

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 20 February 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 18 February 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 Minute of the Development Management Sub-Committee of 5 December 2018 (circulated) – submitted for approval as a correct record
- 3.2 Minute of the Development Management Sub-Committee of 23 January 2019 (circulated) – submitted for approval as a correct record

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

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

Pre-Application

- 4.1 210 Craigs Road Edinburgh (At Land 369 Metres Northeast Of) – Forthcoming application by West Craigs Ltd. for Mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis

flatted development; and other associated works including landscaping, car parking, servicing, access and public realm – application no 18/10028/PAN – report by the Chief Planning Officer (circulated)

Applications

- 4.2 Frogston Road East, Edinburgh (At Land At) – New build primary school and early years centre. The proposal will incorporate space for 462 primary school pupils and 80 nursery pupils – application no 18/08609/FUL – report by the Chief planning Officer (circulated)

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

- 4.3 14 Regent Terrace, Edinburgh EH7 5BN – Proposed garden room (as amended) – application no 18/09751/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(a) 30 Corstorphine Road Edinburgh EH12 6HP - application no –18/05071/FUL and 18/05073/FUL - Protocol Note by the Head of Strategy and Communications (circulated)

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

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

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

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

7. 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 Former St Margaret's School, 4 East Suffolk Road, Edinburgh – Conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping – application no 18/09696/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.

- 8.1 215 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**.

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).

Item 3.1 - Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 5 December 2018

Present:

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

1. Minutes

To approve the minutes of the Development Management Sub-Committee of 10 October 2018 and 24 October 2018 as correct records.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 - 53 Burdiehouse Road (At Land 100 Metres East of), as requested by Councillor Gardiner.

The Chief Planning Officer gave a presentation on agenda Item 4.3 – 1 Cockburnhill Road, Balerno – (At Land 44 Metres Northwest of), as requested by Councillor Mowat and ward Councillor Webber.

The Chief Planning Officer gave a presentation on agenda Item 4.6 – 4 Mayfield Gardens, Edinburgh EH9 2BU, as requested by Councillor Rose.

The Chief Planning Officer gave a presentation on agenda Item 4.7 – Parkview, 64 Peffermill Road, Edinburgh, as requested by Councillors Osler and Staniforth.

Decision

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

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

3. 56 Causewayside, Edinburgh, EH9 1PY

Details were provided of proposals for a redevelopment comprising a ground floor and first floor licensed restaurant, 4 student flats and 1 private penthouse flat – application no 08/01689/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer, and the adjustment of the condition about deliveries and collections to make it more robust.

- moved by Councillor Child, seconded by Councillor Osler.

Amendment

To refuse planning permission for the reason that the proposals were contrary to the LDP Planning Policy Des 5A (amenity of neighbouring developments).

- moved by Councillor Gardiner, seconded by Councillor Booth.

Voting

For the motion: - 5 votes

(Councillors Child, Mitchell, Mowat, Osler and Rose)

For the amendment: - 5 votes

(Councillors Booth, Dixon, Gardiner, Gordon and Staniforth)

Casting Vote

The voting being equal, the Convener used his casting vote in favour of the amendment.

Decision

To refuse planning permission for the reason that the proposals were contrary to the LDP Planning Policy Des 5A (amenity of neighbouring developments).

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

4. 98 Ocean Drive, Edinburgh (At Land 120 Metres South East Of)

Details were provided of a proposal for a residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended) – application no 18/00846/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to:

- 1) The conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and a legal agreement.
- 2) The adjustment of Informative 4 to request that the applicant explored the possibility of the heating system being designed to enable a connection to a district heating system in the future.

- 3) An additional informative: “the applicant should explore the opportunity for increased cycle storage spaces within the development”.
 - 4) An additional condition: “Prior to the commencement of development a scheme for the provision of incorporating children’s play space into the site shall be submitted to and agreed in writing by the Planning Authority. The play space shall be installed with the implementation of the landscape areas.”
- moved by Councillor Gardiner, seconded by Councillor Gordon.

Amendment

To grant planning permission subject to:

- 1) The conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and a legal agreement.
 - 2) The adjustment of Informative 4 to request that the applicant explore the possibility of the heating system being designed to enable a connection to a district heating system in the future.
 - 3) An additional condition: “Prior to the commencement of development a scheme for the provision of incorporating children’s play space into the site shall be submitted to and agreed in writing by the Planning Authority. The play space shall be installed with the implementation of the landscape areas.”
 - 4) The amendment of the details on cycle parking, to show compliance with provision of 200 cycle parking spaces.
- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 8 votes

(Councillors Child, Dixon, Gardiner, Gordon, Mitchell, Mowat, Osler and Rose)

For the amendment: - 2 votes

(Councillors Booth and Staniforth)

Decision

To grant planning permission subject to:

- 1) The conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and a legal agreement.
- 2) The adjustment of Informative 4 to request that the applicant explore the possibility of the heating system being designed to enable a connection to a district heating system in the future.
- 3) An additional informative: “the applicant should explore the opportunity for increased cycle storage spaces within the development”.
- 4) An additional condition: “Prior to the commencement of development a scheme for the provision of incorporating children’s play space into the site shall be submitted to and

agreed in writing by the Planning Authority. The play space shall be installed with the implementation of the landscape areas.”

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

5. 4 Mayfield Gardens, Edinburgh EH9 2BU

Details were provided of proposals for the proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended) – application no 18/07251/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To continue consideration of the application to enable officers to provide more information on cycle parking and clarification on intensification of use.

- moved by Councillor Gardiner, seconded by Councillor Rose.

Amendment

To determine the application at the meeting of the Committee.

- moved by Councillor Booth, seconded by Councillor Child.

Voting

For the motion: - 5 votes

(Councillors Dixon, Gardiner, Gordon, Mowat and Rose)

For the amendment: - 5 votes

(Councillors Booth, Child, Mitchell, Osler and Staniforth)

Casting Vote

The voting being equal, the Convener used his casting vote in favour of the amendment.

Decision

To continue consideration of the application to enable officers to provide more information on cycle parking and clarification on intensification of use.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 53 Burdiehouse Road (At Land 100 Metres East of)</u></p>	<p>Forthcoming application by BDW Trading Ltd and Hallam Land Management Ltd for application for full planning permission (major) for residential development and associated landscaping and infrastructure - application no 18/08834/PAN</p>	<p>To note the key issues at this stage, with emphasis on:</p> <ul style="list-style-type: none"> • the importance of connectivity and compliance with cycle parking policy • Active travel and public transport • Setting on the edge of the green belt • High quality development and a sense of place
<p><u>Item 4.2 - 7 Broughton Road, Edinburgh EH7 4EW</u></p>	<p>Section 42 application for non-compliance with condition 1 of planning permission ref. 09/00039/FUL to allow extension of store deliveries between the hours of 1000 to 1800 on Sundays – application no 18/07477/FUL</p>	<p>To REFUSE the application for the reasons set out in the report by the Chief Planning Officer.</p>
<p><u>Item 4.3 - 1 Cockburnhill Road, Balerno – (At Land 44 Metres Northwest of)</u></p>	<p>Application for Planning Permission for a new dwelling on Land to North of 1 Cockburnhill Road, Balerno – application no 18/01969/FUL</p>	<p>To REFUSE Planning Permission for the reasons set out in the report by the Chief Planning Officer.</p>
<p><u>Item 4.4 - 130 Constitution Street, Edinburgh EH6 6AJ</u></p>	<p>Amendment to Planning Permission 16/00682/FUL to remove car parking and increase bedrooms from 25 to 32 within the hotel element (retaining nine private flats as previously approved) – application no 18/01445/FUL</p>	<p>To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer and a legal agreement.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.5 - 46 Craigleith Road, Edinburgh EH4 2DR	Erect a new dwelling house within the curtilage of the existing property – application no 18/07513/FUL	To REFUSE Planning Permission for the reasons set out in the report by the Chief Planning Officer.
Item 4.6 - 4 Mayfield Gardens, Edinburgh EH9 2BU	Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended) – application no 18/07251/FUL	To CONTINUE consideration of the application to enable officers to provide more information on cycle parking and clarification on intensification of use. (On a division)
Item 4.7 - Parkview, 64 Peffermill Road, Edinburgh	Demolition of existing onsite derelict care home and erection of 2no. residential flatted blocks, comprising 30 flats, along with associated road, parking court, pedestrian paths, amenity space and soft landscaping (as amended) – application no 18/03993/FUL	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, with the adjustment of Informative 6 to include “and greater provision of cycle parking”. (Councillor Booth requested that his dissent be recorded.)
Item 4.8 - 462 Westfield Road, Edinburgh (At Land at)	Proposed installation of bus shelter to include advertising panels – application no 18/03714/ADV	To GRANT Advert Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
Item 5.1 - 56 Causewayside, Edinburgh EH9 1PY	Redevelopment comprising a ground floor and first floor licensed restaurant, 4 student flats and 1 private penthouse flat – application no 08/01689/FUL	To REFUSE Planning Permission as the proposals were contrary to Local Development Plan Policy Des 5A. (On a division)
Item 7.1(a) - 20 Charlotte Square, Edinburgh	Alteration and extension to offices, removal of non-original dormers to front elevation (as amended) – application no 18/03695/FUL	To CONTINUE consideration of the application for a site visit.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.1(b) - 20, 21 And 22-23 Charlotte Square, Edinburgh</u>	Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended) – application no 18/03413/LBC	To CONTINUE consideration of the application for a site visit.
<u>Item 7.2 - 98 Ocean Drive, Edinburgh (At Land 120 Metres South East of)</u>	Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended) – application no 18/00846/FUL	To GRANT Planning Permission subject to: <ol style="list-style-type: none"> 1) The conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and a legal agreement. 2) The adjustment of Informative 4 to request that the applicant explore the possibility of the heating system being designed to enable a connection to a district heating system in the future. 3) An additional informative: “the applicant should explore the opportunity for increased cycle storage spaces within the development”. 4) An additional condition as follows: “Prior to the commencement of development a scheme for the provision of incorporating children’s play space into the site shall be submitted to and agreed in writing by the Planning Authority. The play space shall be installed with the implementation of the landscape areas.” (On a division)

Item 3.2 - Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 23 January 2019

Present:

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

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.2 – 24 Westfield Road, Edinburgh, EH11 2QB, as requested by Councillor Dixon.

The Chief Planning Officer gave a presentation on agenda Item 4.3 – Craigentiny Primary School, 4 Loganlea Drive, Edinburgh, EH7 6LR, as requested by Councillor Mowat.

The Chief Planning Officer gave a presentation on agenda Item 4.4 – 215 High Street, Edinburgh, EH1 1PE, as requested by Councillor Booth.

The Chief Planning Officer gave a presentation on agenda Item 4.5 – 144 Pitt Street, Edinburgh EH6 4DD, as requested by Councillors Booth and Osler.

Decision

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

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

2. 27 Lanark Road, Edinburgh, EH14 1TG

Details were provided of proposals for the demolition of an existing public house and erection of a building comprising residential apartments and associated development (as amended) – application no 18/02817/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer.

- moved by Councillor Rose, seconded by Councillor Dixon.

Amendment

To refuse planning permission for the reasons that the proposals were contrary to Local Development Plan Policies Env 10, as it would detract from the landscape quality and landscape setting of the area, and Hou 6, because the proposal did not include the on-site provision of the minimal requirement for six homes of approved affordable tenures.

- moved by Councillor Gardiner, seconded by Councillor Child.

Voting

For the motion: - 2 votes

(Councillors Dixon and Rose)

For the amendment: - 9 votes

(Councillors Booth, Child, Gardiner, Gordon, Griffiths, Mitchell, Mowat, Osler and Staniforth)

Decision

To refuse planning permission for the reasons that the proposals were contrary to Local Development Plan Policies Env 10, as it would detract from the landscape quality and landscape setting of the area, and Hou 6, because the proposal did not include the on-site provision of the minimal requirement for six homes of approved affordable tenures.

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

3. 215 High Street, Edinburgh, EH1 1PE

Details were provided of proposals for the change of use of a 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.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

Motion

To refuse planning permission for the reason that the proposals were contrary to the LDP Policies Hou 7 (Inappropriate Uses in Residential Areas), Des 5 (Development Design – Amenity), Env 1 (World Heritage Site) and Env 6 (Conservation Areas – Development).

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To continue consideration of the application for a site visit.

- moved by Councillor Staniforth, seconded by Councillor Osler.

Voting

For the motion: - 5 votes

(Councillors Child, Gardiner, Griffiths, Mitchell and Mowat)

For the amendment: - 6 votes

(Councillors Booth, Dixon, Gordon, Osler, Rose and Staniforth)

Decision

To continue consideration of the application for a site visit.

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

4. 144 Pitt Street, Edinburgh EH6 4DD

Details were provided of proposals for the demolition of an existing building and erection of a five storey building comprising eight flatted dwellings (as amended) – application no 18/04658/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and an additional informative to include a channel next to the stairway to improve access to the basement.

- moved by Councillor Osler, seconded by Councillor Rose.

Amendment

To continue consideration of the application for a site visit and to allow further consideration of the issue of cycle parking.

- moved by Councillor Booth, seconded by Councillor Gordon.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Griffiths, Mitchell, Mowat, Osler and Rose)

For the amendment: - 4 votes

(Councillors Booth, Gardiner, Gordon and Staniforth)

Decision

To grant planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and an additional informative to include a channel next to the stairway to improve access to the basement.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
<u>Item 4.1 - 543 Gorgie Road, Edinburgh</u>	Forthcoming application by S Harrison Developments Ltd. for full planning permission for the erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure – application no 18/09808/PAN	To note the key issues at this stage.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 4.2 - 24</u> <u>Westfield Road,</u> <u>Edinburgh, EH11</u> <u>2QB</u></p>	<p>Forthcoming application by S Harrison Developments Ltd. for full planning permission for the erection of mixed-use development comprising student accommodation and ancillary uses, commercial uses and associated landscaping and infrastructure – application no 18/09804/PAN</p>	<p>To note the key issues at this stage. Members raised the following points:</p> <ul style="list-style-type: none"> • The developer should include the provision of 25% affordable housing on site. • The issue of height and massing need careful consideration. • The number of student housing proposals in the Gorgie area need to be considered in terms of the cumulative impact on the area. • The loss of employment use must be considered. • The location and quality of residents' amenity must be considered. • Provision of student housing should not be at the expense of existing housing in the area. • Consider the opportunity for ground floor commercial with housing and student accommodation above. • Consider the relationship with T7 and the opportunity for enhancement or contributions including the wider active travel environment.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.3 - Craigentiny Primary School, 4 Loganlea Drive, Edinburgh, EH7 6LR</u>	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	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.4 - 215 High Street, Edinburgh, EH1 1PE</u>	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	To CONTINUE consideration of the application for a site visit. (On a division)
<u>Item 4.5 - 144 Pitt Street, Edinburgh EH6 4DD</u>	Demolish existing building and erection of a five storey building comprising eight flatted dwellings (as amended) – application no 18/04658/FUL	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and an additional informative to include a channel next to the stairway to improve access to the basement. (On a division)
<u>Item 7.1 - 27 Lanark Road, Edinburgh, EH14 1TG</u>	Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended) – application no 18/02817/FUL	To REFUSE Planning Permission as the proposals were contrary to Local Development Plan Policies Env 10, as it would detract from the landscape quality and landscape setting of the area, and Hou 6, because the proposal did not include the on-site provision of the minimal requirement for six homes of approved affordable tenures. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 7.2 - 98 Ocean Drive, Edinburgh (At Land 120 Metres South East of)</u></p>	<p>Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended) – application no 18/00846/FUL</p>	<p>To GRANT Planning Permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer, and a legal agreement. 2) The adjustment of Informative 4 to request that the applicant explore the possibility of the heating system being designed to enable a connection to a district heating system in the future. 3) An additional informative: “the applicant should explore the opportunity for increased cycle storage spaces within the development”. 4) An additional condition as follows: “Prior to the commencement of development a scheme for the provision of incorporating children’s play space into the site shall be submitted to and agreed in writing by the Planning Authority. The play space shall be installed with the implementation of the landscape areas.” <p>(On a division)</p>

Development Management Sub Committee

Wednesday 20 February 2019

Report for forthcoming application by

West Craigs Ltd. for Proposal of Application Notice

18/10028/PAN

**At Land 369 Metres Northeast Of 210, Craigs Road,
Edinburgh**

Mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis flatted development; and other associated works including landscaping, car parking, servicing, access and public realm.

	4.1
Item number	
Report number	
Wards	B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for planning permission in principle for a mixed use development at Craigs Road and to ask the Committee to note the key issues and advise of any other issues it wants to be considered as part of the planning application process.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice (PAN) on 17 December 2018 (Reference: 18/10028/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, covering approximately 33 hectares, is located within the green belt. It forms part of an elevated ridge, gently sloping down to the north. On the west side of the site is the Braehead Quarry Waste Management Facility which is safeguarded within the LDP. The remaining land is agricultural use.

The site is bound to the west by Turnhouse Golf Course.

To the north is the Cammo Estate, which is an Historic Garden/Designated Landscape - Inventory Site. The northern boundary of the site abuts a Special Landscape Area. To the north east is the adopted Local Development Plan housing allocation site at Cammo (HSG 20).

To the east of the site is Maybury Road. Cammo Walk runs through the south east of the site and forms part of the eastern boundary.

To the south, separated by Craig's Road, is the LDP housing allocation site at West Craigs (HSG 19).

2.2 Site History

08 October 2018 - the south east part of the PAN site overlaps with the boundary of a refused planning permission in principle application for residential development (max 1400 units) and ancillary commercial (Class 1 retail and Class 2 financial+professional) including landscaping, access and services and all other ancillary development on LDP Housing Site HSG 19 (Ref: 18/01393/PPP). This application is currently subject to an appeal, which the reporter has indicated minded to grant subject to the conclusion of a Section 75 agreement (Ref: 19/00006/REF).

Main report

3.1 Description Of The Proposal

An application for planning permission in principle for a mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis flatted development; and other associated works including landscaping, car parking, servicing, access and public realm.

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 green belt. The site must be assessed against all relevant policies within the LDP including policy ENV 10 Development in the Greenbelt and Countryside which sets out the circumstances in which development in the green belt can be supported.

LDP Policy Hou 1 Housing Development sets out the criteria for considering the suitability of sites for housing.

The eastern part of the site is designated as safeguarded as Braehead Quarry: Waste Management Facility. Therefore policies RS 2, RS 3 and RS 4 will apply.

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 application will be for planning permission in principle. It is anticipated that matters such as design and layout would be considered as part of future submissions for the approval of matters specified by conditions.

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

The proposals should have regard to transport policies of the LDP. Transport information will be required to support the application and should include consideration of any cumulative impacts.

Improvements to the Craigs Road junction are also identified in the LDP (T17). The proposals include improvements to the road and increased junction capacity /bus priority at the junction with Maybury Road. These are required to mitigate the impact of new housing development proposals at Maybury (HSG 19) and Cammo (HSG 20). Consideration of this junction may also be required as part of a forthcoming 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;
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan;
- Archaeology Assessment;

- Ecology Report;
- Noise Impact Assessment;
- Air Quality Impact Assessment; and
- Site Investigation Report.

The proposals will be required to be screened under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

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 was held at the Marriott Hotel, 111 Glasgow Road, Edinburgh, EH12 8NF on Monday 3 December 2018 at 2pm - 7pm. A public notice was placed in the Edinburgh Evening News on Monday 26 November 2018.

The applicant has confirmed that Corstorphine Community Council, Barnton and Cramond Community Council, Drum Brae Community Council and local councillors received a copy of the Proposal of Application Notice on 22 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

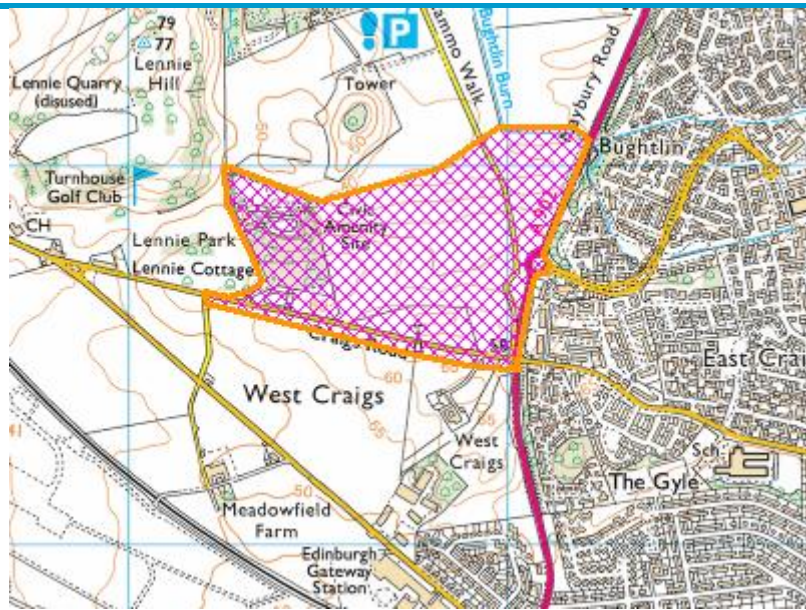
PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

E-mail:francis.newton@edinburgh.gov.uk Tel:0131 529 6435

Location Plan



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

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Planning Permission 18/08609/FUL
At Land At, Frogston Road East, Edinburgh
New build primary school and early years centre. The
proposal will incorporate space for 462 primary school
pupils and 80 nursery pupils.**

Item number	4.2
Report number	
Wards	B16 - Liberton/Gilmerton

Summary

The proposal is acceptable in principle and is of a high standard of design. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. The proposal complies with the Local Development Plan. No material considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN21, LEN22, LHOU10, LTRA02, LTRA03, OTH, NSGD02,
---	--

Report

**Application for Planning Permission 18/08609/FUL
At Land At, Frogston Road East, Edinburgh
New build primary school and early years centre. The
proposal will incorporate space for 462 primary school
pupils and 80 nursery pupils.**

Recommendations

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

Background

2.1 Site description

The site is located within the Burdiehouse area in South Edinburgh and is 1.99 hectares in area.

To the east is a row of two-storey houses fronting Burdiehouse Road, and to the west and south is the Broomhills residential development site, which is under construction. To the north is a row of single storey houses, which front Frogston Road East.

The site is roughly rectangular in shape and slightly undulating, with the highest part being along the eastern boundary. There are no notable features on the site.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units), small scale commercial units, and associated roads, footpaths, parking, landscaping and open space plus site for new primary school (application reference: 14/04860/FUL).

Main report

3.1 Description Of The Proposal

The proposed development is for a new primary school and early years centre.

The building is proposed to be located at the south western part of the site, with a sports pitch on the north eastern corner. The rest of the site is made up of car parking, landscaping and playground space.

The building is two storeys in height for the most part, with the exception of the nursery wing, located on the southern part of the building, which is single storey. Although the building is mostly two storeys, the floor levels and roofspace take the building up to approximately 12.5 metres in height.

The proposed external materials are a mixture of brick, concrete and timber, with a zinc coloured standing seam roof.

The pitch is a synthetic pitch that is set slightly into the slope of the land. It has a private school access and a public access that allows use outside school hours. The pitch is surrounded by a safety fence that has a level top height of five metres above the pitch surface. On two sides this fence is also the school boundary fence.

A small parking area for school staff is located to the northern part of the site and provides space for 12 cars plus 2 spaces for disabled people. It is proposed to be finished in a porous tarmac surface. In terms of cycle and scooter parking, there are 40 covered cycle parking spaces and 40 scooter parking spaces for pupils located within the secure playground, three Sheffield cycle hoops (6 spaces) in the visitors entrance concourse and three Sheffield cycle hoops (6 spaces) in the nursery entrance concourse.

There is a DDA-compliant route from the car park to the main entry and two accessible parking spaces. No drop-off facilities are proposed.

Public pedestrian access to the main school entrance will be through a public concourse that connects to the south with the new Bordeaux Park and to the north to the lane off Frogston Road East.

In terms of landscaping, specimen trees are located within the car park, and there is an area of community woodland at the south west corner of the site. This area is open to community use and a small community woodland will be available to both the school and local communities. This will comprise native trees with native groundcover planting. The swale that collects surface water from the playground will drain to a rain garden and wetland in the community woodland.

In addition, there is a corridor which separates the school from the adjacent housing. This will incorporate a wildlife corridor of native planting to include small native trees such as birch and alder and dense woody planting including native evergreens such as holly and juniper.

Supporting Statements

- Site Investigation;
- Drainage Strategy and Flood Risk Assessments; and
- Geological Report.

These documents are available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the layout design, scale, layout and materials are acceptable;
- c) the impact on the amenity of neighbours is acceptable;
- d) access arrangements are acceptable in terms of road safety and accessibility;
- e) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- f) there are other technical constraints, and
- g) material representations and community council comments raise issues to be addressed.

a) The Principle of the Development

The principle of the development is established through the allocation in the Local Development Plan. The planning permission for the adjoining residential development (through the Section 75 legal agreement) made a financial contribution towards the land cost and construction of the school in this location.

Therefore, the principle is established and is acceptable.

b) The Layout, Design, Scale and Materials

LDP Policies Des 1 - Des 9 set the design framework for assessing proposals.

The layout of the site allows for the classrooms along the frontage of the school to have views across an area of open space to the west. This also allows the school to have an adequate setting in this location as it will be viewed in a landscape setting from the west. The layout also allows for areas of growing space and a landscape buffer between the school buildings and the houses to the east.

The design is contemporary with a dark grey zinc/zinc effect standing seam roof, cream facing brick and timber panels. Although it will be taller than the surrounding residential properties, the height of the building is appropriate and identifiable as a civic building.

Overall, the layout, design, scale and materials are acceptable and in accordance with LDP policies.

c) Amenity of Neighbours

The closest neighbours are located approximately 25 metres to the west. These are new houses currently under construction as part of the wider development of the site. Although the building will be taller than these houses, there will be no impact on overlooking. This is due to the fact that the windows on the ground floor are limited to the school office and a gym store area. On the first floor, the windows are providing light to the staff room and a small workbase. Therefore, the potential for overlooking is limited. To the rear, the closest properties are approximately 50 metres away. Although these houses are set at a different level to the school, the distance and intervening landscaping will prevent any privacy issues. It is also acknowledged that the outlook from these houses will be impacted, as they currently enjoy uninterrupted westward views across to the Pentland Hills. However, the principle of the development has been assessed and established, and the provision of a new primary school in this location outweighs the impacts on private views.

In terms of sunlight and daylight, sunpath diagrams were submitted to show the impact of the development on neighbouring properties and gardens. The diagrams show that the school building will have the greatest impact during the winter months, where the orientation of the building overshadows the garden grounds of properties to the west. However, these garden grounds would be in shadow in any case due to their north facing aspect and the positioning of the houses.

With regards to noise arising from the development, there is a 3G pitch proposed to be positioned parallel to the eastern site boundary where there are existing residential properties. There is also a nursery proposed at the southern end of the site and there will be a kitchen onsite to serve the school. Noise arising from these sources can be problematic during school hours and even into the evenings during summer months when the public can access the pitches.

Noise mitigation measures include the immediate fencing surrounding the pitch, which have been designed to act as acoustic barriers. Further details will be required and are recommended as an informative in order to demonstrate that noise arising from the new 3G sports pitches and all other noise associated with the proposal such as plant and servicing noise do not adversely impact on neighbouring amenity.

In addition, no floodlighting of the pitches is proposed, so there will be no light overspill into neighbouring properties.

Kitchen extract details are required to ensure that the kitchen extract is terminated at roof level. The applicant will need to provide drawings showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. This is recommended as an informative.

Therefore, the amenity of neighbours is acceptable and in accordance with LDP Policy Des 5 (Development Design - Amenity).

d) Access Arrangements, Transport and Accessibility

The Roads Authority has not objected to the proposals, although the applicant is required to contribute towards traffic regulation orders (TROs) in order to introduce school keep clear markings as necessary for the development, and progress a suitable order to redetermine sections of footway and carriageway. There is also a requirement to make a contribution towards progressing a suitable order to introduce waiting and loading restrictions as necessary, and for the provision of parking bays for disabled people.

In line with Council policy, school drop off points are not supported. It is noted that the details of the proposed access from Frogston Road East will be progressed via a separate application for road construction consent. This access can be controlled through appropriate waiting and loading restrictions and school keep clear markings as appropriate.

Advice from the Roads Authority has indicated that there should be cycle parking in excess of 60 spaces. However the Council's Road Safety and Active Travel Liaison Officer has advised that scooter parking can be used instead of cycle parking to promote active travel. Therefore, the applicant is proposing both scooter and cycle parking areas, which are acceptable.

There is also a total of 12 parking spaces, plus two parking spaces for disabled people and two motorbike spaces. This level of car parking is supported as it is commensurate with the requirement for allowing parking for visitors to the school and staff who cannot easily access public transport. Environmental Protection recommends that further mitigation measures are considered including public transport incentives for staff such as initial free bus tickets staff, and the applicant has committed to working with the Council's Active Travel team to prepare a School Active Travel Plan before the school is open. This is dealt with as an informative.

The applicant will be required to install electric vehicle chargers to serve at least three parking spaces in line with the Edinburgh Design Standards. This is also dealt with as an informative to the permission.

Overall, the transport and road safety aspects are acceptable.

e) Sustainability

The applicant has completed an S1 form in support of the application, which confirms that sustainability criteria have been achieved.

In addition to the criteria, the applicant has provided a commitment to further sustainability measures, including the use of air source heat pumps, and achieving a minimum BREEAM standard of very good.

The sustainability measures meet the requirements of policy Des 6 of the LDP and the Edinburgh Urban Design Guidance and are acceptable.

f) Other technical constraints

Archaeology

The site was identified as part of wider area of archaeological significance during the assessment of the previous application for the housing development (application reference: 14/04860/FUL). A programme of archaeological investigations carried out between 2014 and 2017 by AOC Archaeology discovered the remains of a nationally significant medieval settlement dating between the 8th and 12th centuries AD to the southeast of the proposed school site.

However, no significant remains were encountered across this site during their 2014 evaluation. Accordingly, having assessed the potential archaeological implications of this scheme, it has been concluded that there are no known archaeological implications regarding this application.

Flooding

SEPA flood maps show a small area of potential pluvial flooding in the southeastern part of the site. Accordingly, the applicant submitted a Drainage and Flood Risk Assessment. The surface Water attenuation strategy for the site is to retain storm events up to and including 1:30 years plus a 30% allowance for climate change underground within the site boundary. The 1:200 year plus climate change allowance will be stored within the wider redevelopment site. The wider site includes a SUDS pond, sized to allow the difference between 1:30 and 1:200 year storm events plus 30% allowance for climate change for the new school.

This is acceptable and will not give rise to flooding of adjacent properties.

g) Representations

Material Objections

- Potential for congestion on Frogston Road East close to the pedestrian access which could be caused by people parking on the road for the purpose of dropping off and collecting children attending the school. (assessed in 3.3(d).
- Impact on traffic by cars carrying out manoeuvres on Frogston Road East (assessed in 3.3(d).

The letter of general comment related to a number of potential safety improvements that could be made along Frogston Road. Although these are welcomed, they cannot form part of this permission as they are outwith the scope of the application.

Conclusion

The proposal is acceptable in principle and is of a high standard of design. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. The proposal complies with the Local Development Plan. No material considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The 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 detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
5. Prior to the commencement of development on site, the applicant shall provide plans showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. The extracts will then be installed as per the approved details.
6. The applicant will be required to contribute:
 - a) The sum of £2,000 to introduce school keep clear markings as necessary for the development;
 - b) The sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

- c) 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.
7. In accordance with the Council's LTS Travplan3 policy, the applicant is expected to develop a School Travel Plan. This should be submitted at an appropriate time as agreed with the Roads Authority.
 8. Prior to the commencement of works on site, noise mitigation measures, including full details of the immediate fencing surround the pitch, shall be submitted for approval. The mitigation measures shall thereafter be installed as per the approved details.
 9. Prior to the commencement of works on site, a noise assessment shall be submitted to the Planning Authority for approval and shall include design details of the immediate fencing surround the 3G pitch and other mitigation measures proposed to address any noise associated with the proposal such as plant and servicing noise.

Financial impact

4.1 The financial impact has been assessed as follows:

Contributions are being taken through a legal agreement for the construction of the school, related to the planning permission 14/04860/FUL for the adjoining housing site.

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

Following neighbour notification, four letters of representation were received. This comprised three objections and one general comment.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is an allocated housing site (HSG21), within which a school site (SCH8) is identified.

Date registered

24 October 2018

Drawing numbers/Scheme

01-04, 05A, 06A, 07A, 08A, 9-18,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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

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

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

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

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

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

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

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

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

Other Relevant policy guidance

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 18/08609/FUL
At Land At, Frogston Road East, Edinburgh
New build primary school and early years centre. The
proposal will incorporate space for 462 primary school
pupils and 80 nursery pupils.**

Consultations

Environmental Protection - 20 December 2018

The applicant proposes a 2-storey building with the entrance and admin block near to the main access point, while the teaching wing is set back and surrounded by playgrounds. The school internal social areas open directly to the playgrounds, there is a 3G pitch proposed to be positioned parallel to the eastern site boundary where there are existing residential properties. There is also a nursery proposed at the southern end of the site. Entrances are accessed via public concourses from the surrounding main roads. There will be a kitchen onsite to serve the school.

The application proposed a small parking area for school staff to be located to the northern part of the site, it would have space for 13 cars plus 2 disabled spaces.

The applicant will need to submit a supporting noise impact assessment covering the proposed new 3G sports pitches and all other noise associated with the proposal such as plant and servicing noise. From the plans it is noted that the 3G pitch does not have floodlighting can this be confirmed. Regardless of this day-time noise from these pitches can be problematic during school hours and even into the evenings during summer months when the public can access them. This will need to be fully assessed with detailed noise mitigation measures provided including details of the immediate fencing surround the pitch and if require details of any additional acoustic barriers. Particular attention should be made to the existing residential properties and ensure that noise does not adversely impact their amenity, for example; taking into consideration World Health Organisation Community Noise Guidance levels and NR ratings (plant noise). Noise levels inside the school should also be considered.

Kitchen extract details required, there is nothing noted on the roof plan, the kitchen extract must be terminated at roof level. The applicant will need to provide drawings showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. Environmental Protection shall recommend conditions to ensure they are appropriately located when details are submitted.

The reduced levels of car parking are supported however, Environmental Protection recommend that further mitigation measures are considered including public transport incentives for staff such as initial free bus tickets staff. The applicant will need to ensure electric vehicle chargers are installed to serve at least three parking spaces in line with the Edinburgh Design Standards. Environmental Protection recommend that a rapid electric vehicle charging point in the car park which is capable of serving two spaces with a smaller fast charger serving the other space. Grant funding may be available from the Energy Saving Trust for this type of infrastructure. However, the applicant will need to provide drawing that show the location of the chargers and ensure that they have adequate power made available to serve the chargers, as the rapid charger will require a three-phase supply.

Will the development include photovoltaic panels providing? Environmental Protection would support this method of energy production and would highlight the advantages of linking this technology up to the electric charger which would provide a method of energy storage. The applicant needs to provide details of the energy plant serving the proposed building. Environmental Protection require information to ensure the proposed power input has been assessed in line with the requirements of the Clean Air Act 1993, it should be noted that Environmental Protection do not support the use of biomass. Initially we need to know the power input and the fuel sources being considered.

Environmental Protection will provide separate comments with regards contaminated land, but will recommend the condition is attached until it's been formally discharged by our contaminated land officers.

Roads Authority - 25 January 2019

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

- 1. The applicant will be required to provide cycle parking in line with the Council's parking standards in a secure, convenient and undercover location. The proposed cycle parking locations are not considered to meet these requirements nor does the proposed 32 spaces meet the required numbers (2 spaces plus 1 per 7 staff plus 1 per 10 pupils, likely to be in excess of 60 spaces);*
- 2. The applicant will be required to provide 2 motorcycle parking spaces in line with the Council's parking standards which require a minimum of 1 space plus 1 per 25 staff;*
- 3. The applicant will be required to contribute:*
 - a. The sum of £2,000 to introduce school keep clear markings as necessary for the development;*
 - b. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - c. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant is expected to develop a School Travel Plan;*

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 will be required to provide electric vehicle charging spaces at 1 per 6 spaces, i.e. 2 spaces;*

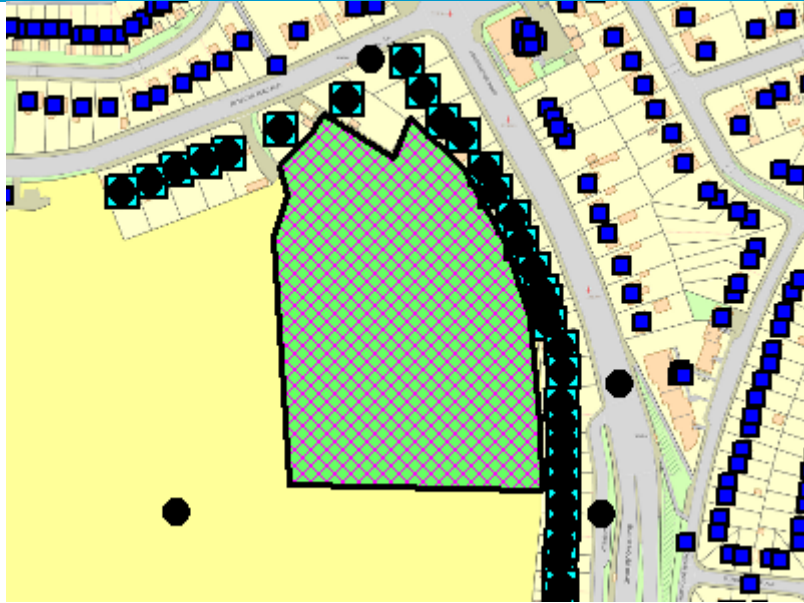
7. *It is noted that the details of the proposed access from Frogston Road East will be progressed via a separate application for road construction consent. The access will be controlled through appropriate waiting and loading restrictions and school keep clear markings as appropriate.*

Archaeology - 1 November 2018

The site was identified as part of wider area of archaeological significance. A programme of archaeological investigations carried out between 2014 and 2017 by AOC Archaeology discovered the remains of a nationally significant medieval settlement dating between the 8th and 12th centuries AD to the South East of the proposed school site.

However, no significant remains were encountered across this site during their 2014 evaluation. Accordingly, having assessed the potential archaeological implications of this scheme, it has been concluded that there are no known archaeological implications regarding this application.

Location Plan



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

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Planning Permission 18/09751/FUL
At 14 Regent Terrace, Edinburgh, EH7 5BN
Proposed garden room (as amended).**

Item number	4.3
Report number	
Wards	B11 - City Centre

Summary

The proposal will not have an adverse impact on the character or appearance of the building and will not have a detrimental impact on the New Town Conservation Area or the Edinburgh World Heritage Site. The proposal complies with the relevant provisions of the local development plan and relevant non-statutory guidance, and is acceptable. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	NSHOU, LDPP, LEN03, LEN06, NSG, NSLBCA, CRPNEW,
---	---

Report

Application for Planning Permission 18/09751/FUL At 14 Regent Terrace, Edinburgh, EH7 5BN Proposed garden room (as amended).

Recommendations

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

Background

2.1 Site description

The application site is a three storey (and basement) property that forms part of the long terrace of classical townhouses on the west side of Regent Terrace designed by William Playfair in 1825. The surrounding area is predominantly residential in use.

The site is part of the Calton A group/Eastern New Town Scheme designed by Playfair.

The application site is category A listed (ref: 49767 listed on 16 December 1965). The garden boundary wall and railings also form part of the A listing designation.

The application site is located within the Edinburgh World Heritage Site.

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

2.2 Site History

28 January 2002 - Listed building consent granted for internal alterations and alterations to windows and doors at rear of basement (reference: 01/04207/LBC).

17 January 2002 - Planning permission granted for internal alterations and alterations to windows and doors at rear of basement (reference: 01/04207/FUL).

Main report

3.1 Description Of The Proposal

Planning permission is sought for the erection of a garden room in the rear curtilage of the property. The building is a free standing structure measuring 3000mm in width, 2000mm in length and 3000mm at its highest point from ground level. The building has a shallow pitched roof and will be finished in cedar panelling with hardwood windows and doors.

Amended scheme:

A small degree of underbuild, which incorporates a reconstituted stone base, has been included in the scheme. In addition, the pitch of the roof has been slightly amended.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal will detract from the setting of the listed building;
- b) there is any adverse impact on the character and appearance of the conservation area;
- c) the proposal will result in an unreasonable loss of neighbouring amenity; and
- d) any public comments raised have been addressed.

a) Listed Buildings Setting

Local Development Plan policy Env 3 states that development affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting. The key setting of the properties at Regent Terrace are their rear gardens, with extended views onto Regent Gardens and the historic Calton Hill which is a key landmark of the New Town Conservation Area and World Heritage Site. The proposed building is minor in scale and will not impact upon the setting of the listed building or on the important views of Regent Gardens and Calton Hill.

b) Impact on Conservation Area

The New Town Conservation Area Character Appraisal states:

New development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area.

The proposed garden room, by virtue of its situation in the rear curtilage of the property, would not be visible from the public realm. In this location, the impact on the appearance of the conservation area would be negligible. In terms of the impact of the development on the character of the conservation area, there are a number of other outbuildings of various sizes and designs in the neighbouring gardens of Regent Terrace. The development, while closer to the house than some of these examples, is restrained in height and scale and through the utilisation of sympathetic materials it would not detract from the character of the conservation area. The contemporary design is also compatible in the context of other modern outbuildings such as that found at No.1 Regent Terrace.

The character and appearance of the conservation area will therefore be preserved. The proposal complies with Local Plan Policy Env 6.

The application is small in scale and has no impact on the Outstanding Universal Value of the Edinburgh World Heritage Site. It has not therefore been assessed against Env 1.

c) Neighbouring Amenity

The windows on the side elevations will face onto the applicant's garden and no privacy issues will arise. The doors on the south-west elevation will face onto a stone boundary wall which will also safeguard the privacy of the neighbouring property.

The development will not have an unacceptable impact on neighbouring amenity in terms of overshadowing or daylighting when assessed against the relevant guidance in the non-statutory Guidance for Householders.

d) Public comments

Material considerations

- Loss of sunlight and daylight to neighbouring properties - addressed in section 3.3 (c).
- Position of outbuilding is not keeping with others on Regent Terrace - addressed in section 3.3 (b).
- The building would detract from the conservation area and World Heritage Site - addressed in section 3.3 (b).
- The building would detract from the setting of the listed building - addressed in section 3.3 (a).
- Approval would set a precedent - every planning application is assessed on its own merits.

Non-material considerations

- The drawings do not provide exact measurements - dimensions can be obtained from the scaled drawings.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 4 December 2018 and the proposal attracted nine objections. 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**

Adopted Edinburgh Local Development Plan

Date registered

9 November 2018

Drawing numbers/Scheme

01, 02A, 03A, 04A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Craig Meikle, Planning Officer

E-mail: craig.meikle@edinburgh.gov.uk Tel: 0131 529 3512

Links - Policies

Relevant Policies:

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

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

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

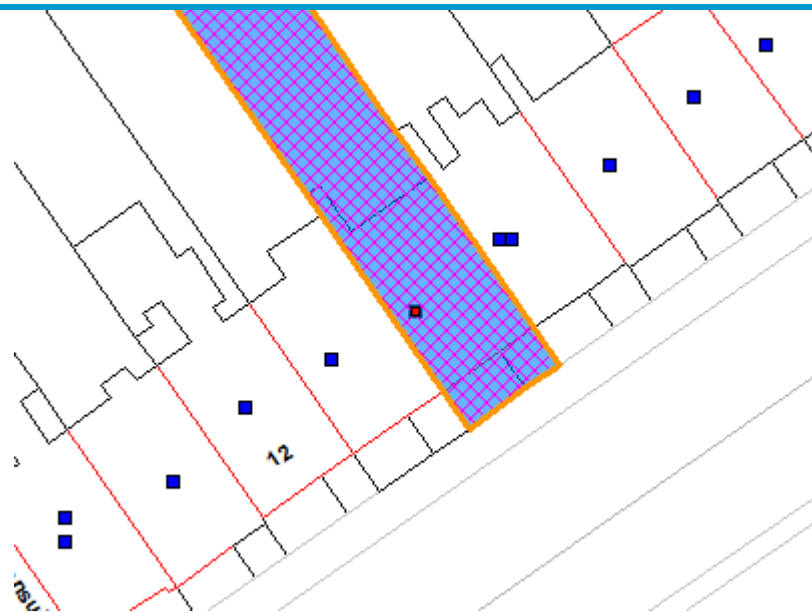
Appendix 1

Application for Planning Permission 18/09751/FUL At 14 Regent Terrace, Edinburgh, EH7 5BN Proposed garden room (as amended).

Consultations

No consultations undertaken.

Location Plan



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

Development Management Sub-Committee

10.00am, Wednesday 20 February 2019

Protocol Note for Hearing

**Planning Application No 17/05071/FUL & 17/05073/LBC
30 Corstorphine Road, Edinburgh EH12 6HP**

Item number 6.1(a)

Report number

Ward

Laurence Rockey

Head of Strategy and Communications

Contacts: Veronica MacMillan

Email: veronica.macmillan@edinburgh.gov.uk

Tel: 0131 529 4283

Summary

Protocol Note for Hearing

Summary

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

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

Committee Protocol for Hearings

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

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees Dr James Forbes, Murrayfield Community Council William Fulton Neil McKerrow	10.30 -10.35 10.35 -10.40 10.40 -10.45
3	Ward Councillors Councillor Scott Douglas Councillor Gillian Gloyer Councillor Frank Ross	10.45 - 10.50 10.55 - 11.00 11.05 - 11.10
4	Break	11.10 - 11.20
5	Applicant and Applicant's Agent Applicant - Ali Afshar, AMA Newtown Ltd Applicant's Agent - Andrew Wilmot, Oberlanders Architects Landscape Architect - Tina Muldowney, Wardell Armstrong	11.20 -11.35
6	Debate and Decision on Application by Sub-Committee	11.35

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

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Planning Permission 17/05071/FUL
At 30 Corstorphine Road, Edinburgh, EH12 6HP
Conversion of the former nursing home, gate lodge and
stable block to residential use, erection of two residential
blocks comprising 27 residential units, associated
landscaping and ancillary works.**

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

Summary

The proposal complies with the development plan and is acceptable. The character and appearance of the conservation area and the setting of the listed buildings will be preserved. There will be no significant impact on residential amenity and road safety will not be affected by the proposal. There are no material considerations that outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 9 January 2019.

Links

[Policies and guidance for this application](#)

LDES01, LDES03, LDES04, LDES05, LEN03, LEN04, LEN05, LEN06, LEN12, LEN16, LHOU03, LEN21, LHOU01, LHOU02, LHOU05, LHOU06, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSP, CRPWMU, LDPP, LDES05, LDES01, LDES03, LDES04, LEN03, LEN04, LEN05, LEN06, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU05, LHOU06, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, NSP, CRPWMU,

Report

Application for Planning Permission 17/05071/FUL At 30 Corstorphine Road, Edinburgh, EH12 6HP Conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works.

Recommendations

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

Background

2.1 Site description

The site extends to approximately 0.77 hectares and is located on the north side of Western Terrace. The site contains a number of buildings, Tor House, a Category B listed building (Date of listing 15.04.1991; LB ref: 30256) which has significant later additions, a stable block located to the north of the site and a lodge house located to the south. The site was previously used as a care home.

The surrounding area is mainly residential. To the north of the site is the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sit to the east and west of the site. Further west towards Ellersley Road, sites have been redeveloped with modern developments.

The site is bounded by a high stone wall. Landscaped gardens sit to the front of the site with a variety of trees and shrubs. The ground gradually slopes upwards towards the rear of the site where the main buildings are located.

Vehicular and pedestrian access is taken from Corstorphine Road adjacent to the lodge house.

This application site is located within the West Murrayfield Conservation Area.

2.2 Site History

November 2017 - Listed building consent pending consideration for alterations to the stable block and removal of non original extensions to Tor House (application number 17/05073/LBC).

November 2017 - Conservation area consent pending consideration for demolition of non original extensions (application number 17/05074/CON).

Main report

3.1 Description Of The Proposal

The proposal is to for a change of use of the existing buildings and the erection of two flatted residential blocks in the grounds of the listed building. The total number of residential units is 32, comprising 27 units in the two new build blocks, 2 units in Tor House, 2 units in the stable block and 1 unit in the lodge house.

Conversions

The main listed building will have the non-original extensions removed and will be converted into two, three bedroom residential dwellings.

The stable block will have an increase to its roof height to accommodate two, two bedroom apartments.

The lodge house will be retained in residential use.

New Construction

North block

It is proposed to build a new five storey residential block to the east of the main house, containing fourteen flats: nine, two bed and five, three bed. Thirteen of the apartments will have private terraces.

This new building is contemporary in style with a flat-roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

South Block

To the south of this block, it is proposed to erect a five storey block containing thirteen flats: five, two bed flats and eight, three bed flats. Twelve of the apartments will have private terraces.

This building mirrors the north block with its contemporary style, flat roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

Access and Car Parking

The existing vehicular access will be widened by 1.8 metres and a new separate pedestrian access will be created adjacent to this.

Thirty two parking spaces will be provided throughout the site and include four spaces for disabled people and four with electric charging. Seventy three cycle spaces are provided in secure cycle parking located in the south east and north west of the site.

Landscaping

Open space will be provided throughout the site with the north and south blocks positioned around landscaped gardens. A number of trees and shrubs will be required to be removed in the south east and south west of the site. The mature planting running along the boundary to the south will be retained.

Scheme 1

This proposed the demolition of the stable block. The new residential block has been reduced in height.

Applicant's Supporting Statement

The following documents are available on the Planning and Building Standards On-Line Services:

- Design and Access Statement;
- Planning Statement;
- Tree Survey;
- Landscape Strategy and Visual Appraisal;
- Flood Risk Assessment;
- Transport Statement; and
- Daylighting Assessment.

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the development is acceptable in principle in this location;
- b) the development will impact on the character and appearance of the conservation area;
- c) the character and setting of the listed buildings is safeguarded;
- d) the scale, form, design and materials are acceptable;
- e) the development will impact on residential amenity;
- f) the proposal raises any issues in terms of residential amenity for the future occupiers of the development;
- g) transport, parking and access are satisfactory;
- h) there will be any significant loss of tree cover;
- i) there is an Affordable Housing contribution required;
- j) the proposal is acceptable in relation to other relevant material considerations;
and
- k) the representations have been addressed.

a) Principle

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy Hou1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

b) Conservation Area

Policy Env 6 of the Edinburgh Local Development Plan permits development which preserves or enhances the character and appearance of the conservation area, preserves trees, hedges and boundary walls and demonstrates high standards of design.

The site sits within the Country House Sub Area of the main West Murrayfield Conservation Area. The essential characteristics are:

- The area is bound together by high stone boundary walls with houses less concerned with their relationship to each other, but more with their own design and layout within their grounds.

- The underlying spatial structure of the area is one of large 'country houses' in generous grounds close to main city access routes.
- Despite a gradual process of subdivision of the grounds, houses remain either free standing in generous plots or more uniformly laid out in smaller plots.
- Imposing gates set into boundary walls mark a transition from public to private, and retain an effect of privacy.
- A continuing interest and concern for landscaped gardens and woodland trees is clearly indicated by a high degree of maintenance.

These characteristics place emphasis on the retention of high boundary walls, creating a sense of privacy between private and public spaces, and concern for areas of landscaping.

The conservation area has seen some significant changes in recent years with new developments particularly in Ellersly Road and Kinellan Road bringing contemporary styled buildings closer to street boundaries. Such developments include flats at 33 Ellersly Road (Wallace Gardens), townhouses at 4 Ellersly Road (former Ellersly Hotel opposite the site) and the development at Westerlea. The proposed two new residential blocks within the grounds of Tor House are similar in style, massing and density to those in the surrounding area and will not adversely affect the character of the conservation area.

The proposal retains the boundary wall and mature landscaping to the south, an important characteristic of this site. Contemporary development is evident within the wider area and modifies the appearance of this conservation area. This proposal is set behind the stone wall and will be substantially screened from public view within the generous landscaped grounds. There will therefore be little impact on the appearance of the conservation area.

The proposal represents an acceptable balance between the restoration of the listed building and the new development. Their design and materials will not detrimentally impact on the character and appearance of the conservation area and accords with LDP policy Env 6.

c) Setting of Listed Buildings

Policy ENV3 of the Edinburgh Local Development Plan states that development within the curtilage or affecting the setting of a listed building will be permitted if it is not detrimental to the character, appearance or historic interest of the building, or its setting. Policy Env 4 of the LDP states that alterations or extensions of a listed building is permitted where they will not cause any unnecessary damage to historic structures or diminish its interest.

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

Tor House

The demolitions of the non-original extensions will allow the main listed building to sit once again in its own space and is a gain in terms of the setting of this original building. The new block to the north of the site will be positioned between the stable block and the main house. The site is currently flanked by the large flatted block at Westerlea sitting at a height of 71.6m AOD. The new block will sit 6.45m lower than this building but will sit higher than the existing Tor House by 5.4 metres. Whilst the new building is not subservient to the listed building, the height of the building has been reduced by a storey and the massing of the block reduced by stepping in the upper level. The building is located 19.4 metres from Tor House and 7.6 metres from the stable block and is set away from the main frontage of the listed building ensuring there will be no significant impact to its setting.

Stable Block

The retention of this block is welcomed as part of the proposals and the alterations are for minor works to this building including the removal of non-original additions. The marginal increase in height to the roof and change to zinc will not adversely impact on the setting of the listed building or its character.

The wall located to the south is not included in the listing description and appears to be a later addition. Its removal will allow the full elevation of the stable block to be visible again.

The proposal accords with LDP policy ENV 3 and Env 4.

d) Scale, Form, Design and Materials

New Build

Edinburgh Local Development Plan policy Des 1, Des 3 and Des 4 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings. Policy Hou 4 seeks appropriate density on each site.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

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

The new build elements of the development adopt a contemporary feel to their design. The solid to void ratio, verticality of window openings and recessed terraces within the design of the building create a strong frontage that sits comfortably within the site. The combination of natural stone and brick fit with the context of the surrounding area and are materials that have been utilised on developments within the immediate surroundings.

The block to the north is a five storey building with recessed top floor positioned between the main house and the stable block. The height of this block will sit 6.45 metres lower than the flatted block at Westerlea and provides a natural stepping down of heights between the two sites allowing the building to sit comfortably within its immediate context. The front and rear elevation will be natural stone and is appropriate in this context ensuring the proposal does not affect the setting of the listed buildings.

The linear block located to the south is five storeys in height with a recessed top floor similar in design to the north block. This sits 2 metres lower in height than the block to the north, is set back in excess of 25 metres from the frontage of the site and is surrounded by landscaped gardens. This building is confined to the east side of the site ensuring the views of Tor House is not affected. The style, height and massing of this building has similar characteristics to the surrounding buildings and urban grain found within the immediate area and the density is comparable with new development in the area. This complies with policy Hou 4.

The design and materials of the development are of a high quality and the development accords with policies Des 1 and Des 3 of the LDP. A condition has been attached requesting a sample panel of materials to be produced to ensure the quality of the proposed external materials is assessed.

e) Residential Amenity

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The south block is orientated so that its main windows are facing north and south taking advantage of the open aspect over the gardens. The windows in the east elevation look onto the blank gable of the neighbouring property.

The north block is orientated so that the majority of windows are to the south, east and west with kitchen windows located on the north elevation. This block is positioned between 5.8 metres to 6.9 metres off the boundary to the north and is located an appropriate distance to the neighbouring development at Westerlea, which sits between 5.6 and 4.6 metres off the boundary.

A detailed assessment of daylighting has been prepared by the applicant. This can be viewed on the online services.

Daylighting: The detailed study tests show that the windows on the south elevation of the neighbouring north block will have reduced daylighting to the windows with five of these bedroom windows failing the vertical sky component (VCS); three of these windows are on the ground floor and two at the first floor. A further assessment using the Average Daylight Factor (ADF) has been undertaken and this demonstrates that the bedroom windows meet the criteria set out in the Edinburgh Design Guidance.

Sunlight: The block to the north does not comply with the 45 degree/2 metre height on the boundary. The area of garden is positioned on the gable end of the Westerlea site and does not form the main garden area for this development. A shadow will already be cast by the existing building at Westerlea and stone boundary wall and this proposal will not result in a significant further loss of sunlight to this space.

The proposal meets amenity tests under Des 5.

f) Amenity of future occupiers

Environmental Protection has raised concerns regarding the noise from Western Terrace Road and may require mitigation measure to be carried out to the internal and external spaces. The positioning of this development will not sit closer to the road than the existing neighbouring residential properties that are affected by traffic noise and disturbance similar to the application property and it would be unreasonable to attach a condition requiring this and would not be a justifiable reason to refuse planning permission.

The proposal will not have a detrimental impact on residential amenity and accords with policy Des 5 of the LDP.

The proposal comprises a mix of two and three bed units all of which exceed the minimum internal floor area requirements set out in the Edinburgh Design Guidance. The proposal complies with Hou 2 of the LDP.

In terms of open space the proposal will reduce the level of hardstanding currently on the site by returning these to usable landscaped areas. Each of the new blocks are arranged around a landscaped area so that many of the apartments have an aspect looking onto it and can benefit from its amenity. Open space provision complies with policy Hou 3 of the LDP and is acceptable.

g) Transport

Policy Tra 2 and Tra 3 states permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The development is providing 32 parking spaces for the residential units including 4 spaces for disabled people and four with electric charging points. A new pedestrian access will be provided from Corstorphine Road. The distribution of parking around the site, access routes to them and the provision meets levels required in the Council's guidance and is satisfactory. Two secure cycle stores are to be located to the south of the site and to the east of the Tor House to provide secure cycle parking.

Transport, parking and access are satisfactory and accords with policy Tra 2 and Tra 3 of the LDP.

h) Landscape

Policy Env 12 states that permission will not be granted for development if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree unless for good arboricultural reasons.

The proposed development will result in the loss of twenty four trees within the site to facilitate the development. The trees along the southern boundary form part of the established character of the conservation area and it is accepted that the removal of a few trees is required as part of good tree management. A condition will be attached to ensure the remaining trees are protected during construction work.

Nine trees will be removed in the eastern part of the site to accommodate the new south block. These trees are a variety of species including a Sycamore, Tulip Tree, Cedar of Lebanon and Weeping Ash. It has been identified that some of these have limited life expectancies due to age, and significant defects. The loss of these trees needs to be balanced against the impact the proposal will have on the landscape character of the site. The removal of these trees will have a short term impact on the landscape character of the site but any impacts will be mitigated in the longer term by the new tree planting proposed ensuring the landscape character of the site is not significantly impacted.

The proposal accords with Env 12 of the LDP.

i) Affordable Housing

Policy Hou 6 Affordable Housing of the local plan states that sites consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. For proposals above 20 or more units, the provision should be on site. Whenever practical, the affordable housing should be integrated with market housing.

The policy does recognise that some projects will be expensive to deliver if the affordable housing is to be delivered in a way that blends in with the rest of the development. It states that where a development is in a conservation area or involves the conversion of a listed building, the Council may consider receiving off-site land or a commuted sum payment in lieu of on-site affordable housing where there are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, or there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere.

The applicant has stated that the affordable housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (application reference 16/05524/FUL) and will provide nine affordable homes in total. This will provide an additional two affordable homes which will be 6% above the 25% requirement and is accepted by the service. It is therefore recommended that a legal agreement be entered into. An informative to this effect will be attached to the consent.

j) Other relevant material considerations

Flooding

No objections has been raised by the flood team in respect of the proposed development.

Archaeology

No significant archaeological remains are expected on this site. However, it is recommended that a condition be appended to the consent requiring a standard programme of archaeological work to be undertaken given the significance of the buildings and the house's Victorian interior. This is to provide a permanent record of Torwood House and its Gate-house and to record significant fabric affected and exposed by these works.

Education

Policy Del 1 requires proposals to contribute towards education provision.

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required is £76,092 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required is £17,081, no indexation to be applied to land contribution.

A legal agreement is recommended to secure the required contribution.

k) Representations

Material Representations - Objection

- inappropriate density - assessed in section 3.3 (d).
- impact on character and appearance of the conservation area - assessed in section 3.3 (b).
- loss of stable block - assessed in section 3.3 (c).
- setting of the listed building - assessed in section 3.3 (c).
- quality of design - assessed in section 3.3 (d).
- height of the development - assessed in section 3.3 (d).
- loss of daylight, sunlight and overshadowing - assessed in section 3.3 (e).
- inadequate parking - assessed in section 3.3 (f).

Murrayfield Community Council

The Murrayfield Community Council did not request to be a statutory consultee but it objected on the following grounds:

Listed Building - the demolition of the stable block - addressed in paragraph 3.3 (c) above and is now being retained as part of the revised proposals.

Loss of mature trees - they are an essential part of the character of the conservation area - addressed in section 3.3 (h) above.

North block restricts daylighting to adjacent properties - addressed in section 3.3 (e) above.

Conclusion

The proposal complies with the development plan and is acceptable. The character and appearance of the conservation area and the setting of the listed buildings will be preserved. There will be no significant impact on residential amenity and road safety will not be affected by the proposal. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place within until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
2. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

3. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
4. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.

Reasons:-

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

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded for the following developer contributions:

Children and Families

A total infrastructure contribution of £76,093 (indexed linked) and a land contribution of £17,081 to alleviate accommodation pressures in the local catchment area.

Affordable Housing

Affordable Housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (application reference 16/05524/FUL) and will provide nine affordable homes in total.

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

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

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

A total of 36 letters of representation has been received. Ten of these were received when the neighbour notification was first undertaken in November 2017 objecting to the proposal, a further 26 objections were submitted when further notification was undertaken on the 15 May 2018 after amended information was submitted.

An objection was received from Murrayfield Community Council.

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

Background reading/external references

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

Statutory Development

Plan Provision

Edinburgh Local Development Plan - The site is designated as an Urban Area.

Date registered

2 November 2017

Drawing numbers/Scheme

01A-13A,14,15A-16A,17-31,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

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

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

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

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

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

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

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

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

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

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

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

Appendix 1

Application for Planning Permission 17/05071/FUL At 30 Corstorphine Road, Edinburgh, EH12 6HP Conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works.

Consultations

Affordable Housing

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

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*

2. Affordable Housing Provision

This application is for a development consisting of 29 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (7) homes of approved affordable tenures.

The applicant has stated that the affordable housing will be supplied via a transfer of serviced land to LARS Housing Trust due to high costs of delivering affordable housing on site. This site at 45 Ford's Road, Edinburgh was granted planning permission in June 2017 (ref: 16/05524/FUL) and will provide nine affordable homes in total. This is welcomed by the department as this will provide additional two affordable homes which will be 6% above the 25% requirement.

The applicant will need to ensure that the offsite provision is a viable option for affordable housing. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

3. Summary

The applicant has made a commitment to provide 31% off site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of affordable housing in City.

- o The offsite provision must provide a viable site for the delivery of affordable housing*
- o The tenure of the affordable housing must be agreed with the Council*
- o All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

Roads Authority

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

- 1. The applicant proposes 2 cycle stores with capacity 73 cycle parking spaces and 4 cycle spaces in the garages and complies with the Council's 2017 Parking Standards which requires the applicant to provide a minimum of 77 secure cycle parking for the proposed development in Zone 2;*
- 2. The applicant has demonstrated by swept path analysis that refuse collection could be accommodated within the proposed development;*
- 3. The proposed 32 parking provision of which 4 are disabled bays and complies with the Council's 2017 parking standards which allows a maximum of 32 parking provision for the proposed development in Zone 2. The proposed 2 motorcycle parking provision complies with the Council's 2017 Parking Standards which requires a minimum of 1 motorcycle parking space.*
- 4. The applicant proposes raised tables on the shared surface to promote slow vehicular speed whilst maintaining 1.5m wide flush shared surface for disabled access.*
- 5. The applicant proposes 3m wide pedestrian access from Corstorphine Road.*
- 6. All doors should be opened inwards and not outwards onto adopted road.*
- 7. A road serving 6 or more residential units is considered public road and has to be built to adoptable standards under road construction consent.*
- 8. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site.*
- 9. The applicant proposes 4 electric vehicle charging infrastructure including dedicated parking spaces with charging facilities at least ducted to allow electric vehicles to be readily accommodated in the future and complies with the 2017 parking standards.*

Children and Families

Updated response July 2018

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

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

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

Assessment and Contribution Requirements

Assessment based on:

27 Flats

5 Houses

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

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

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

Total infrastructure contribution required:

£76,092

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

Total land contribution required:

£17,081

Note - no indexation to be applied to land contribution.

Response January 2018

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

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

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

Assessment and Contribution Requirements

Assessment based on:

29 Flats

3 Houses

This site falls within Sub-Area W-2 of the 'West Education Contribution Zone'.

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

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

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

Total infrastructure contribution required:

£62,116

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

Total land contribution required:

£13,871

Note - no indexation to be applied to land contribution.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning these linked applications for the conversion of the former nursing home and gate-lodge to residential use (including demolition of non-original extensions and stable block), erection of two residential pavilions comprising 29 residential units, associated landscaping and ancillary works.

The application affects the former Torwood Nursing Home built around and incorporating the B-listed Torwood House and Gate-house constructed in 1866. Although these regionally important buildings have been surrounded by 20th century addition, the interior of the the former Victorian Villa has remained relatively untouched, with the rooms within the house containing significant late Victorian decor. This application must therefore be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and CEC Edinburgh Local Development Plan (2016) policies ENV4, & ENV9.

It is welcomed that proposals will see both the removal of later buildings and the retention of the house's significant Victorian décor which will enhance and preserve the significant character of these buildings.

However, the scheme will require significant alterations and down-takings. In archaeological terms, these works are considered to have a low impact. However, given the significance of the buildings and the house's Victorian interior it is considered important that that a programme of historic building recording (annotated plans and elevations, photographic and written description and analysis) is undertaken prior to and during any alterations and development. This is to provide a permanent record of Torwood House and its Gate-house and to record significant fabric affected and exposed by these works.

Therefore, it is recommended that the following condition be applied to any consent, if granted, to secure this programme of archaeological works;

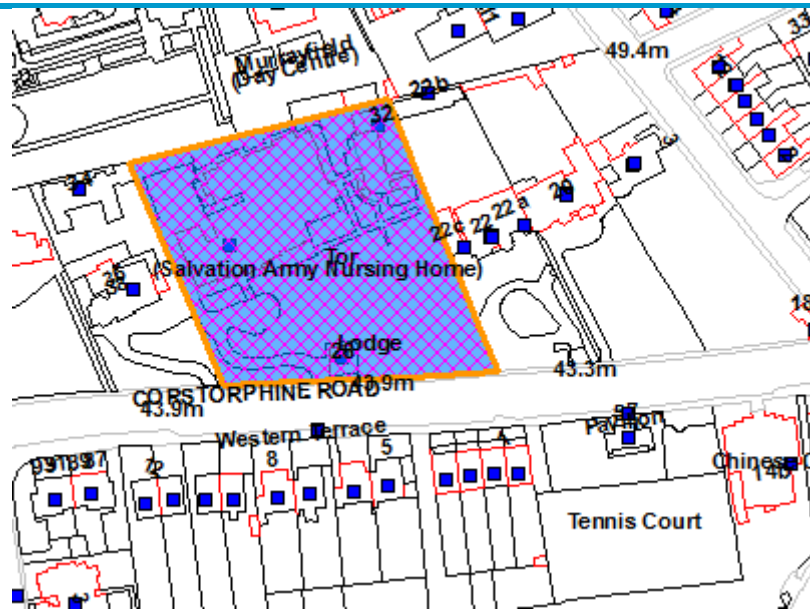
'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic building recording, analysis, reporting and publication) in accordance with a written scheme of investigation which has been submitted by the applicant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

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

Flood Planning

I have reviewed the documents available on the planning portal. I can confirm that the submission has been accepted by Flood Prevention with no comments.

Location Plan



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

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Listed Building Consent 17/05073/LBC
At 30 Corstorphine Road, Edinburgh, EH12 6HP
Alterations to stable block and removal of non-original
extensions to former Tor Nursing Home. Alterations to
Torwood House to facilitate conversion to residential use
(as amended).**

Item number	6.1(c)
Report number	
Wards	B06 - Corstorphine/Murrayfield

Summary

The proposals have special regard to the desirability of preserving the building and its setting and the proposals do not adversely affect any features of special architectural interest or the setting of the listed building. The proposals preserve the character and appearance of the conservation area.

Outcome of previous Committee

This application was previously considered by Committee on 9 January 2019.

Links

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

Report

Application for Listed Building Consent 17/05073/LBC At 30 Corstorphine Road, Edinburgh, EH12 6HP Alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended).

Recommendations

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

Background

2.1 Site description

The site extends to approximately 0.77 hectares and is located on the north side of Western Terrace. The site contains a number of buildings, Tor House, a Category B listed building (Date of listing: 15/4/1991; LB ref:30256) which has significant later additions, a stable block located to the north of the site and a lodge house located to the south. The site was previously used as a care home.

The surrounding area is mainly residential. To the north of the site is the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sit to the east and west of the site. Further west towards Ellersley Road, sites have been redeveloped with modern developments.

The site is bounded by a high stone wall. Landscaped gardens sit to the front of the site with a variety of trees and shrubs. The ground gradually slopes upwards towards the rear of the site where the main buildings are located.

Vehicular and pedestrian access is taken from Corstorphine Road adjacent to the lodge house.

This application site is located within the West Murrayfield Conservation Area.

2.2 Site History

24 October 2013 - Permission to fell two trees in the garden area (application reference 13/04259/TCO).

17 December 2013 Planning permission granted for the installation of a glazed door in each bay window. The installation of 3 new roof lights to line through with the existing two in the adjacent room (application reference 13/04737/FUL).

17 December 2013 - Listed building consent granted for conversion of the existing room at the Tor Nursing Home to form two new en-suite bedrooms, including the installation of a glazed door in each bay window. An existing store room on the floor above is to be converted to form a staff room including the installation of 3 new rooflights to line through with the existing two in the adjacent room (application reference 13/04738/LBC).

November 2017 - Conservation area consent pending consideration for demolition of non original extensions (application reference 17/05074/CON).

November 2017 - Planning permission pending consideration for conversion of the former nursing home and gate lodge to residential use (including demolition of non-original extensions and stable block), erection of two residential blocks comprising 29 residential units, associated landscaping and ancillary works (application reference 17/05071/FUL).

Main report

3.1 Description Of The Proposal

The proposal is to alter Tor House, stable block and vehicular entrance to the site.

Tor House

The building will be converted to residential use and divided into two residential units.

A series of internal partitions will be removed to reinstate a number of rooms back to their original proportions. The modern additions on the east elevation of the building and an external fire escape stair on the west elevation will be removed.

The existing windows on the south elevation will be retained and on the north elevation new timber glazed screens are proposed at the ground floor level.

Stable Block

This is being retained and converted into two dwellings. A boundary wall and non original extension to the building will be removed. The proposed alterations include increasing the height of the roof by 1.5 metres to allow accommodation to be created at the first floor level. This new roof extension will be finished in a zinc cladding. On the south elevation new timber sash and case windows at first floor and new screens on the ground floor are proposed. The infill on the west elevation will be stone to match existing.

Lodge House

This will be retained as a single dwelling and no external or internal changes are proposed to this building.

Scheme 1

The stable block was to be demolished and the height of the north block has been reduced by one storey.

3.2 Determining Issues

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

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

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

3.3 Assessment

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

- a) the proposals adversely affect the character of the listed building;
- b) the proposals adversely affect the character or appearance of the conservation area; and
- c) comments raised have been addressed.

a) Character and Setting of Listed Building

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

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

Tor House has been altered significantly and unsympathetically both internally and externally in the later 20th century. The most imposing addition is the large two storey pitched roof extension and conservatory to the side and rear of the building. The removal of these structures is a significant conservation gain and will allow the main building to sit once again in its own space.

The front elevation will remain unaltered and the glazed screen and glazed extension to the rear is of an appropriate design that is sympathetic to the character of the building. The internal alterations involve the removal of a number of non original partitions to allow the principal rooms to be reinstated to their original proportions.

The proposed new five storey blocks to the north and south of the site breaks the normal convention of being subservient in height to the original listed building. The location of this block is set away from the main frontage of the listed buildings ensuring there will be no impact to its setting. These blocks are of an appropriate scale and sit comfortably within the landscape setting of the site.

The alterations to the proposed boundary walls to increase the width of the vehicular access, relocate the gatepost and create a new pedestrian access will have no adverse impact on the basic design of the entrance.

The proposed alterations and extensions are therefore justified and will cause no unnecessary damage to the building's historic structure or diminution of its interest.

Stable Block

This block is being retained and limited alterations are required to convert the main stable block to residential. The interventions in the form of increasing the roof height are acceptable and will not dominate the original building as a result of its scale and location. The proposed zinc roof provides a suitable contrast to the traditional slate and is an appropriate material within this context. The removal of the wall will not adversely impact on the character or setting of the listed building and is acceptable.

In conclusion, the alterations and refurbishments safeguard, and will not adversely impact upon, the character of the listed buildings.

b) Character and Appearance of the Conservation Area

The site sits within the Country House Sub Area of the main West Murrayfield Conservation Area as identified in the conservation Area Character Appraisal. The essential characteristics are:

- The area is bound together by high stone boundary walls with houses less concerned with their relationship to each other, but more with their own design and layout within their grounds.
- The underlying spatial structure of the area is one of large 'country houses' in generous grounds close to main city access routes.
- Despite a gradual process of subdivision of the grounds, houses remain either free standing in generous plots or more uniformly laid out in smaller plots.
- Imposing gates set into boundary walls mark a transition from public to private, and retain an effect of privacy.
- A continuing interest and concern for landscaped gardens and woodland trees is clearly indicated by a high degree of maintenance.

These characteristics place emphasis on the retention of high boundary walls, creating a sense of privacy between private and public spaces, and concern for areas of landscaping.

The removal of the extension will have a positive impact of the character and appearance of the conservation area, as it removes a large non-original feature. Other alterations to the main listed building will be largely external and will have no impact on the conservation area. The new zinc roof on the stable block will be a small change to the listed building on the site and overall there will be no adverse impacts on the conservation area in terms of the works to the listed building.

c) Representations

Material Objections

- there is no justifiable reason to demolish the stable block - this is addressed in section 3.3(a).

Conclusion

The proposed alterations to the listed buildings are of an appropriate scale and will not have any adverse impact on the character of the buildings in accordance with non-statutory guidance on Listed Building and Conservation Areas.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

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

One letter of representation has been received and was from The Architectural Heritage Society of Scotland (AHSS).

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

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan - The site is designated as an Urban Area.

Date registered

2 November 2017

Drawing numbers/Scheme

01A - 04A, 05 - 09, 11A -14A, 15-21,
,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

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

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

Other Relevant policy guidance

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

Appendix 1

Application for Listed Building Consent 17/05073/LBC At 30 Corstorphine Road, Edinburgh, EH12 6HP Alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended).

Consultations

Historic Environment Scotland

Thank you for your consultation which we received on 10 November 2017. The proposals affect the following:

Ref	Name	Designation Type
LB30256	30 Corstorphine Road Tor Nursing Home, including Gate Lodge, Gatepiers, railings and boundary walls	Listed Building

Our advice

This application proposes a range of interventions at the former Tor Nursing Home, Corstorphine Road. Built in 1866 (originally Torwood House) in a Neo-Jacobean style the building retains much of its original residential appearance and character, despite significant later twentieth century adaptations to a nursing home.

A lot, if not all, of the alterations and additions from its recent history as a nursing home will be undone. This includes the removal of the substantial extension and, in our reading of the floor plans, much of what appears to be modern internal partitioning. This is very much welcomed. The proposal to sub-divide the property into two residential units should not have a significant impact on its special interest.

We know the house still retains rooms with significant decorative schemes. This includes the entrance hall, main stair and, perhaps most significantly, the dining room complete with embossed and gilded Tynecastle wall coverings. We welcome the commitment in the Design Statement to retain all the highly decorative rooms in full.

Having had the opportunity to assess the application on site, your Council will be able to assess the impact of the internal alterations in more detail. We would be happy to provide further advice if required.

The application also proposes the demolition of the former stables to help enable subsequent development in the garden grounds - although we do not view this as an enabling development case. As Torwood House is listed at Category B, we have no role in assessing new development in its setting. However, we view the removal of the stables to be the most damaging aspect of the proposals. Although not highlighted in the list description, we consider the building does contribute to the significance of Torwood House as an ancillary structure, and assume your Council will consider it is covered by curtilage. The surviving stalls also adds interest to the stables and we note that a radical 2010 approved scheme (along which lines we wouldn't have an issue with now) allowed for their retention.

The argument for demolition of the stables, as set out in the Planning Statement, is that the building is of less architectural interest than the main house and therefore will meet demolition test a) (as set out in the Historic Environment Policy Statement). If your Council decide to assess the loss of the stables against the demolition tests then this is a potentially reasonable conclusion to make. However, the stables do have some interest, as noted above, even if they might not merit listing in their own right.

Although, it is largely a building of more simple utilitarian design and does not appear to have been intended to be practically prominent, either from the house (with its now currently separated by the extension to the house) or Corstorphine Road, being located at the northeast corner of the site, they are of some interest. With this in mind, we would be happy to provide further advice on the significance of the stables if this would aid your own assessment. It may be worth investigating if the location of the new-build elements can be amended which may allow the retention and conversion of the stables, or even keeping the most important portion of the altered stables.

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

Further Information

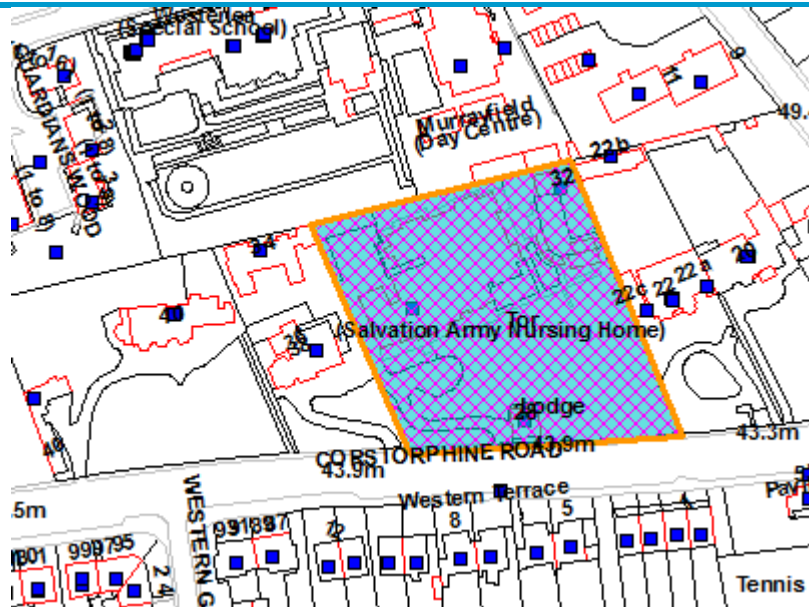
This response applies to the application currently proposed. An amended scheme may require another consultation with us.

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

As this application involves the demolition of a listed building, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encourage to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Please contact us if you have any questions about this response. The officer managing this case is Ian Thomson who can be contacted by phone on 0131 668 8076 or by email on ian.thomson@hes.scot.

Location Plan



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

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Planning Permission 18/09696/FUL
At Former St Margaret's School, 4 East Suffolk Road,
Edinburgh
Conversion of pre-school nursery to six dwellings with car
parking, bin stores and landscaping.**

Item number	7.1
Report number	
Wards	B15 - Southside/Newington

Summary

Whilst the proposal broadly complies with the policies in the Edinburgh Local Development Plan there are policy infringements in relation to the lack of quality open space and the location of the bin and cycle stores. However, the proposal is one of a succession of recent applications for the site, which have resulted in a piecemeal approach to the development of housing on the site with limited scope for improvements. Therefore, the current constraints and recent appeal decisions are relevant material considerations which, on balance, outweigh these infringements. The proposal will not have a deleterious impact on the character and appearance of the conservation area. The proposal will not adversely affect neighbouring amenity and future occupiers will have satisfactory levels of amenity. Adequate car and cycle parking will be provided for all occupiers within the site.

Links

[Policies and guidance for this application](#)

LDPP, LHOU02, LHOU03, LHOU04, LHOU05, LDES12, LEN06, LEN12, LEN21, LTRA02, LTRA03, LTRA04, NSG, NSGD02, OTH, CRPCMP,

Report

Application for Planning Permission 18/09696/FUL At Former St Margaret's School, 4 East Suffolk Road, Edinburgh Conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping.

Recommendations

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

Background

2.1 Site description

The site is a two-storey, sandstone building located on the south side of East Suffolk Road at its junction with East Suffolk Park. A pre-school nursery occupies the ground and the first floor to the front of the building. The building to the rear is also occupied by four flatted residential units on the ground, first and attic floors.

The surrounding area is principally a Victorian residential suburb, but with purpose-built student residences and buildings with educational uses dating from the early years of the twentieth century.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

1 September 2011 - Application granted for a pre-school nursery with part change of use and sub-division of part of the first floor to form two flats with a separate entrance. Flat one to be used by the owners of the nursery, with car parking and ancillary buildings. Erect solar panels on the existing flat roof (Application number 11/01819/FUL).

15 December 2014 - Planning permission was granted to erect four residential units, car parking and associated landscaping (Application number 14/04188/FUL).

16 February 2015 - Conservation area consent was granted to demolish two existing single-storey classroom buildings (Application number 14/04189/CON).

10 December 2015 - Planning permission was granted for the conversion of attic space to one self contained flat with external works and landscaping (Application number 15/03246/FUL).

21 September 2016 - Planning permission was granted for part conversion of existing pre-school nursery to ground floor flat (Application number 16/01295/FUL).

29 September 2017 - Planning permission was refused for conversion of pre-school nursery to 6 dwellings with car parking, bin store and landscaping (application number 17/03472/FUL). This application was refused on the grounds of failure to comply with policies Hou 3, Hou 4, Hou 5 and Tra 3 of the LDP. No appeal was submitted.

12 March 2018 - Planning permission was refused for the conversion of pre-school nursery to 6 dwellings with new vehicle access, car parking and bin store (Application number 17/04787/FUL). This application was refused on grounds of failure to comply with policies Env 12, Hou 3, Hou 4, Hou 5 and Tra 4 of the LDP. An appeal in relation to this decision was submitted and dismissed.

3 July 2018 - Decision issued not to make a Tree Preservation Order and to allow the removal of a Birch and Leyandii tree (Application number 18/03063/TCO).

27 July 2018 - DPEA appeal against application number 17/04787/FUL dismissed for the conversion of pre-school nursery to 6 dwellings with new vehicle access, car parking and bin store (DPEA reference number PAA-230-2225).

Main report

3.1 Description Of The Proposal

Proposal

The application is for a change of use of the existing pre-school nursery to form six new flatted units with car parking, bin stores and landscaping. The details of the proposal are as follows:

Ground Floor

- Flat 1 - 2 bed unit with a footprint of 81.2 sqm
- Flat 2 - 2 bed unit with a footprint of 98.9 sqm
- Flat 3 - 3 bed unit with a footprint of 92.5 sqm

First Floor

- Flat 5 - 1 bed unit with a footprint of 70.47 sqm
- Flat 6 - 2 bed unit with a footprint of 82.4 sqm
- Flat 7 - 3 bed unit with a footprint of 84 sqm

Cycle parking is to be located within the building on the ground and lower basement with a provision for 19 cycle spaces.

Three new car parking spaces are to be provided within the site to the east, bringing the total number of off-street car parking spaces to 13.

The bin stores are to be located beside the ramp on the east side of the building and on an existing area of car parking space. The bin store will be enclosed with a 1.8 metres high vertical timber fence.

The existing synthetic lawn to the front of the building is to be removed and reinstated with grass.

External alterations to the building includes the insertion of two new window openings on the south elevation of the building to match the existing and the re-positioning of one window on the west elevation.

Scheme Four

The original drawings have been revised to address issues relating to the location of the proposed cycle and bin stores. The creation of new car parking spaces has reduced from 4 to 3 spaces in order to accommodate the location of the new bin store. Internal cycle parking has increased from 17 to 19 spaces.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposed use is appropriate in the location;
- b) the proposals will detract from the character or appearance of the conservation area;
- c) the proposal will impact on neighbouring amenity;
- d) the proposals address issues of road safety;
- e) any other material considerations; and
- f) any matters raised in representations have been addressed.

a) Principle

Policy Hou 5 of the Edinburgh Local Development Plan (LDP) states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing, provided that a satisfactory residential environment can be achieved. Housing would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking standards are met; and the change of use is acceptable having regards to other policies in the plan. This is addressed in each turn below.

Residential Amenity

The proposed mix of units exceeds the minimum internal floorspace specified in the Edinburgh Design Guidance and will provide a satisfactory living amenity space. The floor space will have a range of 70.47 sqm to 98.9 sqm with a mix of 1, 2 and 3 bed units. The front of the property benefits from large windows and future occupiers of each habitable rooms will receive adequate levels of daylight.

Nearby uses

The surrounding area is predominantly residential, with partially constructed new build housing within the site and with other parts of the building being converted to residential uses. The introduction of six new dwelling units will bring the total within the existing standalone building to ten units. Therefore, housing in this location is compatible with nearby uses.

Housing Density

The proposed alterations to form six new flats on this site would bring the total number of units, within the former wider site, to fourteen (four of these are outwith the current red line boundary). This would bring the total density of the site to 70 dwellings/hectare. Whilst Committee considered the previous proposals were contrary to Policy Hou 4 on grounds of inappropriate density, the Reporter was of the view that this did not take account of flatted conversions. Despite the immediate area being laid out at a relatively low density, the Reporter draws attention to the Craigmillar Park Conservation Area Character Appraisal which states that "*many of the buildings have been subdivided into flats because of the original houses were very large.*" Therefore, it would be difficult to accurately assess whether a residential density of 70 dwellings per hectare would be 'appropriate' in comparison to the existing density in the area when flat conversions in the area have not been expressly quantified. In other words, there is no empirical evidence to compare the 70 dwellings per hectare against in this area.

The non-statutory 'Edinburgh Design Guidance' (EDG) advises that the density of new developments should respect the scale, form and grain of historic environments. In addition, high density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network (within 500m of the development).

Policy Hou 4 also encourages higher densities within the City Centre and other areas where a good level of public transport accessibility exists. Craigmillar Park is a major bus corridor and East Suffolk Road is within an area of good public transport accessibility. There would be no significant changes to the external appearance of the building as a result of its conversion and the formation of six flats would have a negligible impact on the character of the area. In these circumstances, policy Hou 4 is complied with.

Open Space

Policy Hou 3 Private Green Space in Housing Development of the LDP states that planning permission will be granted for development which makes adequate provision for green space for future occupiers.

The submitted plans show proposed areas of private garden ground for the ground floor flats and an area of shared garden space to the front. On the basis of the drawings submitted, the application meets the requirement of Hou 3 of the LDP in terms of providing 10 sqm of open space per flat. However, the usability of the north facing garden which makes up the bulk of the open space is questionable.

Whilst the previous scheme was refused on grounds that proposed open space would prejudice the implementation of other consents on the site and was of low amenity value in terms of its usability (north facing and not screened from traffic), the Reporter was of the view that the proposal would provide sufficient outdoor living space to reasonably meet the needs of all of the occupants on the site. In these circumstances, the planning history of the site and the Reporter's view is a relevant material consideration and an exception to policy Hou 3 is therefore justified.

Car and Cycle parking

Policies Tra 2 - Tra 4 of the LDP sets out the requirement for private car and cycle parking.

The site is well served by public transport where Craigmillar Park is a major bus corridor and is within an area of good transport accessibility.

The number of off-street car parking spaces within the site to the east have increased over the years through previous consents. There are currently 10 approved car parking spaces for the approved eight units within the red and blue boundary line. The proposed six new units will see an introduction of three new car parking spaces, bringing the total number of off-street car parking spaces on the wider site to 13 for the 14 units. Therefore, parking provision on this site complies with the maximum parking levels as set out in the Edinburgh Design Guidance and is acceptable.

Although the total number of off-street car parking will exceed 10 spaces, the current proposal is only for three new car parking spaces in connection to the proposed six units. Therefore, provision for electric vehicles cannot be sought as part of this application. However, an informative has been added to encourage provision of electric vehicle charging points.

The site currently has provision for one disabled parking bay. There is no requirement to provide additional disabled parking bays as a result of the proposal.

Provision continues to be made for cycle parking within the development in compliance with standards but this would require access via a number of doors on the ground floor. Whilst the Committee considered previous proposals were contrary to policy Tra 4 on grounds that the location of the cycle store would inhibit usability, the Reporter was of the view that provision could be made for conveniently located, secure cycle parking within the site boundary. However, the drawings as submitted were amended on four occasions to explore all alternative options to re-locate the cycle stores. Given the piece-meal approach to developing this site over the years, there is limited scope to provide adequate cycle stores in a more convenient and secure location without effectively compromising the layout of previous consents and, without the visibility of the cycle stores impacting on the character and appearance of the conservation area. Whilst the proposed cycle parking does not comply with Tra 4, the planning history and the requirement in recent years to provide more cycle parking are relevant material considerations. In these circumstances, failure to provide cycle parking in accordance with Council guidance can be justified.

The proposal broadly complies with policy Hou 5 of the LDP. An exception to policy Hou 3 and Tra 4 is justified.

Loss of Employment Use

The loss of the existing business premises complies with policy Emp 9 Employment Sites and Premises of the LDP as the conversion to residential would not prejudice the activities of any nearby employment uses.

b) Conservation Area

Policy Env 6 Conservation Areas- Development of the LDP states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the Craigmillar Park Conservation Area. The character appraisal emphasises the following:

The predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use. The architectural character is generally uniform, with buildings of two and three storey. The front gardens are enclosed with low walls, railings and hedges.

The alterations that would affect the character of the property in the conservation area to the greatest extent are the location of the new bin stores and the increase in the numbers of off-street parking from 10 to 13 spaces. There are limited alterations to the proposed external appearance of the existing building.

The location of the bin stores was amended to address concerns raised by Transport and Waste. The bin stores will be located to the side of the building on an existing area of car parking and it will be enclosed by a 1.8 metre high vertical timber fence. As this is a corner site, the location of the bin stores will be highly visible from public view. However, given the piecemeal approach to developing the site over the years, there is limited scope to re-locate the bin stores without compromising the convenient access arrangement for waste collection.

In terms of the appearance of the conservation area, the bin store will be an incongruous addition to the streetscape. However, the area is currently open parking so the overall impact of an enclosed bin store has to be balanced with the visual qualities of the immediate streetscape. On balance, the overall impact on the appearance of the conservation area will be broadly acceptable although it does not comply with policy Env 6. This also applies to the character of the conservation area as publicly visible bin stores are not part of the historic character of the area. Although the proposed bin stores do not comply with policy Env 6 of the LDP, the planning history of the site is a relevant material consideration. In these circumstances, failure to provide bin stores in a less intrusive location is justified.

Concerns were raised over the discrepancies in the floor plans as a result of removing the existing staircase to facilitate Unit 7. An amended drawing has clarified that the large window on the west elevation of the building will remain as existing with the floor level stepped down adjacent to the window. A small window on the same elevation will be infilled and relocated to serve the new bathroom. Therefore, the new floor level will not cut across the existing large stairwell window and it will not impact on the appearance of the property. A condition is required to ensure that the newly relocated window is replaced in timber to match the existing. This is to safeguard the character of the building and surrounding conservation area.

Although the introduction of three new car parking spaces within the site will reduce the amount of landscaping within the site, it will not further harm the visual amenity of the surrounding conservation character and appearance.

An exception to policy Env 6 of the LDP is justified.

c) Impact on neighbouring amenity

The proposals will not have a significant adverse impact on neighbouring residential amenity, through loss of privacy, daylight or sunlight.

d) Impact on Traffic and Road Safety

The application does not propose the formation of a new access road.

The proposed new parking spaces are shown approximately 5 metres deep by 2.5 metres wide. The size of the bays are of sufficient size to accommodate larger family cars and is an improvement in comparison to the previous refused scheme.

Transport has not raised concerns on road safety grounds as a result of the proposal. Policy Tra 2 is complied with.

e) Other Material Considerations

Flooding issues

A Surface Water Management Plan was submitted. The proposal will not increase flood risk or be at risk of flooding itself. The proposal complies with Policy Env 21 of the LDP.

Developer contributions

As the current application is for only six dwellings, no developer contributions are applicable as this does not meet this minimum threshold. The site will not provide any affordable housing provision. Whilst the wider site has had approval for 14 dwellings over 5 years, there is no legal basis to apply policy Hou 6 retrospectively to approved developments and seek affordable housing.

Waste

The proposal makes adequate provision for waste facilities within the site.

Impact on Trees

With regards to the removal of a birch and leyandii tree within the site, the Council issued a decision not to make a Tree Preservation Order and to allow its removal. Therefore, it will not be possible to retain these trees as part of this application or to request replacement planting to offset its loss to amenity.

f) Representations

Material Representations - Objection:

- Inappropriate housing density and mix - fails to address concerns of the DPEA Reporter in dismissing appeal against refusal by the City of Edinburgh Council - Addressed in Section 3.3 (a and b).
- Discrepancies in proposed floor levels in relation to No. Flat 7 - Addressed in Section 3.3 (b).
- Visual impact of No.14 car parking spaces to the east of the site on the character and appearance of the conservation area - Addressed in Section 3.3 (b).
- Limited landscaping and removal of trees - Addressed in Section 3.3 (e).

Material Representations - Support:

- No external change to the building and will not impact on the character or appearance of the conservation area - Addressed in Section 3.3 (b).
- Will offer a mix of good quality developments - Addressed in Section 3.3 (a).
- Adequate open space provision - Addressed in Section 3.3 (a).
- Housing in this location is compatible with nearby uses - Addressed in Section 3.3 (a).
- Ample cycle storage will be provided - Addressed in Section 3.3 (a).
- Car space for each flat - Addressed in Section 3.3 (a).

- The proposal complies with policy Hou 2, Hou 3, Hou 4, Hou 5 and Tra 3 of the Edinburgh Local Development Plan - Addressed in Section 3.3 (a-e).
- The design of the proposal meets the relevant policies - Addressed in Section 3.3 (a) and (b).
- Will not impact on neighbouring amenity - Addressed in Section 3.3 (c).
- Future occupiers will have acceptable levels of amenity - Addressed in Section 3.3 (a).

Non Material Representations - Support:

- Shortage of housing in Edinburgh;
- Shortage of affordable housing;
- Street is already busy and proposal will reduce traffic compared to nursery use;
- Empty derelict building will be detrimental to area;
- The site is derelict and overgrown;
- No loss of boundary wall; and
- Will benefit local community.

Community Council

The Grange/Prestonfield Community Council did not request to be a statutory consultee but it objected on the following grounds:

- Housing density and mix - creation of six units is excessive in number and better environment and living condition for future occupiers would be created by fewer apartments.
- Flat 7 - discrepancies in the floor levels in the proposed floor plan for Flat 7 as a result of removing the staircase. The new floor level would be visible externally across the existing large stairwell window on the west elevation.
- Visual impact of the proposed 14 car parking spaces on the character of the conservation area.
- Limited landscaping as a result of the 14 car parking spaces.
- The existing extensive area of paving on the east side of the site is not in accordance with the site layout in 16/01295/FUL approved on 21 September 2016.
- Change in bin and cycle store storage arrangements will reduce shared garden space on the southeast corner of the site and the private garden areas of Flat 4 and Units 1 & 2 of the separate building on the site.
- Reference to the Reporter's Decision of 27 July 2018.
- Loss of birch tree.

Conclusion

Whilst the proposal broadly complies with the policies in the Edinburgh Local Development Plan there are policy infringements in relation to the lack of quality open space and the location of the bin and cycle stores. However, the proposal is one of a succession of recent applications for the site, which has resulted in a piecemeal approach to the development of housing on the site with limited scope for improvements. Therefore, the current constraints and recent appeal decisions are relevant material considerations which, on balance, outweigh these infringements. The proposal will not have a negative impact on the character and appearance of the conservation area in terms of the bin store but on balance this is insufficient reason for refusal. The proposal will not adversely affect neighbouring amenity and future occupiers will have satisfactory levels of amenity. Adequate car and cycle parking will be provided for all occupiers within the site. It is recommended that the application be granted.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Notwithstanding the approved drawings, the newly re-located window on the west elevation of the building (Drawing No.10 B) shall be timber to match the existing windows on the building and the existing window opening shall be infilled with stonework to match the existing on the building.
2. Notwithstanding the approved drawings, details of the surface treatment for the proposed car parking shall be submitted to and approved in writing by the Planning Authority.
3. Notwithstanding the approved drawings, the cycle parking within the development site shall be of 'Sheffield types' as specified in the Edinburgh Design Guidance.

Reasons:-

1. In order to safeguard the character of the building and the surrounding character and appearance of the conservation area.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To ensure that suitable cycle stands are provided within 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. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
5. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted).
6. 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.
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 30 November 2018 and 131 letters of representations were received: 129 supporting and 2 objecting. These included comments from Grange/Prestonfield Community Council and Craigmillar Park Association. A signed petition with 52 signatories in support was also received.

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

Background reading/external references

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

Statutory Development

Plan Provision

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

Date registered

7 November 2018

Drawing numbers/Scheme

01-06, 07D, 08B, 09A, 10B,11 and 14.,

Scheme 4

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Appendix 1

Application for Planning Permission 18/09696/FUL At Former St Margaret's School, 4 East Suffolk Road, Edinburgh Conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping.

Consultations

Flooding Prevention

This is fine to be determined with no further comments from Flood Prevention.

Waste

I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation and therefore cognisance must be taken of my comments below in relation to operational viability. Should these drawings substantially change, please let me know.

I am assuming that the bin lorry is expected to remain on the public highway and that the bins will be pulled out from the bin store. A dropped kerb will be required.

For high density properties such as these flats, we recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The number of bins required is calculated on the number of properties using each bin store, and have been calculated as per design and access statement. However, it should be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

For the 6 flats suggested, the bins required under the current service is 1 x domestic waste, 2 x mixed recycling, 1 x glass and 1 x food.

Additionally, it is important to consider the British standards BS5906:2005, which states that an occupier should not be required to carry waste a distance of more than 30m from their door. It would be strongly recommended that they be provided with an additional bin store within reasonable distance of these flats.

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

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Although there are no details of any commercial aspect, for completeness, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

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

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. The access to the bin stores requires the bin lorry waiting on a busy road, in a bus lane, close to the junction, which is less than ideal as it could increase the risk of accidents.

Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Transport

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

1. Transport Scotland's document Cycling By Design sets out a number of criteria which cycle parking proposals are expected to meet:

•Convenient

- Visible
- Accessible
- Convenient and easy to use

The proposed cycle parking locations require access via a number of doors and step and is not therefore not considered acceptable. The applicant should be required to revise the cycle parking provision to meet the above requirements;

2. The proposed bin location adjacent to East Suffolk Park is likely to lead to conflict with parked vehicles, including those in the disabled parking space. The proposed location should be revised.

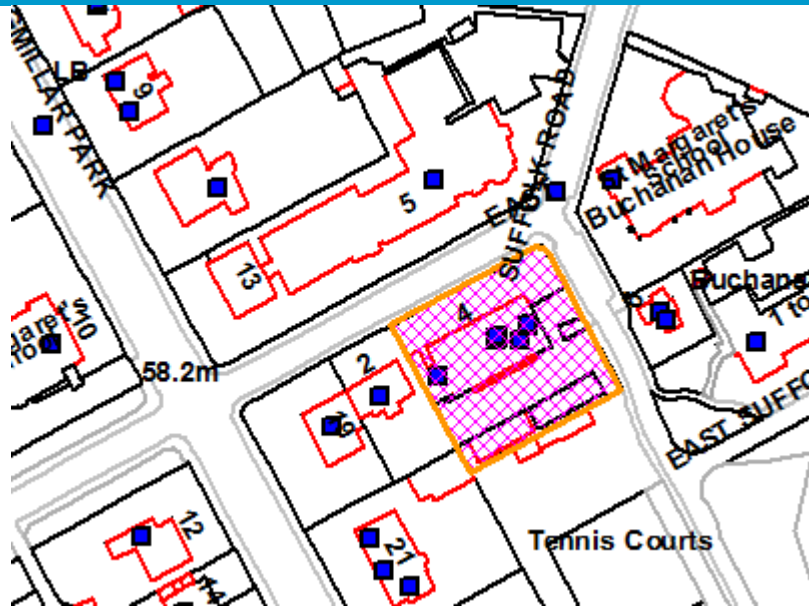
Should you be minded to grant the application, the following should be included as conditions or informatives as appropriate:

- 1. Cycle parking to be provided in a secure and convenient location;*
- 2. Bin provision to be located so as not to interfere with the safe and convenient use of the disabled and other parking spaces;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;*
- 4. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted);*
- 5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

It is understood that the proposed development of 6 units will result in 14 off-street car parking spaces being provided for 14 units. A total of 14 cycle parking spaces are being provided in secure and undercover locations for the total development.

Location Plan



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

Development Management Sub Committee

Wednesday 20 February 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	8.1
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.

Outcome of previous Committee

This application was previously considered by Committee on 23 January 2019.

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.

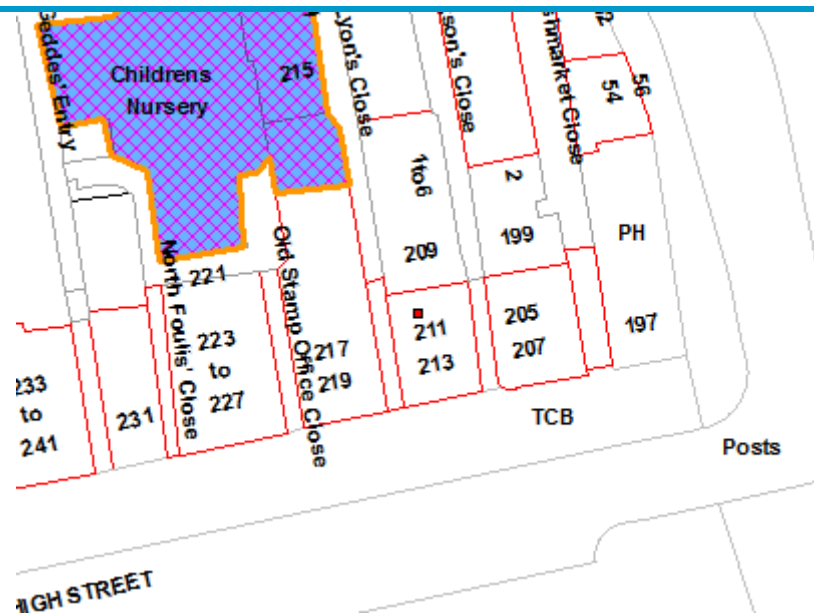
3. Café Activities - we will look for the café to have a restricted class 3 condition limiting operations to reheating with specified equipment (e.g. microwave). Café operational noise (kitchen noise, commercial noise, raised voices, and including music should they plan to have any internally etc.) should 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