of Use from Class 1 Retail to Class 11 Performing Arts School (Ref: 18/02387/FUL).

22.10.2018 GRANTED Planning Permission for Erection and installation of temporary modular dance studio facility (Ref: 18/03398/FUL).

22.10.2018 GRANTED Planning Permission for External alterations forming a new link corridor and new FE exit doorway (Ref:18/03828/FUL).

Main report

3.1 Description Of The Proposal

An application for full planning permission will be submitted for the 'erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure.

3.2 Key Issues

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

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

The site is located within the Urban Area as shown on the Local Development Plan (LDP) Map. The site must be assessed against all relevant policies within the LDP including policy HOU 8 Student Accommodation and Hou 1 Housing Development. The site's former use for employment means policy Emp 9 must also be considered. Supplementary planning guidance such as the Student Housing Guidance and the Edinburgh Design Guidance will also need to be considered by the applicant. Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that there is no impact on future amenity.

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

The proposal will be assessed against all relevant design policies within the LDP as well as supplementary guidance where applicable (e.g. Edinburgh Design Guidance). A design and access statement will be required to support the application as well as a daylight, overshadowing and privacy assessment for both the proposal and neighbouring properties.

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

Requirements set out in the Council's Student Housing Guidance relating to location for student accommodation and LDP transport policies will apply to the proposal. The applicant will be required to provide transport information to demonstrate vehicular access and how the proposal complies with parking standards including service arrangements and cycle parking provision.

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

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents will be submitted:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Viewcones of Protected Views
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Statement;
- Waste management information;
- Protected species information/extended phase 1 survey;

- Ground investigations/Site investigations;
- Flooding risk and drainage information;
- Noise/air quality information;
- Detailed hard and soft landscape plan and planting schedule;
- Surface Water Management Plan; and
- Impact in terms of proximity to Hazardous substance blast zones;

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that a public exhibition will be held at Gorgie Dalry Stenhouse Church of Scotland, 190 Gorgie Road on 15 January 2019 from 14.00 - 20.00. A public notice will be placed in the Edinburgh Evening News at least seven days prior to the event and the applicant intends to advertise the event locally by using posters in public buildings.

The applicant has confirmed that Gorgie/Dalry Community Council and local councillors received a copy of the Proposal of Application Notice on 9 November 2018.

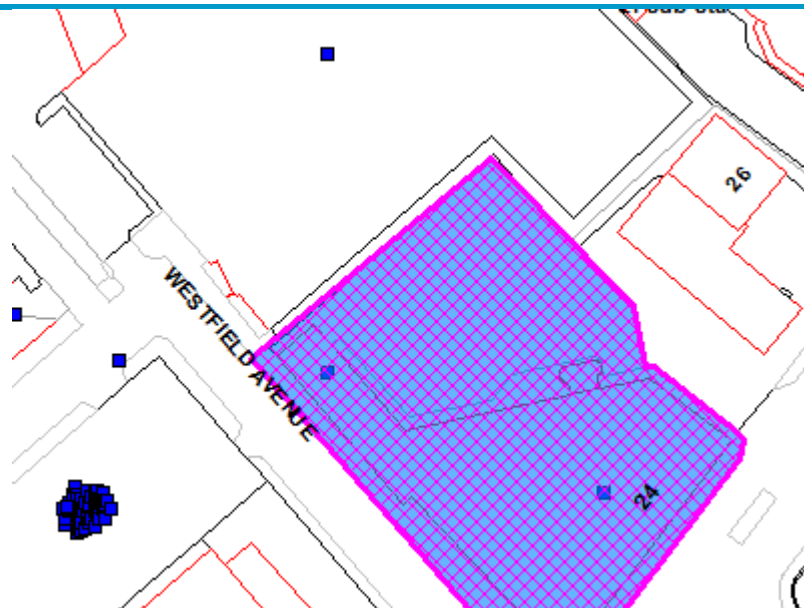
Background reading/external references

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

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

Contact: Elaine Campbell, Team Manager
E-mail: elaine.campbell@edinburgh.gov.uk Tel: 0131 529 3612

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 January 2019

Application for Planning Permission 18/09635/FUL At Craigentenny Primary School, 4 Loganlea Drive, Edinburgh

A proposal to construct a 2-storey nursery containing 3 playrooms, as well as ancillary accommodation and external garden, to serve 137 children.

Item number	4.3
Report number	
Wards	B14 - Craigentenny/Duddingston

Summary

Impact on open space is acceptable and the form and design of the proposed nursery are acceptable. Parking and road safety issues have been considered. The proposals comply with development plan policies and non-statutory guidelines.

Links

Policies and guidance for this application	LEN18, LDES01, LEN12, LEN09, LTRA02, LTRA03, LDES05, NSG, NSGD02, LDPP,
--	---

Report

Application for Planning Permission 18/09635/FUL At Craigentenny Primary School, 4 Loganlea Drive, Edinburgh

A proposal to construct a 2-storey nursery containing 3 playrooms, as well as ancillary accommodation and external garden, to serve 137 children.

Recommendations

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

Background

2.1 Site description

The site lies within the existing school playground, to the south-west of the main school building. It is largely covered in tarmac and partly occupied (in its centre) by an enclosed junior basketball court (in the form of bespoke play equipment).

Semi-mature trees lie to both east and west. A public footpath reaching to Loaning Road runs along the west edge of the site.

The main school building dates from the 1930s and is two storey, brick-built, with a traditional pitched roof. The wider area is dominated by three storey Council (and ex-Council) housing blocks, in a low density layout, interspersed with small areas of public space, including a pocket park immediately south of the application site. The site to the immediate west is cleared of all buildings and is currently vacant.

2.2 Site History

There is no planning history within the designated site boundary.

It is noted that six flats were recently approved on former school ground to the north-west of the school (planning reference: 16/00570/FUL).

Main report

3.1 Description Of The Proposal

The application proposes a new nursery building, linked to the existing primary school, but standing separately from the main school, in the south-west corner of the existing playground.

The proposed building is single storey, but will also include accommodation within the pitched roof. It will accommodate 137 children and forms part of the Scottish Government's programme for full nursery provision for all children.

The building was proposed in black cladding (both walls and roof) in the form of a corrugated fibre-cement panel. This has now been amended with the walls changing to grey cladding.

The proposal forms part of a group of similar proposals, each to create a nursery attached to an existing primary school, and all using the same design concept, regardless of location.

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 loss of open space is acceptable;
- b) the scale, form and design is appropriate to the area;
- c) tree loss is acceptable;
- d) parking and road safety issues are addressed;
- e) impact on neighbouring amenity;
- f) archaeological issues are addressed; and
- g) comments are addressed.

a) Loss of Designated Open Space

Local development plan (LDP) policy Env 18 considers loss of open space.

A 25m wide section at the east of the application site lies within that section of the existing school playground which is designated as Open Space in the LDP i.e. the designation covers a section of the operational school playground, but not the whole playground.

The bulk of the area involved will remain playground but will serve the nursery instead of the school. The physical loss of open space due to that section of building which stands on the designated open space totals around 200 square metres.

Policy Env 18 permits loss of open space under several criteria. Of these the proposal meets requirements (a), (b), (c) and (e):-

- (a) there is no significant impact on the quality or character of the local environment and
- (b) the open space forms a small part of a larger area or is of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and
- (c) the loss is not detrimental to the wider open space network or to biodiversity and
- (e) the development is for a community purpose, the benefits of which outweigh the impact of the loss of open space.

The current tarmac playground area (outwith the designated Open Space) contains an enclosed basketball court, and is not of particular quality. The area of open space to be lost forms only a small part of the school playground. There is no adverse impact on the wider open space network and the benefits to the local community of this new nursery provision outweigh the loss of the open space. As criteria (e) is met, there is no requirement under the policy to meet criteria (d), which relates to local benefit and alternative provision.

The small basketball court (around 4 x 6 metres) does not constitute a playing field (in terms of LDP policy Env 19) and is simply a piece of play equipment within the school playground. This element is an ancillary use within the wider school use. The erection (or removal) of play equipment within the school playground does not require planning permission.

The overall use of the site will continue as Class 10 (non-residential institution) and the proposed loss of open space complies with policy Env 18.

b) Design and Materials

LDP policy Des 1 considers design quality and context. LDP policy Des 4 considers the impact of design on setting and whether new development makes a positive impact on its surroundings.

This site stands on the road edge but is set apart from nearby buildings (including the existing school). Although, there is dominance of the character of the surrounding 1930s housing, there is no strong reason to echo this character in either form or materials. In this context a modern form and design are acceptable. The proposed height, scale and proportions are compatible with the wider townscape, and, as a free-standing building, the structure will have no adverse impact upon its surroundings.

Whilst there is no objection in principle to the use of a standardised design (to be used on all proposed nursery sites within the current building programme), there were initial concerns regarding the primary building material and its colour. The scheme has now been amended, and a more appropriate palette of materials is now being utilised. However, a condition has been applied to reserve materials for further approval by the Planning Authority.

The proposals comply with policies Des 1 and Des 4.

c) Impact on Trees

LDP policy Env 12 considers tree loss.

The scheme includes a tree removal plan and a scheme for protecting remaining trees.

Whilst a number of trees will be lost due to the development, none of the trees are protected, and none are a species of significance. A total of 12 trees are lost. Eight of these are immature. Four (closer to the road edge) are semi-mature trees planted 20 to 30 years ago. All these trees lie within the area of designated Open Space.

The majority of existing trees, both within the application boundary and on the school grounds as a whole, are unaffected. The landscaped southern edge to the existing school will largely be retained, and the landscaped character of this southern edge will remain overall.

Tree losses are justifiable and comply with policy Env 12.

d) Parking and Road Safety

LDP policy Tra 2 considers car parking issues.

Current Council guidelines seek to discourage car trip generation. The absence of car parking within the site boundary meets Council objectives in this regard and complies with policy Tra 2.

Whilst it is accepted that a high number of parents may bring their child to nursery and school by car, the Council promotes various programmes encouraging walking and cycling to school.

The Roads Authority in conjunction with the Schools Liaison Officer have identified minor adjustments required to adjacent waiting restrictions. These will total £4000 which will be addressed through a Memorandum of Understanding.

LDP policy Tra 3 considers cycle parking.

No cycle parking is illustrated, but there is ample room for location of cycle racks. A planning condition is added requesting further details of cycle parking provision in accordance with current Council guidelines (15 spaces).

The proposals will comply with policy Tra 3 subject to this condition.

e) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider daylight to neighbours.

The proposed structure will cause no loss of daylight to neighbouring buildings and policy Des 5 is complied with.

f) Archaeological Considerations

LDP policy Env 9 considers sites of archaeological importance.

The site lies adjacent to the old approach avenue to Craigentenny House (further to the north).

A condition is added requiring a desktop study and potential archaeological investigation prior to works commencing.

g) Public Comments

Comments

- loss of open space - addressed in section 3.3 a);
- black is an inappropriate colour - addressed in section 3.3 b);
- parking and road safety concerns - addressed in section 3.3 d); and
- loss of trees - addressed in section 3.3c).

Non-material Comments

- Loss of existing play equipment (basketball court) - Planning permission is not required for the erection or removal of existing school play equipment - This is considered in section 3.3 a).
- Loss of access to this area by other children - Rights of access to the area is a managerial concern and is not a planning consideration.

Conclusion

The loss of open space is acceptable and the provision of new nursery accommodation is acceptable in this location. The use of a standardised design, to be rolled out on all new nursery sites, is acceptable in principle. The proposal meets local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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. Details of cycle parking (minimum 15 spaces to meet Council standards) shall be submitted for the further approval of the planning authority and thereafter shall be implemented prior to the occupation of the development hereby approved.
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 safeguard the interests of archaeological heritage.
2. To ensure cycle parking is provided.
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. A Memorandum of Understanding shall be entered to ensure a contribution of £4000 towards redetermination of traffic waiting restrictions on the adjacent carriageway.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Four representations were received: one in comment and three in objection. These are addressed in section 3.3 g) of the Assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The bulk of the site lies within the white Urban Area as shown in the Local Development Plan. A section on the eastern side of the site (containing trees) is designated Open Space, and is included in the Open Space Audit for the city.

Date registered

1 November 2018

Drawing numbers/Scheme

1-18,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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 Env 12 (Trees) sets out tree protection requirements for 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 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 Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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.

Relevant policies of the Local Development Plan.

Appendix 1

Application for Planning Permission 18/09635/FUL At Craigentenny Primary School, 4 Loganlea Drive, Edinburgh

A proposal to construct a 2-storey nursery containing 3 playrooms, as well as ancillary accommodation and external garden, to serve 137 children.

Consultations

City Archaeologist

Further to your consultation request I would like to make the following comments and recommendations concerning the above proposal to construct a 2-storey nursery containing 3 playrooms as well as ancillary accommodation and external garden to serve 137 children.

Craigentenny Primary School lies to the immediate SW of the B-listed Craigentenny House which dates back to the 16th century, with significant additions in the 17th and also mid-19th centuries. The eastern end of this house was destroyed in 1942 by a Luftwaffe bomb. The Craigentenny House was developed from part of the earlier historic settlement and estate of Restalrig, centred upon the house and nearby medieval church. General Roy's 1750 Military survey (see figure below) shows the settlement of Restalrig as a small village running along Loaning Road, to the north of this site. However, by the mid-19th century this historic settlement had been cleared along Loaning Road towards the west to form the formals grounds for Craigentenny House. Archaeological investigations by CFA Archaeology in 2017 to the north of this site (NW corner of the school grounds) seem to confirm this history with no evidence for the early settlement. However, the site had been significantly affected by the construction of an earlier school building which may have removed any surviving remains.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological potential. Accordingly, this application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and 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.

Buried Archaeology

The development will require significant ground-breaking works (e.g. construction & new services). Although the results of the earlier evaluation to the north of the site by CFA were largely negative these results could have been affected by the construction of a 20th century school building. As a result, this site is still regarded as having archaeological potential, all be it low, for containing significant archaeological remains associated with the development of the nearby estates and settlements of Restalrig and Craigentenny.

Accordingly, it is recommended that if consent is granted, that a programme of archaeological excavation is undertaken either prior to or during development, to fully excavate and record any significant remains which may be impacted upon. This programme of archaeological work should be secured by the following condition;

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

The work would 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.

Roads Authority

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

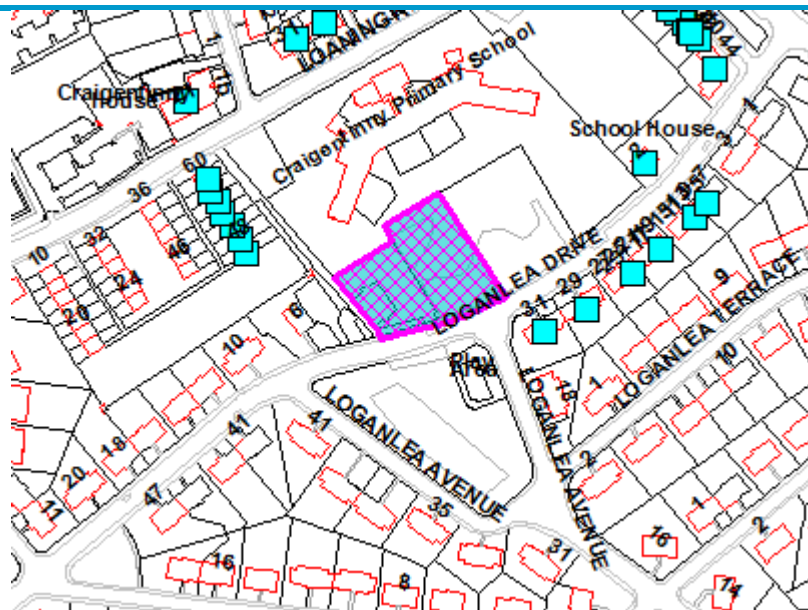
1. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
2. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
3. Alterations to the existing footpath accesses and road crossing points are required to promote and prioritise travel by sustainable means. (see note 4 for further information);
4. Detail of the proposed location of cycle and scooter parking to be submitted for further approval;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
 - a. A maximum of 1 car parking space per 3 employees;
 - b. A minimum of 14 pupil cycle/scooter parking spaces, plus 1 cycle parking space per 7 members of staff;
 - c. A minimum of 1 motorcycle parking space per 25 members of staff;
2. In line with the promotion of active travel as preferred mode choice for staff and pupils of primary schools and nurseries, the proposed zero car parking associated with this development is considered acceptable;

3. It is understood that Craigtinny Primary School is currently in the process of developing a travel plan to promote sustainable travel to and from school, and that this will be extended to include the proposed Nursery;
4. The design of the alterations to the footpath accesses and road crossing points will require input from the appropriate Road Safety & Active Travel Liaison Officer and will also require approval from the Localities team under a Section 56;

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 January 2019

**Application for Planning Permission 18/02294/FUL
At 215 High Street, Edinburgh, EH1 1PE
Change of use of former nursery site into a small street
traders market with an indoor area incorporating ancillary
seating area with a café providing snacks and drinks within
the existing building.**

Item number	4.4
Report number	
Wards	B11 - City Centre

Summary

The proposal does not comply with Local Development Plan Policies Hou 7 and Des 5 as it would have a materially detrimental effect on the residential amenity of nearby residents. The proposal is also contrary to Local Development Plan Policies Env 1 and Env 6 as the wooden kiosks would have a negative impact on the built form and the character and appearance of the Old Town Conservation Area and the Edinburgh World Heritage Site. There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LHOU07, LDES05, LEN01, NSBUS, LEN06, LDEL02, NSG, NSLBCA,
--	---

Report

Application for Planning Permission 18/02294/FUL At 215 High Street, Edinburgh, EH1 1PE Change of use of former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building.

Recommendations

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

Background

2.1 Site description

The site is a former nursery, with an external courtyard, that lies between High Street and Cockburn Street. The built element of the site incorporates 215 High Street and 1 Lyon's Close. The site is accessed from the High Street via Old Stamp Office Close. The site forms part of the original close design and is category A listed (Listing date: 14/12/1970; Listing reference: LB29047). The site is within the Edinburgh World Heritage Site and is owned by the City of Edinburgh Council.

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

2.2 Site History

May 2018 - Listed building consent granted for: Take down and remove north and west facing retaining walls and copes. Re-build the walls with salvaged stone, re-bed the copes and fix with new dowelling. Form new concrete walls and foundations for structural support. Uplift existing cobbles and paving and re-lay on completion. Cut down and remove trees from site (application reference: 18/01673/LBC).

August 2018 - enforcement enquiry into the potential change of use of the site as a public house (18/00426/EOPDEV).

Main report

3.1 Description Of The Proposal

Planning permission is sought for the change of use from a nursery to an outdoor street traders' market and a cafe. The proposal would result in thirteen market stalls of wooden construction within the open courtyard area, with the cafe being located within the building. Access would be taken from the High Street via Old Stamp Office Close.

The applicant has submitted the following documentation, which is available to view on Planning and Building Online Services:

- Planning Statement

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal would have an adverse impact on residential amenity;
- b) the proposal would have an adverse impact on the character and appearance of the Old Town Conservation Area and Edinburgh World Heritage Site;
- c) the proposal would form a development that would enhance the character of the city centre;
- d) any impacts on equalities or human rights are acceptable; and
- e) any public comments raised have been addressed.

a) Amenity

The site is accessed through a close and leads onto an open courtyard, surrounded by buildings, with the rear elevations of tenements on the High Street to the south and those of Cockburn Street to the north and east of the site. The building that is proposed for the cafe is single storey, located on the east side of the courtyard and also accessed from the close.

The enclosed character of the land results in the space having a confined and restricted nature, with the rear of the buildings on the High Street and Cockburn Street in close proximity. These tenements contain a variety of uses, but residential accommodation is present within them, and flatted properties look directly onto the courtyard.

Policies Hou 7 and Des 5 of the development plan aim to ensure that new development do not adversely affect amenity through the introduction of incompatible uses and other developments that could affect amenity by way of issues such as noise and outlook. Although located just off the High Street, the site has a discreet and semi-private character to it. Unlike other courtyards that are nearby and accessed from closes, this site has no permeability and would only be accessed as a destination in itself, as opposed to a through route. These other examples, including Advocates Close, contain uses that are potentially noise generating, although they do not have residential properties in close proximity. The previous use as a nursery would have created some noise through the day to day activities associated with such a use, but these would tend to be sporadic and restricted to periods when the children were undertaking outdoor activities. In comparison, the proposal would operate seven days a week between 09:00 and 18:00. In addition, the open air characteristic of the market use in particular would create an environment where the activities would be essentially restricted to the outdoors, creating the potential for significant noise and disturbance to neighbouring residential amenity.

The use of the building as a cafe would also lead to an increased pedestrian footfall within the close and the courtyard, and although that activity would be predominantly restricted to indoors, neighbouring residential amenity would be still be impacted upon through noise and disturbance as customers enter and leave the premises. There is no specific request for a restrictive use on the cafe, although the planning statement states that it will serve hot and cold drinks, soups and mainly cold food with no requirement for cooking, and by implication, ducted ventilation. However, the statement makes reference to the fact that some of the stalls may serve food, which has the potential to impact negatively on the surrounding residential properties by way of dispersed cooking odours.

The proposal would be contrary to Policies Hou 7 and Des 5 of the Edinburgh Local Development Plan.

b) Impact on the Conservation Area and Edinburgh World Heritage Site

The courtyard has a distinct character, and although enclosed by buildings, it creates a pleasant small scale parcel of open space.

Policies Env 1 and Env 6 seek to protect the character and appearance of the Edinburgh World Heritage Site and conservation areas. The wooden kiosk style market stalls are not of an appropriate design or material with regards to the Old Town Conservation Area and not in keeping with the predominant use of stone surrounding the site. Courtyards are a characteristic of parts of the conservation area and the proposed stalls would take up the majority of the open area, and impact on its historic form and appearance. They would be visible from within the close running into the courtyard, and would have a negative impact on the built form and the character and appearance of the Old Town Conservation Area and the Edinburgh World Heritage Site, contrary to policies Env 1 and Env 6. of the Edinburgh Local Development Plan.

c) Impact on the vitality of the City Centre

Policy Del 2 seeks to promote development within the city centre that would retain and enhance its character and attractiveness. Criterion (b) of the policy is relevant, with its aim to encourage a use or mix of uses appropriate to the location.....and the character of the surrounding area.

Although the proposal would have the potential to provide opportunities for small businesses and encourage visitors to the close and courtyard, Policy Del 2 cannot be taken in isolation, and regard must be had to the impact of the development on other elements within the area, including residential amenity. As set out in sections 3.3 (a) and (b) of this report, the proposal has a significant potential to adversely affect the residential amenity of surrounding properties and the historic character of the site. Any benefits to the commercial vitality of the city centre would be outweighed by the impact on other receptors.

The proposal would form an inappropriate development with the potential to have an adverse impact on residential amenity. It does not comply with LDP Policies Hou 7, Des 5 and the non-statutory Guidance for Businesses.

d) Equalities and human rights

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

e) Public comments

Material Considerations

- Impact on amenity: addressed in section 3.3(a);
- Create a destination attraction: addressed in section 3.3(c); and
- Opportunity for independent retailers: addressed in section 3.3(c).

Non-Material Considerations

- Public safety

Community Council

- Impact on amenity: addressed in section 3.3(a).

Conclusion

The proposal does not comply with Local Development Plan Policies Hou 7 and Des 5 as it would have a materially detrimental effect on the residential amenity of nearby residents. The proposal is also contrary to Local Development Plan Policies Env 1 and Env 6 as the wooden kiosks would have a negative impact on the built form and the character and appearance of the Old Town Conservation Area and the Edinburgh World Heritage Site. There are no material considerations which outweigh this conclusion.

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 the Local Development Plan Policy Hou 7 as the proposal would have a materially detrimental effect on the residential amenity of nearby residents.
2. The proposal is contrary to the Local Development Plan Policy Des 5 as it would have an unacceptable impact on neighbouring amenity due to increased activity within the enclosed courtyard.
3. The proposal is contrary to Local Development Plan Policies Env 1 and Env 6 as the wooden kiosks would have a negative impact on the built form and the character and appearance of the Old Town Conservation Area and the Edinburgh World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following statutory neighbour notification on 11/06/2018, and advertisement in the Edinburgh Evening News on 15/06/2018, 23 letters of representation have been received. The matters raised are addressed in the assessment section of the report.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the City Centre, World Heritage Site and Old Town Conservation Area as defined by the Local Development Plan.

Date registered

30 May 2018

Drawing numbers/Scheme

01-05,

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

Contact: Murray Couston, Planning Officer
E-mail:murray.couston@edinburgh.gov.uk Tel:0131 529 3594

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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.

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

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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 Planning Permission 18/02294/FUL At 215 High Street, Edinburgh, EH1 1PE Change of use of former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building.

Consultations

Environmental Health

1. Noise from the outdoor market - whilst we appreciate the stalls themselves will not be dismantled each night, there will inevitably be noise from set-up and close up each morning and evening, as well as general noise from activities within the market (noise of people, operational noise). In order to assess the planning application and ensure sufficient amenity for nearby residents, I require a Noise Impact Assessment (NIA) taking into account a worst case scenario of voices and general operational noise. Assessment Criteria (with open window assessment) of:

Habitable room (bedroom or living room) (internal/daytime) - 35dB LAeq and 55dB LAfmax.

Any adjoining or nearby external amenity space - 55dB LAeq.

The planning statement notes that "there will be no amplified music". We would like to see a condition attached to that effect.

2. Smell from outdoor market - to ensure there is no impact on residential amenity from odours, we would like to see a condition stating there should be no cooking or reheating of food within the market space.

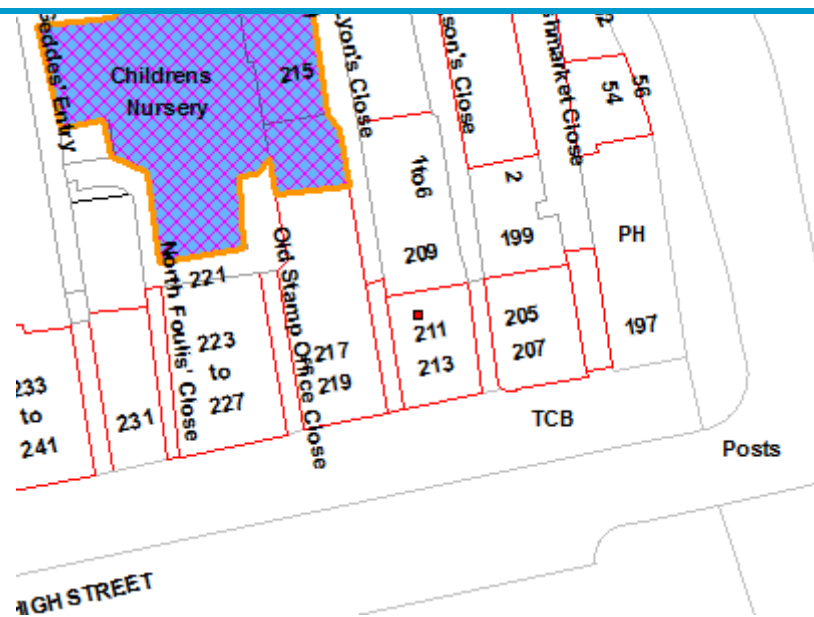
3. Café Activities - we will look for the café to have a restricted class 3 condition limiting operations to reheating with specified equipment (e.g. microwave). Café operational noise (kitchen noise, commercial noise, raised voices, and including music should they plan to have any internally etc.) should be assessed within the Noise Impact Assessment to ensure that all operational noise from the cafe be inaudible (i.e. not breaching NR15) within the nearby noise-sensitive receptors. A worst-case scenario should be assumed. Plant equipment should not breach NR25 at any noise-sensitive receptor with windows open for ventilation.

4. Hours of operation - The planning statements states that they will be open between 9am - 6pm, seven days a week, with an intention to expand upon those hours during festival periods. This is a source of concern for this service, as nearby residents will have no respite from the market and will be subjected to its activities at least nine hours every day (not including set-up and close down). The operators of the market could also chooses to expand to later or even earlier hours should they wish. We would therefore look for a condition to control the hours of operation of the market.

Transport

A tram contribution of £29,975 would be required.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 January 2019

**Application for Planning Permission 18/04658/FUL
At 144 Pitt Street, Edinburgh, EH6 4DD
Demolish existing building and erection of a five storey
building comprising eight flatted dwellings (as amended).**

Item number	4.5
Report number	
Wards	B12 - Leith Walk

Summary

The principle of residential use is acceptable on this site. Previous concerns regarding the principle of residential use and impact on remaining businesses have been addressed. The form and design are appropriate to the area. The proposal complies with local development plan policies, and is a minor and acceptable infringement of cycle parking guidance. No other considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LTRA04, LEMP09, LDPP, NSG, NSGD02,
---	--

Report

Application for Planning Permission 18/04658/FUL At 144 Pitt Street, Edinburgh, EH6 4DD Demolish existing building and erection of a five storey building comprising eight flatted dwellings (as amended).

Recommendations

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

Background

2.1 Site description

The existing property is former public house which has been derelict for over a decade. It is single storey as viewed from Pitt Street. The building extends to 130 square metres and occupies the entire site area.

This section of Pitt Street is largely industrial in character, including coach repair and vehicle repair facilities, car valet operations etc. The western section of Pitt Street is more residential in character. The street to the east, South Fort Street, is predominantly residential on this section (Water of Leith Walkway to Ferry Road).

To the east a former school is converted to residential use. That building lies within the Leith Conservation Area, the boundary of which runs along South Fort Street at this point. The application site itself lies outwith the conservation area boundary.

To the immediate south the site bounds onto the Water of Leith Walkway (a former railway line).

Land on the opposite side of the walkway remains industrial in character. The closest building to this side (a former sheet metal works) is currently vacant (see History of Adjacent Sites).

The premises to the immediate west is currently in office use. The premises to the north (on the opposite side of Pitt Street) serves as a coach repair and valet service.

This application site is located within the Leith Conservation Area.

2.2 Site History

3 May 2007 - Planning permission refused for erection of nine single-bedroom flats (application reference 07/00688/FUL).

16 September 2008 - Planning permission refused for outline planning for a single private dwelling house (application reference 08/01863/OUT).

12 December 2014 - Planning permission granted for proposed redevelopment, extension and change of use of existing dilapidated commercial premises to form new hostel accommodation (application reference 14/03245/FUL).

1 December 2017 - Planning permission granted for extension and change of use of existing dilapidated commercial premises to form new hostel accommodation (application reference 17/04024/FUL).

1 June 2018 - refusal of a scheme identical to that currently proposed due to lack of supporting information to demonstrate its case (application reference: 18/00316/FUL).

History of Adjacent Sites

Other than the commercial sites to the immediate north, the site is encircled by other recent housing developments which have a similar relationship to the remaining industrial/commercial uses on Pitt Street and on the Bonnington Industrial Site. The latter is subject to the Bonnington Development Brief. This brief creates a structural framework for a primarily residential redevelopment on the land between the Water of Leith Walkway and Bonnington Road.

The most relevant developments in the surrounding area are:

12 July 1995 - 30 flats (HA) approved on former industrial site on Pitt Street (application reference: 95/01052/FUL) built 1997.

16 June 1999 - childrens centre and 18 flats approved on land immediately to east on South Fort Street (application reference: 99/00562/FUL) built in 2001.

7 February 2000 - 23 flats approved on land immediately to north-east on South Fort Street (application reference: 99/03563/FUL) built 2002.

16 August 2000 - large flatted development (HA) approved on corner of Pitt Street/Trafalgar Street (application reference: 00/01736/FUL) built 2001.

9 April 2003 - 40 flats approved on Graham Street on industrial land to south-west (application reference: 01/04470/FUL) built 2004.

21 January 2004 - housing approved on Trafalgar Lane west of the remaining industrial site on Pitt Street (application reference: 03/02370/FUL) built 2005.

15 April 2004 - housing approved on Trafalgar Lane (HA) north-west of remaining industrial site on Pitt Street (application reference: 03/04650/FUL) built 2005.

27 October 2004 - housing development (HA) on former industrial site Pitt Street/Trafalgar Lane (application reference: 03/04288/FUL) built 2005.

21 March 2018 - Committee approved a large residential scheme on land on the opposite side of the railway line (subject to conclusion of legal agreements) (application reference: 16/03218/FUL).

Main report

3.1 Description Of The Proposal

The application proposes demolition of the existing derelict building and erection of a five storey building. Due to the nature of the proposed form and the changes in surrounding ground level, this appears as five storeys as viewed from the Water of Leith Walkway, and as three storeys as viewed from Pitt Street.

The proposal creates eight flats: seven studio flats of 40/41 square metres plus a single, one-bedroom flat of 54 square metres. The units each face south onto the Water of Leith Walkway. North-facing windows (onto Pitt Street) are restricted in size and triple glazed to acoustically buffer against noise on this side. Ventilation on the north side is adapted to further attenuate noise.

The common stair cantilevers out over the Water of Leith Walkway), as does a small balcony on each flat. The common stair accesses a rooftop garden (in artificial grass) of around 80 square metres.

The building is proposed in white render with a curved feature on the corner with South Fort Street. A pitched zinc sheet roof to the front conceals a south-facing rooftop terrace.

The scheme provides no on-site parking or refuse storage (waste collections on Pitt Street are wholly through use of communal bins already on the street). Nine internal cycle parking spaces are proposed.

Scheme 1

In relation to the initial proposal, the scheme was amended to clarify floor layouts and to clarify cycle storage. Alterations were also made to improve design and to change the ground floor units into main door flats. The scheme now groups the three entrance doors facing Pitt Street and frames these in natural ashlar stone, as a focal feature.

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) residential use is acceptable in principle;
- b) the scale, form and design are appropriate to the area;
- c) amenity of the proposed units is acceptable;
- d) parking and cycle parking are considered;
- e) impact on neighbouring businesses; and
- f) comments are addressed.

a) Residential Use

LDP policy Hou1 Housing Development considers suitability of sites for housing use.

Whilst Pitt Street and the land to the south were previously protected for the immediate Business/Industry Uses, the current local development plan shows the site within the Urban Area, and redevelopment for housing use is acceptable as long as other policy requirements are met.

A re-zoning of the Pitt Street/Trafalgar Lane area some twenty years ago caused a number of residential developments to emerge (see Site History). There have been five housing schemes on Pitt Street on previously industrial sites, plus three housing development to the east and north-east on South Fort Street, and eight schemes to the north on Trafalgar Street Lane (see Site History). The cumulative effect of these multiple schemes is to create a new residential character in place of the former industrial character. The new streetscape is pleasant and well-structured. However, the site in question remained prejudiced by the sheet metal works to its south side. Planning permission was agreed in principle for a 100% housing proposal on this land to the south earlier this year (subject to conclusion of legal agreements). Therefore, although the lawful use is still industry, the expectation is that this "bad neighbour" use will not rematerialise.

Environmental Protection initially expressed concerns regarding noise from uses to the north. Constructional devices have now been proposed to mitigate nuisance (triple glazing and attenuated ventilation systems) and are ensured through condition. Relationship to the remaining industrial sites is considered in more detail in section e) below. Given the proximity of existing housing on South Fort Street to the same sites, the relationship is considered acceptable in environmental terms subject to a suspensive planning condition, requiring a site start on the land to the south. Environmental Protection concerns have therefore been addressed. A suspensive condition has been added to ensure the development cannot be commenced until the industrial use to the south of the site has ceased.

LDP policy Hou 2 considers housing mix.

The surrounding housing is predominantly one and two bedroom. As the proposal is primarily studio flats, this will add to the diversity of units available in the area.

LDP policy Hou 3 considers open space.

This is considered in section c) of the Assessment.

LDP policy Hou 4 considers density.

The narrow site and absence of open space create a high density in statistical terms (over 600 units per hectare) but is not a fair reflection on "visual density". Whilst few developments are of this density, it may be compared to the larger development of the conversion of Broughton Primary School Annex to studio flats (planning reference 13/02548/FUL) which remains visually acceptable. The density is therefore acceptable in this context.

Residential use is acceptable in principle subject to other policy requirements being met.

b) Scale, Form and Design

LDP policy Des1 considers Design Quality and Context.

Pitt Street is varied in character from industrial sheds to listed Georgian tenements. Streetscape is more structured at its western end, where modern flats have infilled former industrial gaps, creating continuous tenemental frontages. The eastern end of the street (where the site lies) is currently broken and unstructured in terms of form, and largely comprises of low-grade industrial sheds of no intrinsic historic or streetscape value.

The closest building of relevance in terms of scale and design is the former Dr Bells School (to the east) which was converted to residential use around 15 years ago and has several new-build elements. The new-build elements are largely three and four storey with a monopitch roof. The variety of surrounding modern forms and designs are such that the proposal will fit with its surroundings.

The proposed building is acceptable in terms of scale and the design idiom is appropriate to the area. The objectives of policy Des 1 are met.

LDP policy Des 4 considers impact upon setting.

This firstly considers height and form. Heights in the wider area vary from two storey to five storey. The height is therefore appropriate.

The scale and proportions of the design are appropriate to the area.

The building will stand directly on the heel of the pavement. Although most developments in the area have a small front garden, the site size does not allow this. The relationship of building to the pavement is acceptable in this context.

There are other rendered buildings on the street and a mixture of roof materials. Materials are acceptable.

The setting of residential buildings on South Fort Street to north and north-east will be greatly improved by the redevelopment.

In relation to the Water of Leith Walkway the existing rear presents a saw-tooth form rising to around 10 metres above walkway level. This height will increase to around 15 metres above the walkway: a 50% increase in height. As the walkway will remain relatively open on its south side this additional height will not have a significant impact on the character of the walkway over this short section.

c) Amenity of the Proposed Units

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity issues.

All proposed units meet minimum space standards of the Edinburgh Design Guidance.

The proposal sits on its southern boundary and derives almost all of its amenity from this side. This is facilitated as the adjacent land is the Water of Leith Walkway, which benefits from Open Space status and, as Council-owned land, is unlikely to be developed. This relationship is acceptable.

The proposal has open views to both front and rear and daylight and sunlight levels will be acceptable. It is noted that trees on the opposite side of the walkway will have some impact on daylight and sunlight to the lower level units.

Each flat has both a private balcony and access to a rooftop garden. There is also a small public park accessed immediately to the east, on the opposite side of South Fort Street (Keddie Gardens). The amenity of the proposed flats will be acceptable.

The rooftop terrace allows compliance with policy Hou 3, which requires at least 10 square metres of open space per unit.

d) Car and Cycle Parking

LDP policy Tra 2 considers car parking.

Council policies now seek to minimise rather than maximise car parking. Absence of car parking is acceptable on sites with good public transport. The site lies around 70 metres from Ferry Road, which is a major public transport corridor. Absence of car parking is acceptable in this location, and complies with policy Tra 2.

As this meets current Council policy, a legal agreement linking to City Car Club provision (as suggested by the Roads Authority) is not appropriate.

LDP policy Tra 3 considers cycle parking.

The site directly attaches to the Water of Leith Walkway and therefore will have excellent pedestrian and cycle links to Leith and the city centre.

Each flat has a secure cycle store immediately upon entry to the flat. Due to the restricted site size only the two main door flats can accommodate the provision at ground floor (as preferred within non-statutory guidelines). Whilst the Roads Authority requested that all cycle parking be at ground floor, this is not practical in this instance. Net cycle parking provision will be 150%, which is an appropriate provision for studio flats.

The scale of cycle parking provision and its location are considered acceptable and comply with policy Tra 3.

e) Impact on Existing Businesses

LDP policy Emp 9 considers impact upon existing employment sites.

The existing property in its own right does not represent a loss of employment as it has been derelict for over a decade.

Previous reasons for refusal included impact on neighbouring businesses. These included the sheet metal works (now vacant) to the south and the coach-valeting business (ongoing) to the north.

The proposal has now been designed to include passive ventilation on the north (Pitt Street) side, plus acoustic double glazing. As the residents will be acoustically buffered from existing noise nuisance, there should be no additional pressure in the form of noise complaints relating to these premises. The ongoing business uses will not be prejudiced by the development. It is noted that the relationship of the application site to the coach-valeting service is very similar to the relationship of housing to the east on South Fort Street and to the north on Trafalgar Lane to the same site. Although policy Emp 9 did not exist in its current wording at the time of the previous consents (see History), there were previous policies which did address prejudice to ongoing businesses. Given the measures proposed to address the issue, it would not be appropriate to resist housing in the context of policy Emp 9.

As regards the sheet metal works to the south, this large building is currently vacant. A planning decision on this site has still to be issued as legal agreements remain outstanding. However, there remains a notional possibility that the site may revert to industrial use. Because of this (and in relation to Environmental Protection's comments), a suspensive planning condition is added, requiring that the proposal under consideration cannot be occupied until the sheet metal works building is demolished and a contract for the housing on that site is begun on site. Whilst such conditions (involving the actions of third parties) are usually avoided due to potential ransom effects, the expectation of redevelopment of the site is high, and the applicant has agreed to a suspensive planning condition. Legal advice concludes that this is acceptable in this circumstance.

f) Public Comments

Material Comments

- Parking concerns - Concerns regarding parking are addressed in section 3.3 d).

Non-Material Comments

- AHSS state that the site is in the Leith Conservation Area, and the design is therefore inappropriate. It is not, but the standard of design would be appropriate even if it were in the conservation area.
- Security issues in relation to the Water of Leith Walkway are not a planning consideration.

Community Council

Leith Central Community Council objected on the grounds that the application was identical to that within the last refusal. This is largely true. The difference in the application is largely in the supportive information relating to adjacent uses and the inter-relationship with these.

Conclusion

Previous concerns regarding the principle of residential use and impact on remaining businesses have been addressed. The scale, form and design of the proposal is acceptable and all units will have adequate amenity. A car-free development is acceptable and the cycle parking provision is acceptable. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. All measures included in the RMP report regarding mitigation of noise reduction shall be fully implemented prior to occupation of the development.

3. The development hereby granted shall not commence until documentary evidence has been submitted to the Planning Authority, and subsequently accepted, to confirm that the housing development on land to the south (subject of application reference 16/03218/FUL) has been begun, and the previous industrial use on that site has ceased.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.

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. Issues relating to development overhanging the Water of Leith Walkway must be independently resolved with the Council in its capacity as land owner.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Three objections were received. These are addressed in section 3.3 e) of the Assessment.

Background reading/external references

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

Statutory Development**Plan Provision**

The site lies within the white Urban Area as shown within the Local Development Plan.

Date registered

24 August 2018

Drawing numbers/Scheme

1b,2b, 3a,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

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

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

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

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

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

Relevant policies of the Local Development Plan.

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 18/04658/FUL At 144 Pitt Street, Edinburgh, EH6 4DD Demolish existing building and erection of a five storey building comprising eight flatted dwellings (as amended).

Consultations

Environmental Protection

Environmental Protection have commented on previous applications for this site. Environmental Protection had specifically recommended refusal to an outline application for residential use on this site due to the poor standard of amenity that would be afforded to any proposed residential use on this site.

The main cause of concern was opposite the site at 145 Pitt Street as there was a commercial vehicle repairs centre which had large articulated lorries, trucks and trailer being repaired from 6:30am to 7pm. Every morning the vehicles were moved from inside the premises out onto the street right outside the proposed application site. The garage door was always open from 6:30am and power tools like air guns and compressors were in constant use. The premises had no planning constraints and could potentially operate earlier and later if the operator chose to do so. This is still the current situation so our concerns remain valid, it is noted that this proposal would introduce more residential units than previously applied for. The applicant has designed the layout of the building in a way that ensures no bedrooms or living rooms will be on this facade.

Furthermore, adjacent to the commercial vehicle repairs company there was and still is a travel company with vehicle storage. The buses come and go from the premises in the early morning and late at night. Pitt Street is a cobbled road that increases noise levels and the buses also need to reverse when manoeuvring with reversing beepers in operation. The applicant has designed the layout of the building in a way that ensures no bedrooms or living rooms will be on this facade.

The applicant has now submitted a supporting a noise Statement. Environmental Protection accept that if the development is single aspect then the noise from Pitt Street can be mitigated by the simple layout and design of the development. However it is noted that there is currently heavy industrial operation ('Blakes') on the south facade. This is the facade where all bedrooms and living-rooms will be located.

It is understood that there is progress being made with the demolition and development of the industrial area ('Blakes'). It is intended that this site 'Blakes' will become a residential development. At the moment there is no guarantee that this will actually happen. Therefore, Environmental Protection could only consider supporting this application if Planning can condition the Pitt Street application stating it can only commence development once the Industrial operations on the 'Blakes' site have completely ceased including the complete demolition of the industrial units.

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 objections subject to the following conditions.

Condition

No development shall commence until the industrial unit to the south known as 'Blakes' has been demolished and ceases to operate.

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.

Roads Authority

The application should be refused.

Reasons:

1. The proposed development is not considered to meet Tra 3 and Tra 4 of the Edinburgh Local Development Plan as it does not comply with the emerging Edinburgh Street Design Guidance Fact Sheet C7 - Cycle Parking in relation to the following points:
 - a. The requirement to lift and carry bikes up and down stairs to cycle stores.

b. The proposed vertical cycle racks are not considered an acceptable style of cycle parking as there is a requirement to lift the bikes into these racks.

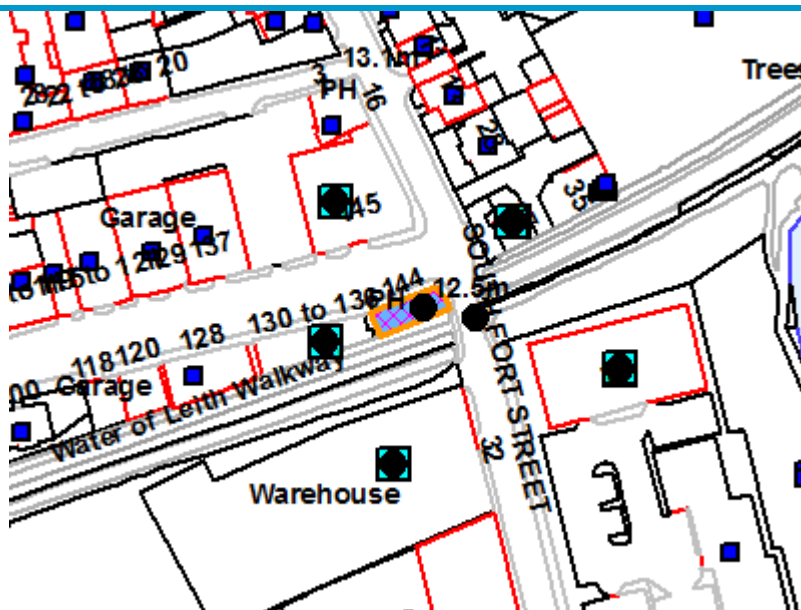
If you are minded to grant planning permission please include the following as conditions or informatives as appropriate:

1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
2. 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;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
 - a. A maximum of 8 car parking spaces;
 - b. A minimum of 9 secure and covered cycle parking spaces;
 - c. Development does not meet minimum requirements for EV, Accessible or Motorcycle parking.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 January 2019

**Application for Planning Permission 18/02817/FUL
At 27 Lanark Road, Edinburgh, EH14 1TG.**

Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended).

Item number	7.1
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposals do not comply with Policy Env 10 of the Edinburgh Local Development Plan in terms of development in the Green Belt.

However, there are material considerations in this particular case that justify a departure from policy.

The proposals have no adverse impact on the landscape quality of the Green Belt, are acceptable in terms of scale, form, design and materials and will have no adverse effect on the character of the surrounding area. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity, road safety or infrastructure and will have no significant impacts in terms of flooding or aerodrome safety. There are no identified impacts on equalities or human rights.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LHOU10, LHOU03, LHOU04, LHOU06, LDES01, LDES03, LDES04, LDES05, LDES06, LEN12, LDES07, LDES10, LEN09, LEN15, LEN16, LEN21, LTRA02, LTRA03, LTRA04, NSG, NSGCGB, NSGD02, NSGSTR, NSMDV,

Report

Application for Planning Permission 18/02817/FUL At 27 Lanark Road, Edinburgh, EH14 1TG Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended).

Recommendations

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

Background

2.1 Site description

The application site lies to the south of Lanark Road and measures approximately 0.2 hectares in area. The Water of Leith forms the western boundary and the Water of Leith Walkway adjoins to the east. The north-east half of the site is occupied by the former Blue Goose pub - a two-storey brick and rendered structure with single-storey outshoots. The remainder of the site comprises a tarmac former parking area.

The surrounding area is mixed-use in character with an office occupying a traditional single-storey building to the immediate east of the site and a boarded up former car showroom further east. The Water of Leith Visitor Centre is within a traditional building opposite the site and a car repair workshop lies to the west of the site beyond the Water of Leith.

There are trees along the eastern boundary, mainly young and self-seeded, two larger trees adjacent to Lanark Road and trees of varying age outwith the site along the Water of Leith Walkway.

The site boundary is demarcated by a metal fence with a retaining wall of varying height behind on the east and south-east boundaries and a brick wall along part of the northern boundary. Vehicular access is at the north-east corner of the site.

The site is within the Green Belt and Local Nature Conservation Site.

2.2 Site History

19 December 2016 - planning permission refused for the change of use at 27, 35, 37-39 Lanark to erect two student residence blocks with office/reception and communal areas and associated facilities at ground floor level, landscaping, amenity space and cycle storage (application reference 15/05401/FUL). Refusal was on the basis of a non-conforming use within the green belt, a damaging impact on the Water of Leith Special Landscape Area, loss of trees, issues relating to design, form, scale and amenity of future occupiers and lack of housing provision on the site.

Related Planning History

15 August 2018 - planning permission granted for the demolition of existing buildings and erection of purpose built student accommodation including change of use and all associated works, as amended at 35 Lanark Road (application reference 16/06275/FUL).

Main report

3.1 Description Of The Proposal

The application is to demolish the existing public house and erect a residential development comprising 25 apartments: 5 one-bedroom, 16 two-bedroom and 4 three-bedroom within a two to four-storey block with gardens, terraces and balconies, cycle and car parking, landscaping and refuse space.

The proposed building comprises a contemporary style, flat roofed structure stepping from four storeys at the east end to two storeys at the west end. The main facing material is blonde facing brick with bronze coloured cladding panels, aluminium-faced timber-framed windows and steel balustrades and sedum roofs.

The proposed hard and soft landscaping materials include precast concrete, light grey and charcoal paving blocks, areas of porous pavements and a section of masonry retaining wall to match the existing wall, a 1.1m high blonde brick wall along the northern boundary to Lanark Road, timber-decked private gardens facing the Water of Leith bounded by a 1.1m high steel railing, ornamental planting along the east and south boundary and areas of hedging. The existing trees within the site will be removed.

The scheme provides 16 car parking spaces, including two spaces for disabled users and two spaces with electric car charging points, one motorbike space and 57 cycle parking spaces.

Scheme 1

The original scheme did not specify green roofs or include areas of porous pavements.

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:

- Planning Support Statement;
- Schedule of Accommodation;
- Design and Access Statement;
- Townscape, Landscape and Visual Impact Appraisal;
- Tree Survey;
- Bat Survey;
- Habitat Survey;
- Archaeological Evaluation;

- Noise Impact Assessment;
- Transport Report;
- Flood Assessment and Drainage Strategy; and
- Sustainability 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 development is acceptable in principle in this location;
- b) the proposals adversely affect the landscape quality of the Green Belt;
- c) the proposals are acceptable in terms of scale, form, design and materials and will not adversely affect the character of the surrounding area;
- d) the proposals have an adverse impact on flora or fauna;
- 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;
- h) any impacts on equalities or human rights are acceptable; and
- i) public comments have been addressed.

a) Principle

This site lies within the Green Belt in the Edinburgh Local Plan (LDP). Policy Env 10 presumes against new development in the Green Belt other than for the purposes of agriculture, horticulture, forestry, countryside recreation or other uses appropriate to the rural character of the area. The policy allows for minor alterations and extensions to existing buildings, the change of use of existing buildings and the replacement of existing buildings with new buildings in the same use, subject to further caveats. This proposal does not fulfil any of the criteria of Policy Env 10 and the existing non-conforming use of the site as a public house does not justify the development of the site for any other non-conforming use.

However, paragraph 181 of the LDP states that "the purpose of the green belt is not to prevent development from happening." Paragraph 183 states that the "key tests for all proposals in the green belt will be to ensure that the development does not detract from the landscape quality and/or rural character of the area."

This particular case relates to a site on which there is an existing building of no architectural merit or value within the landscape and all open space within the site is surfaced in tarmac. The absence of designation within a Special Landscape Area in the LDP reflects the site's essentially urban character and the proposed development will not result in the loss of any undeveloped land within the Green Belt. In addition, the proposal will introduce more soft landscaping on the site than previously exists.

In terms of the proposed development of the site for residential use, LDP Policy Hou 1 states that priority will be given to the delivery of the housing land supply on suitable sites. This proposal will contribute to the city's effective housing land supply without having any detrimental impact on the objectives of the city wide Green Belt designation. The development will respect the characteristics of the surrounding area and create an attractive residential environment with access to public transport and local facilities.

The proposed development is a departure from the Local Development Plan and there are material considerations in this particular case that justify this departure.

b) Landscape Quality of Green Belt

LDP Policy Env 10 provides guidance on appropriate development within the green belt and to ensure that development keeps the landscape quality and/or rural character of the area.

The area of Green Belt land which is affected is relatively small and represents a minor and isolated part of the city wide Green Belt. The land is not publicly accessible and comprises hardstanding with an existing two and single storey building which makes no positive contribution to the landscape character of the area.

The proposed development respects the landscape character of the adjacent area which comprises the steep slopes of the river corridor with its woodland backdrop and abundant wildlife by stepping down in height from the street edge towards the southern boundary allowing clear views of the mature trees along the Water of Leith walkway.

The proposals will therefore have no adverse impact on the landscape quality of the Green Belt, in compliance with LDP Policy Env 10.

c) Scale, Form, Design and Materials and Character of Surrounding Area

The surrounding area is mixed residential/commercial in character encompassing detached and semi-detached dwelling houses and flatted properties. The recently approved student housing development on the adjacent site to the south comprises three adjoining stepped blocks ranging from three to five storeys in height with the highest section opposite the application site.

Each block of the proposed development, which comprises three adjoining stepped blocks ranging from two to four storeys in height, is comparatively lower than its equivalent block in the student housing development and the flat roofs allow clear sight of the mature woodland backdrop. The new building therefore sits unobtrusively within the streetscene of this section of Lanark Road, the townscape of which is evolving towards a denser urban form.

In terms of massing, the constituent blocks step down from the street southwards along the Water of Leith edge. The central three-storey section incorporates a set-back upper floor to reduce the visual impact of the building on the river frontage and interesting articulation is achieved through recessed balconies on the principal elevations.

The proposed contemporary design and use of blonde-coloured brick for the main elevations is appropriate in this context which includes a range of building styles, materials and tones, including red-facing brick elevations within the neighbouring student housing development. The muted tone of the proposed brick elevations will not compete visually with the green natural landscape behind. A condition has been applied to ensure that the external materials are appropriate in specification.

The proposed density of the development is appropriate within this area which is characterised by a mix of older, less dense housing stock and denser new developments and the sizes of the apartments are mixed sizes with various levels of accessibility.

Green open space will be provided as 12.5% of the site. This is less than the normal 20% requirement but justified in this case given the site's proximity to high quality open space in the form of the Water of Leith frontage and walkway.

The proposed landscaping design is appropriate within the existing context of hardstanding and will improve the current situation through the introduction of tree and ornamental planting along the northern and eastern edges of the site to improve the relationship with the Water of Leith walkway behind.

The overall design will make a positive contribution to the site by replacing an existing derelict building of no intrinsic architectural merit with an appropriately scaled and designed building and a tarmaced landscape with an attractive mix of hard and soft landscaping.

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

d) Flora and Fauna

The site is within a Local Nature Conservation Site as defined in the LDP. Policy Env 15 guards against development which is likely to have an adverse impact on the flora, fauna, landscape or geological feature of the site.

Although this site is not designed as a Special Landscape Area within the LDP, it is important that any development respects the views of the landscape backdrop and Water of Leith. The overall scale and stepped form of the development achieves this by protecting views of the wooded skyline and the proposed structure replaces an existing building, albeit smaller in scale.

The development is not set back 15 metres from the water's edge as normally required by the Edinburgh Design Guidance. However, the existing building does not meet this standard and the proposed development will introduce a sequence of private timber decked terraces with planters to replace the existing tarmac edge. The Water of Leith walkway runs along the rear of the site, so there is a natural route past the site without the need to form an additional route along this section of the water's edge.

All trees on the actual site which are to be removed are largely self-seeded and classed as category U, i.e. unsuitable for retention. The tree survey includes a further 15 trees outwith the site but close to the boundary and these are better specimens. However, tree root protection measures are not required for the majority of these trees due to the difference in ground levels and presence of a retaining wall which has prevented root ingress to the site. The only notable tree, a category A sycamore, lies to the east of the site, although this tree has a split trunk and requires ivy removal. Works around this tree will be carried out using the methodology for root protection areas as specified in the relevant British Standard.

The bat survey identified bat activity so the development will have an effect on this European protected species. In accordance with the Habitats Regulations 1994, the applicant will require to obtain a derogation licence from Scottish Natural Heritage and must be receipt of planning permission prior to this licence being issued. The planning authority must therefore be satisfied that the three tests necessary for a licence to be issued, will be met. With information supplied by the applicant, the three tests have been applied to this application and it is considered likely that SNH will issue a licence. An informative has been applied to ensure that this process is duly followed.

A further condition has been applied regarding the protection of breeding birds and an informative has been added on the incorporation of swift bricks into the new building.

No otters were found to be using the site, but otters are known to travel along the Water of Leith. Therefore, an informative has been added regarding Best Practice Measures to Safeguard Otters.

The development will therefore have no adverse impact on flora or fauna, in compliance with LDP Policies Env 12, Env 15 and Env 16.

e) Archaeological Remains

The site lies within an area of archaeological importance both in terms of the late-medieval and post-medieval development of Slateford and its associated milling heritage. The associated ground works of the development 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.

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

f) Residential Amenity, Road Safety and Infrastructure

Residential Amenity

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 noise impact assessment has been carried out, although Environmental Protection has requested a condition on the proposed enhanced glazing and ventilation to ensure protection for future occupiers of the development against road traffic noise. The final condition relates to the provision of electric vehicle charging points in accordance with the requirements of the Edinburgh Design Guidance. Relevant conditions and informatives have been applied according to enforceability under planning legislation.

The site offers a tranquil green environment for occupiers of the new development. The proposed dwellings are adequate scale with private gardens and views to the open countryside.

The internal floor area of each house ranges from 60-61 square metres for the one-bedroom flats, 80-87 square metres for the two-bedroom flats and 103-123 square metres for the three-bedroom flats 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 and the building has been sited as far away from the mature trees of the Water of Leith walkway to maximise daylighting levels.

Each flat will be provided with a private garden space or a terrace/balcony and all of these spaces face onto the Water of Leith. The main living apartments are also on the south side of the development so future occupiers of the flats will have a high level of amenity.

Road Safety

The Roads Authority has no objections to the application in terms of road safety, subject to the provision of a Travel Plan.

The proposed parking provision complies with the Council's 2017 parking standards for Zone 2 which allows for a maximum of 25 parking spaces for the proposed development. A total of 57 cycle parking spaces will be provided: 54 for residents within secure bike racks and 3 visitor spaces. This Council aims to discourage the use of private car journeys through the setting of maximum rather than minimum car parking standards and this site is well-served by public transport and pedestrian routes.

The scheme has been revised in accordance with the request by the Roads Authority to include a dropped kerb at the northwest footway to the access road and resolve a "pinch point" by setting the building back at ground floor level to achieve the required footway width of 1.5 metres.

Informatives have been added regarding a Travel Plan and accessible parking spaces.

In terms of accessibility, the site is located in close proximity to the Water of Leith Walkway providing pedestrian access to the north of the city, and the Union Canal Footpath/Cycle Path which is a pedestrian link to the west end of the city centre. Four separate bus routes also serve the site.

Infrastructure

The application was assessed against the Supplementary Guidance on Developer Contributions and Infrastructure Delivery, August 2018.

This site falls within the 'Firrhill Education Contribution Zone'. The development of 25 flats is expected to generate at least one additional primary school pupil but less than one additional secondary school pupil. The guidance only identifies an action for Secondary School Infrastructure in this location and therefore no contribution towards new education infrastructure is required.

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. On this basis, the affordable housing requirement for this site is six and a quarter homes.

The applicant originally proposed this provision through the 'golden share' method", but Affordable Housing has confirmed that the expected sale price of the units would preclude them from being an affordable product. In addition to this, Rental Sector Landlords (RSLs) seek consolidation of properties within a single stairwell for management of maintenance purposes.

Consolidation of the affordable units would not comply with the standard of the Edinburgh Design Guidance that requires tenure blind affordable housing, nor would this model fit successfully within the landscape-led design of this development which is informed by the particular constraints and attributes of the site.

In these circumstances, 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 £281,250 for this purpose.

The proposals are not therefore detrimental to residential amenity, road safety or infrastructure.

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 revised scheme proposed green roofs and significant areas of porous paving to improve the existing drainage situation on site.

Edinburgh Airport has no objections on the grounds of aerodrome safety, provided that conditions regarding bird hazard, lighting and a Sustainable Urban Drainage Scheme are applied. Appropriate conditions have been applied, although the lighting issue has been added as an informative as it not a condition of planning permission.

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

h) Impact on Equalities and Human Rights

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

i) Public Comments

Material Objections

- the development should not be permitted within the Green Belt - this has been addressed in section 3.3 a).
- an alternative community use should be proposed - this has been addressed in section 3.3 a).
- the density and height of the proposed development is not in keeping with the surrounding area - this has been addressed in section 3.3 c).
- the flat-roofed design and brick finish will look out of place in the old village of Slateford - this has been addressed in section 3.3 c).
- the proposals will have an adverse impact on the Water of Leith and its setting - this has been addressed in sections 3.3 b), c) and d).

- noise generated by the development will adversely affect wildlife - this has been addressed in section 3.3 d).
- loss of trees - this has been addressed in section 3.3 d).
- the development should also include swift boxes and bat boxes - this has been addressed in section 3.3 d).
- the number of parking spaces provided is insufficient and will result in increased parking on adjacent streets - this has been addressed in section 3.3 f).
- the development will cause increased traffic congestion and reduce road safety as result - this has been addressed in section 3.3 f).
- the development will be at risk from flooding - this has been addressed in section 3.3 g).

Supporting Comments

- the development will provide needed, good quality housing.
- the proposals will improve the existing derelict site and surround area.
- the materials and landscaping is appropriate.
- there will be no adverse impact on neighbouring residences.

Conclusion

The proposals do not comply with Policy Env 10 of the Edinburgh Local Development Plan in terms of development in the Green Belt.

However, there are material considerations in this particular case that justify a departure from policy.

The proposals have no adverse impact on the landscape quality of the Green Belt, are acceptable in terms of scale, form, design and materials and will have no adverse effect on the character of the surrounding area. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity, road safety or infrastructure and will have no significant impacts in terms of flooding or aerodrome safety. There are no identified impacts on equalities or human rights.

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

3.4 Conditions/reasons/informatives

Conditions:-

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

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. 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.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. A pre-works start bird survey shall be carried out by an ecologist to confirm that no breeding birds, nests, or dependent young are present if site preparation works are proposed to occur between April and July. The results of this survey shall be submitted to and approved by the planning authority in writing before any such works within this timescale commence.
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 protect the amenity of the occupiers of the development.
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.

4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to safeguard breeding birds.
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. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that a commuted sum of £281,250 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.

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. Best Practice Measures to Safeguard Otters
 - toolbox talks on the presence of otters within the survey area will be provided to all contractors, and the potential for otters to occur within the development site should also be pointed out;

- any soil materials stockpiled for an extended period of time could offer burrowing habitat for mammals such as otters, so if any soils are stored they should be checked for the presence of any excavations by mammals prior to removal or re-working;
 - any pipe compounds should be secured so that wild mammals cannot enter pipe stacks at night;
 - no pipes will be left open ended in trenches and accessible to wild mammals overnight;
 - any trenches/excavations remaining open overnight that are deeper than 1.5m will have escape ramps provided in case wild mammals fall in, or will have at least one graded slope that any mammals could use to get out again;
 - SEPA guidelines will be followed and high standards will be maintained with regard to the prevention of water pollution, with a pollution prevention plan in place. Measures will be in place to prevent any concrete/cement liquor, muds, silts etc. from reaching the adjacent river; and
 - the use of white light directed towards the river will be avoided as far as practical: any lighting should be hooded and face away from the water and woodland margins. This will reduce the chances of disturbing any foraging wild mammals or their prey.
6. The applicant should consider incorporating swift bricks into the building.
 7. The applicant is required to obtain a derogation licence from Scottish Natural Heritage before any works commence and must be receipt of planning permission prior to this licence being issued.
 8. All lighting should be designed in accordance with guidance on bats.
 9. The enhanced glazing and ventilation specification detailed on drawing number 1756 (PL) 004 (as recommended in section 4 of the RMP noise impact assessment '27 Lanark Road, Edinburgh (Technical Report No. R-8105-ST-MI), dated 4 April 2018') shall be implemented in full before the first residential use of the property.
 10. The electric vehicle charging bays for this development should be ducted to allow electric charging facility to be readily accommodated in the future.
 11. 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.

12. 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.
13. The development is close to the aerodrome and the approach to the runway. Attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>) Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. A total of 28 representations were received, 16 objecting to the proposals including the Water of Leith Conservation Trust, 11 in support of the application and one neutral comment.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the Edinburgh Local Development Plan, within the Green Belt and a Local Nature Conservation Site.

Date registered

18 June 2018

Drawing numbers/Scheme

01,02,03A,04,05,06A,07,08A,09,10A,11,12,13A+14,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy 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 Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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

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

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

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

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

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

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

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.

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.

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

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

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

Appendix 1

Application for Planning Permission 18/02817/FUL At 27 Lanark Road, Edinburgh, EH14 1TG. Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended).

Consultations

Archaeology

The site is located within historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre-19th century layout of Slateford, though the 17th and 18th century maps suggest that its main focus was split between the site of its mill on Logie Green Road and on the eastern bank of Water of Leith (the site of the current public house subject to this application). By the mid-19th century settlement on the western bank had developed with a range of buildings shown on the 1st edition OS map.

Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood on the opposite side of the Lanark Road, too the south of the Union Canal Aqueduct. The development site incorporates the eastern terminus of a stone weir which is thought to date at least in part to the 17th century, given its association with Slateford Mill.

The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Slateford and its associated milling heritage. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Development Plan (2016) 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.

Historic Buildings

The proposed scheme will see the demolition of the current public house, parts of which date back at least to the first half of the 19th century. However, it is possible that the building may retain earlier upstanding fabric. Although unlisted the building is considered to be of local archaeological and historic interest and therefore its demolition is considered as having an adverse impact. However although significance overall its loss is considered to have an acceptable moderate archaeological impact provided that appropriate mitigation is undertaken to provide a permanent archaeological record.

Accordingly, if permission is granted by the planning authority it is essential that prior to and during demolition that a detailed historic building survey is undertaken. This will require the production of surveyed phased plans and elevation (interior and exterior) along with detailed descriptions and photographic analysis /survey.

Buried Archaeology

As stated this site occurs within the limits of the historic settlement of Slateford and is regarded as being of archaeological significance. The proposed development will require extensive excavations in terms of demolition and construction of new buildings, utilities etc. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to demolition / development.

In essence this will see a phased archaeological excavation. The initial phase will be an archaeological evaluation up to a maximum of 10% of the site following the demolition of the existing buildings to ground level. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the local Slateford Area and the Water of Leith, it is recommended that the programme of archaeological works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, public engagement, excavation, reporting and analysis 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.

Environmental Protection

The applicant seeks planning permission to erect residential apartments in place of an existing public house. The site is bordered to the north by the busy A70 and by the Water of Leith and associated parkland to all other aspects.

Environmental Protection has concerns regarding the level of amenity that will be experienced by residents due to the noise generated by road traffic. The agent has submitted a noise impact assessment with this application which supports these concerns and proposes mitigation measures in the form of enhanced double glazing and trickle ventilation. A condition is recommended.

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 including developers incorporating charging points into proposals.

The applicant has proposed the installation of 2 electric vehicle charging points. It should be noted that the requirements stipulated in the Edinburgh Design Guidance must be achieved. To ensure that the infrastructure required by the growing number of electric vehicles users is delivered, one of every six parking bays should include a fully connected and ready to use electric vehicle charging point. In developments where ten or more car parking spaces are proposed. Electric vehicle parking spaces should be counted as part of the overall car parking provision and not in addition to it. As a minimum Environmental Protection would recommend that 7Kw charging provision will be required for all residential properties. A condition is recommended.

Due to the history and unknown condition of the site a condition is recommended to ensure the suitability for the proposed use. Environmental Protection has no objections to this proposed development, subject to the following conditions:

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

- a) a site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- b) where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

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

2. The enhanced glazing and ventilation specification detailed on drawing number 1756 (PL) 004 (as recommended in section 4 of the RMP noise impact assessment '27 Lanark Road, Edinburgh (Technical Report No. R-8105-ST-MI), dated 4th April 2018') shall be implemented in full before the first residential use of the property.

3. All parking spaces to be served by 7Kw electric vehicle charging sockets shall be installed and operational prior to the development being occupied.

Roads Authority

The application should be continued.

Reasons:

- 1. The applicant proposed 54 secure cycle parking and 3 visitor cycle parking for the proposed development; however, the application lacks information relating to type and design of cycle parking. The Council's 2017 Parking Standards requires the applicant to provide a minimum of 54 secure, quality and easy to use cycle parking provision for the proposed development (1&2 bedroom(21); 3bedroom(12)). The 2010 cycling by design (revised 2011) requires the applicant to provide cycle parking facility that is convenient, visible, accessible, convenient and easy to use. The applicant is required to submit type of cycle parking and design that meets the above criteria;*
- 2. The applicant is required to provide dropped kerb at the north-west footway to the access road as required by 'Edinburgh Street Design Guidance'*
- 3. The footway north of the proposed development leading to the proposed building has pinch point between the building and the proposed car park. The applicant is required to widen it to at least 1.5 m and the proposed footway should be a minimum of 2m wide. The applicant is required to demonstrate by design how to prevent vehicles on the proposed parking overhanging on the footway.*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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), timetables for local public transport;*
- 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. The applicant proposes 2 electric vehicle charging bays for this development. It should be at least ducted to allow electric charging facility to be readily accommodated in the future;*

Note:

The applicant proposes 16 parking spaces of which 2 are accessible parking spaces and complies with the Council's 2017 parking standards for Zone 2 which allows for a maximum of 25 parking provision for the proposed development.

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.

- 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 25 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (6) homes of approved affordable tenures.

Affordable Housing Proposals - Golden Share

The applicant has provided a summary of discussions on affordable housing 12th October. This report states that "From the outset Thistle was aware of its affordable housing obligations and instructed that tenure blind affordable housing, preferably by the 'golden share' method."

Golden Share Proposal

The developer's own assessment of market values identifies there are only five properties with potential market value within the £214,000 threshold for Golden Share. There were no pre-app discussions held with this department on the viability of this proposal for golden share. Had there been it would have been confirmed that proposal for five x1 bedroom flats at a golden share value of £200,000 would not be considered to be an affordable product. The ESPC shows a recent resale of a one bedroom property in the same ward, further up Lanark Road at £125,000.

Affordable Housing Proposals - RSL Housing

This design for golden share housing was taken to three RSLs who have confirmed it is not a viable project for them. The applicant states this is for two reasons; layout and cost.

In relation to cost, the properties being offered to RSLs are significantly above the space standards that are practical for an RSL build. Across the city RSLs provide high quality homes but operate within tight financial margins and therefore seek to keep the designs to minimum space standards. Homes larger than the usual RSL space standards are likely to be unaffordable for an RSL

In addition to this, RSLs seek consolidation of properties within a single stairwell. This allows them to meet their obligations to tenants to organise repairs and maintenance of their homes. RSLs have confirmed this point as one of the reasons, along with cost, which makes this specific project unviable.

The application did not consult with this department, or with an RSL in the design process, and as such consideration was not made for affordable housing provision. Therefore the proposals that were presented to the RSLs was not something that would be viable for an RSL build. In addition to this, it was clear from the outset that the value of the homes would be prohibitively high for Golden Share.

Should the planning consent be granted it is recommended that the affordable housing contribution be made by way of commuted sum. The applicant will be required to enter into a Section 75 Legal Agreement to this effect. This sum payable will be based upon a valuation for commuted sum undertaken by a District Valuer and will be payable on the commencement of development as defined in the Planning Act. This valuation has been carried out by the District Valuer and has been accepted by both the Council and the applicant. On this basis, the contribution required will be 6.25 units at £45,000 which produces a commuted sum of £281,250.

Communities and Families

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

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

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

Assessment and Contribution Requirements

Assessment based on:

20 Flats (5 one bedroom)

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

Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development of 20 flats is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.

As school roll projections indicate that there is sufficient capacity within existing primary schools to accommodate the anticipated pupil growth from this development, no contribution towards new education infrastructure is required.

Flood Planning

From a flooding point of view this addresses all our previous comments. One thing I would note is that the filter trench is not shown on the drainage layout drawing however it is mentioned in the report text. Perhaps a condition could be applied to ensure that this is picked up in the detailed design?

SEPA

Thank you for your consultation email which SEPA received on 19 September 2018. Comments made in our response dated 18 July 2018 relating to drainage are still applicable to this planning application.

Advice for the planning authority

We withdraw our objection and now have no objection to this planning application. Please note the advice provided below.

1. Flood risk

1.1 We previously responded to this application on the 18 July 2018 when we objected due to a lack of information and requested a detailed Flood Risk Assessment (FRA) was submitted in support of the application.

1.2 An updated FRA (Curtins; dated 19 September 2018) has been submitted in support of the application which includes correspondence from Kaya Consulting including information from the FRA titled 'Land at Lanark Road, Edinburgh, FRA July 2017'. We have previously accepted the results from the 2017 Kaya FRA and therefore we accept a 1 in 200 year plus climate change water level of 59.28mAOD.

1.3 Section 4.2.3 states that the minimum ground level on site is approximately 60.47mAOD, which is above the Kaya predicted 1 in 200 year plus climate change water level. Finished floor levels are proposed at 60.9mAOD which we support and strongly recommend that all built development is above existing ground levels. The site is not at risk from the Water of Leith and therefore, we are now in a position to remove our objection on flood risk grounds.

Detailed advice for the applicant

2. Flood risk

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

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

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

Regulatory advice for the applicant

3. Regulatory requirements

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

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

3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

3.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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/>)

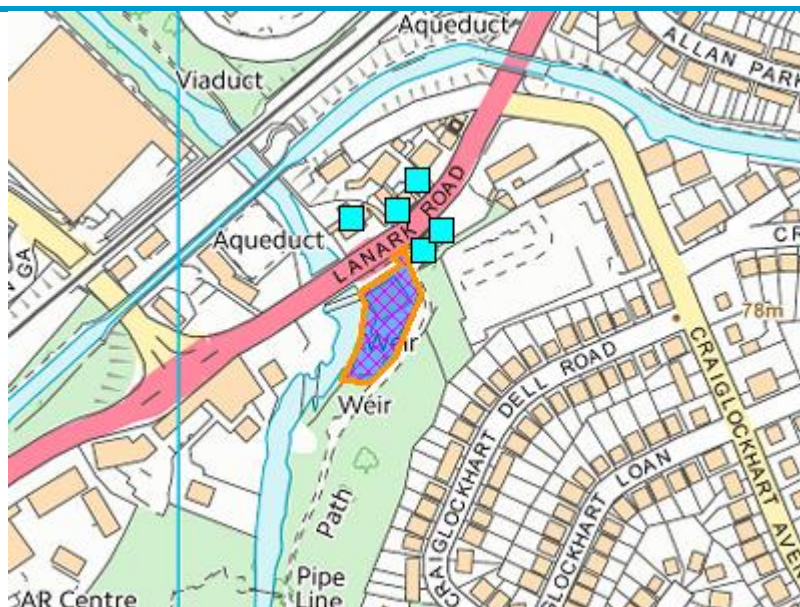
We would also make the following observations:

Lighting

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operations-safety/>) Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

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



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END