

# Notice of meeting and agenda

## Development Management Sub-Committee of the Planning Committee

**10:00am, Wednesday 5 June 2019**

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

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

### Contacts:

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## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 3 June 2019** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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

## 3. Minutes

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- 3.1 None.

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

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

- 4.1 85 Craigs Road, Edinburgh (At Land 195 Metres South Of West Craigs Cottage) – Residential development with associated transport infrastructure, landscaping and open space (scheme 2) – application no 16/05681/PPP – report by the Chief Planning Officer (circulated)

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

- 4.2 54 Dublin Street, Edinburgh, EH3 6NP – Change of Use from commercial to residential (as amended) – application no 19/00476/FUL – report by the Chief Planning Officer (circulated)

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

- 4.3 49 Eastfield Road, Edinburgh – Double Sided LED Display – application no 19/00975/ADV – report by the Chief Planning Officer (circulated)

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

## **5. Returning Applications**

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

- 5.1 None.

## **6. Applications for Hearing**

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

- 6.1 None.

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

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

- 7.1 8 Morningside Road, Edinburgh, EH10 4DD – Proposing the following amendments: the female bathroom layout in the basement, bar and waiter station layout on ground floor, bar layout on first floor, female bathroom layout and new managers office with roof light on the second floor – application no 19/01437/LBC – report by the Chief Planning Officer (circulated)

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

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

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

- 8.1 3F2, 17 Bruntsfield Gardens, Edinburgh – Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended) – application no 19/00792/FUL – report by the Chief Planning Officer (circulated)

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

## **Laurence Rockey**

Head of Strategy and Communications

### **Committee Members**

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

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

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

### **Further information**

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

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

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

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

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

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

### **Webcasting of Council Meetings**

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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.

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# Development Management Sub Committee

Report returning to Committee - Wednesday 5 June 2019

## **Application for Planning Permission in Principle 16/05681/PPP At Land 195 Metres South Of West Craigs Cottage 85, Craigs Road, Edinburgh Residential development with associated transport infrastructure, landscaping and open space (scheme 2)**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	A03 - Drum Brae/Gyle (Pre May 2017)

### **Recommendations**

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

### **Background information**

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At its meeting on 6 June 2018 the Development Management Sub Committee considered the application for the development of land at 85 Craigs Road (part of LDP allocated site HSG 19) for residential use with associated transport infrastructure and open space. The Committee agreed to grant planning permission subject to the conclusion of a Section 75 Agreement to secure the necessary financial contributions and affordable housing commitments.

This additional report sets out a proposed revision to the Heads of Terms of the proposed Section 75 Agreement.

### **Main report**

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The application site (12.6 hectares) forms the north eastern extents of Housing Proposal HSG19 as defined in the Edinburgh Local Development Plan (LDP).

The preparation of the Section 75 Agreement and the delivery of infrastructure on this site is linked to the wider development of the HSG 19 site as identified within the LDP. A separate application for the wider HSG19 site is currently under consideration (application 16/04738/PPP, appeal reference PPA-230-2207) by the DPEA, this also forming the majority of the allocated site. The Reporters have issued a Notice of Intention to grant planning permission subject to the conclusion of an appropriate legal agreement to secure the necessary infrastructure requirements.

The Notice of Intention issued by the Reporters is material to the progression of the Section 75 agreement on this application. As a result of this notice there is a requirement to alter the provisions of the Section 75 in terms of Education and Healthcare.

### Education

It is proposed to alter the education figures in line with the published figures within the Supplementary Guidance for Developer Contributions for West Edinburgh. This would also bring the figures in line with the remainder of the site.

	Flat Existing	House Proposed	Existing	Proposed
Infrastructure	£3,480	£3,216	£17,783	£16,186
Land	£760	£476	£3,930	£2,042
Total	£4,240	£3,692	£21,713	£18,228

The requirement for education contributions would still meet the requirements of the five tests outlined in Circular 3/2012.

### Healthcare

The existing Heads of Terms requires a contribution of £1,050 per residential unit towards healthcare. In respect of the appeal site (application 16/04738/PPP, appeal reference PPA-230-2207) the Reporters considered the requirements for healthcare as part of the appeal and the summary on this matter is provided below:

*114. We are satisfied that the proposal would create a direct need for healthcare facilities. However, there is no evidence as to whether the contribution is fair and reasonable in scale and kind to the proposal. In particular, there is no evidence to support the extent or boundaries of the contribution zones or whether these relate to practice boundaries. There is no evidence before us to justify the anticipated costs. These seem to be indicative at this stage particularly given that further options are still being explored which could result in changes to the boundaries and/or the proposed solution.*

*115. There is no evidence to justify the assumption of 8,000 new patients; and it is unclear the proportion of funding which is being sought from developers given that the guidance suggests that there may be some funding from the H&SC Partnership. All these points confirm our view that a fair and reasonable relationship in scale and kind between the required contribution and the proposal has not been established. The obligation would therefore fail one of the tests set out in circular 3/2012 and accordingly the requirement for a healthcare contribution should form no part of the section 75 obligation in this case.*

The Reporters have indicated through the Notice of Intention (appeal reference PPA-230-2207) that the provision of healthcare contributions for the HSG 19 site have not been justified. It is therefore proposed to remove the requirement for the healthcare provision contribution, in order to ensure that requirements for developer contributions are applied in an equitable and consistent manner with the remainder of the HSG19 allocated site.

In summary, it is recommended that the Heads of Terms are amended to adjust the education contributions and remove the requirement for healthcare actions as outlined above.

## Links

### **Policies and guidance for this application**

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES09, LEN07, LEN08, LEN09, LEN10, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA08, LTRA09, NSGD02, SGDC,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OGU8SBEWFP200>

Or Council Papers online

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Planning Permission 19/00476/FUL  
At 54 Dublin Street, Edinburgh, EH3 6NP  
Change of Use from commercial to residential (as amended).**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The application complies with the development plan and the relevant non-statutory guidelines. The proposal is acceptable in this location. It will not have a detrimental impact on the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion and approval is recommended.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES05, LHOU05, LEN01, LEN04, LEN06, LTRA02, LTRA03, NSG, NSLBCA, HEPS, OTH, CRPNEW,
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# Report

## **Application for Planning Permission 19/00476/FUL At 54 Dublin Street, Edinburgh, EH3 6NP Change of Use from commercial to residential (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the west side of Dublin Street. The property is over the ground and basement floors and was previously in use for commercial purposes. The neighbouring property is in use as a hairdressing salon and residential properties lie adjacent and above the property.

The property is listed Category B on 18/08/1964, LB reference 28695.

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

#### **2.2 Site History**

September 2007 - Planning permission granted for a change of use from florist to physiotherapy + sports injury practice (application number 07/02886/FUL).

March 2019 - Listed building consent pending consideration for internal alterations (application number 19/01232/LBC).

### **Main report**

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

The application is for a change of use from commercial use to residential. The accommodation will have a floor area of 70 square metres and will comprise a sitting/dining area, shower room and bedroom at the ground floor and kitchen/dining area, utility and shower room at the basement level. The only external alteration is for the formation of a new cast iron light well to the front of the property.

#### Scheme 1

The existing stone staircase is to be retained and floored over.

### **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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 proposed use is acceptable;
- b) the proposal will preserve or enhance the character or appearance of the conservation area and Edinburgh World Heritage Site;
- c) the proposals preserve the character of the listed building;
- d) the proposal will result in acceptable living conditions for future occupiers;
- e) the proposal is acceptable in terms of transport considerations;
- f) any impacts on equalities or human rights are acceptable; and
- g) any comments raised have been addressed.

a) Proposed Use

The application site is located in the urban area where Local Development Plan (LDP) Policy Hou 5 supports proposed conversion to residential use provided housing would be compatible with nearby uses. The unit is not in retail use and is not in a protected shopping frontage. The adjacent uses are a mixture of commercial and residential and this proposal is compatible with these uses and is acceptable in principle.

The proposal accords with LDP Policy Hou 5.

b) Character and Appearance of the Conservation Area and Edinburgh World Heritage Site

The New Town Conservation Area Character Appraisal states that, *there is extensive retention of original historic street surfaces, particularly roads surfaced in whin or granite setts and some high quality stone paving, which should be used as guiding references in new works.*

The proposed light well is of a traditional design and size and similar to those found in other parts of the New Town. There will be no adverse impacts on the character and appearance of this part of the New Town Conservation Area or the Edinburgh World Heritage Site.

The proposal complies with LDP policies Env 1 (World Heritage Site) and Env 6 (Conservation Areas - Development), and the Council's guidance on Listed Buildings and Conservation Areas.

c) Character of Listed Building

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including 'Managing Change' under policies HEP2, HEP3 and HEP4.

Policy Env 3 in the Edinburgh Local Plan (LDP) states that development affecting the setting of a listed building should not be detrimental to the architectural character or appearance of the building or its setting.

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

The existing shopfront is of a traditional character which is to be retained and unaltered. The proposal involves forming a light well to the front of the property which will be constructed in cast iron. This alteration will have a neutral impact on the building and will not detract from the character or appearance of the listed building or its setting.

The internal alterations are assessed in the associated application for listed building consent (application reference 19/01232/LBC).

The proposal complies with policy Env 3 and Env 4 and also complies with the principles in HES guidance notes.

#### d) Amenity

Edinburgh's Design Guidance states that a one bedroom dwelling should have an internal floorspace of 52 square metres. The internal floor area will be 70 square metres which complies with the guidance.

The proposal will be located adjacent to an existing hairdresser (Class 1 use). Residential properties are currently located directly above the retail unit and the amenity of the proposed adjacent residential use will not be adversely affected given the mixture of uses that exist within the area.

The unit will provide accommodation over two floors. At the ground floor level the unit is dual aspect and the accommodation provided includes the sitting/dining area, shower room and bedroom to the rear. At the basement level, a kitchen and shower room will be provided with daylighting provided from the lightwell. There will be reduced daylighting to the basement level but given this is not a main living area and forms part of a larger unit at the ground floor level this will provide an adequate level of amenity.

A residential use is compatible in this location and will not result in adverse impact on neighbouring amenity. The application proposes a satisfactory standard of living environment for future occupiers with no adverse impact on amenity and complies with LDP policy Des 5 and Hou 5.

#### e) Transport

Although no parking is available, this is a city centre location which is highly accessible by public transport. The unit is of an adequate size to store a cycle within these premises.

Transport has raised no objections.

The proposal accords with LDP policy Tra 2, private car parking and Tra 3, private cycle parking.

#### f) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impact was identified.

#### g) Public Comments

The material objections raised were:

- residential is not appropriate for the area - this is addressed in section 3.3 a).
- there is a shortage of shops - this is addressed in section 3.3 a).

- negative impact on the New Town Conservation Area - this is addressed in section 3.3 b).
- lack of daylighting to the property - this is addressed in section 3.3 d).

### Non-Material Representations

- Internal alterations proposed - not relevant to this planning application. These issues will be dealt with under the listed building consent for the application.
- ownership and title - this is a legal issue and is not subject to any planning control.

### Conclusion

The application complies with the development plan and the relevant non-statutory guidelines. The proposal is acceptable in this location. It will not have a detrimental impact on the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion and approval is recommended.

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

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

#### **Conditions:-**

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

### **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application was advertised on the 22 February 2019. A total of ten letters of representation has been received. A full assessment of the representations can be found in the main report in the Assessment Section.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan - The site is designated as a World Heritage Site and Urban Area.

### **Date registered**

4 February 2019

### **Drawing numbers/Scheme**

01,02,03A-04A,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

LDP Policy 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.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

### **Other Relevant policy guidance**

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

# Appendix 1

## Application for Planning Permission 19/00476/FUL At 54 Dublin Street, Edinburgh, EH3 6NP Change of Use from commercial to residential (as amended).

### Consultations

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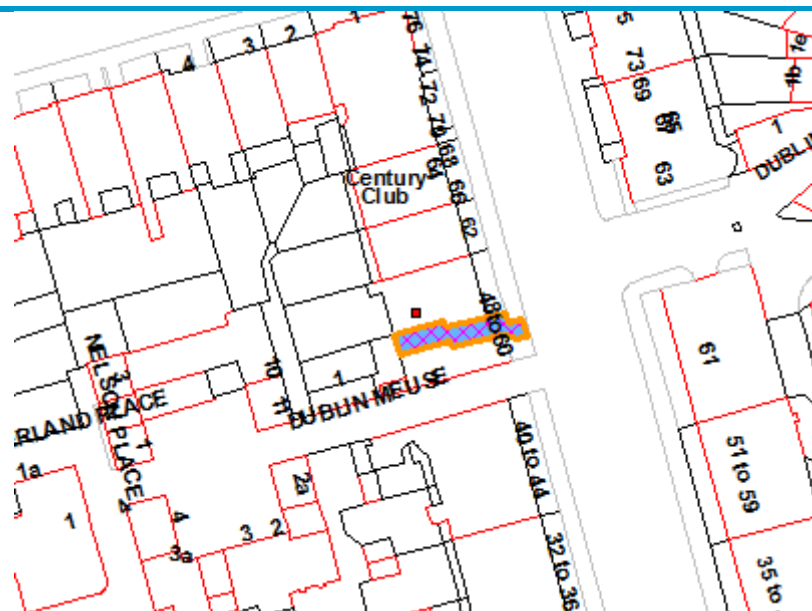
#### Roads Authority

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

1. *Any works affecting the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits  
[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)*

### Location Plan

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**END**

# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Advert Consent 19/00975/ADV  
At 49 Eastfield Road, Edinburgh,  
Double Sided LED Display.**

<b>Item number</b>	4.3
<b>Report number</b>	
<b>Wards</b>	B01 - Almond

## Summary

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The proposed structure is unacceptable in this location due to its scale and it will have a detrimental impact on the existing landscaped backdrop. The proposal therefore does not comply with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#) NSG, NSADSP,

# Report

## **Application for Advert Consent 19/00975/ADV At 49 Eastfield Road, Edinburgh, Double Sided LED Display.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located behind the grass verge on the west side of Eastfield Road, north of the roundabout at the entrance to Edinburgh Airport. The signalised junction at the entrance to Ingliston Park and Ride car park lies on the opposite side of the road from the site. The proposed site of the hoarding is within a landscaped area, containing trees and shrubs, which bounds the airport car parking facilities.

#### **2.2 Site History**

4 March 2005 - Application refused for advertisement consent to install a 6.3 metre high, double sided, illuminated pole sign on the west side of Eastfield Road, to the north of the existing application site (application number: 04/04488/ADV).

A number of other applications for signage have been submitted within the grounds of Edinburgh Airport, some of which have been withdrawn pre-determination.

### **Main report**

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

The proposal is for a double sided, LED digital displayed, advertisement hoarding. The proposed hoarding, together with its perimeter frame is 6.6 metres wide, 4.6 metres high and 0.7 metres in depth. It is to be mounted on a 3 metre high, 'V' shaped, steel structure. The total height of the signage and its mounting structure is 7.6 metres. (It is noted that the dimensions given in the supporting road safety report do not match those specified on the proposed plans).

The road safety report submitted by the agent proposes that the sign illumination output will not exceed 300cd/m between dusk and dawn and will show only static images.

#### Supporting Statement

- Road Safety Report

This document is available to view on the Planning and Building Standards Online Services.

### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

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

#### **a) Amenity**

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

The proposed hoarding is located on a part of the roadside where no other large scale digital advertisements are currently present.

The proposed advertisement hoarding is located on a landscaped bund on the roadside, which has been planted to screen views of the large car park to the rear and enhance the views on this approach road to the airport. This sign will require the reduction of the bund at the point of development and necessitate the heavy management of the trees, to prevent the hoarding from being obscured at this bend on the road. These works would potentially impact on the future viability of remaining trees and will reduce the effective and meaningful landscape quality of this element of the streetscape. As a result, the proposals would significantly impact on the area's amenity. This impact would be exacerbated by the sign's significant height, width and bulky framework. With its total height of 7.6 metres, in an area characterised by low rise development and car parking, it will form an incongruous element which will dominate views on this important approach route.

Overall, the proposal would result in significant damage to the existing tree belt, which forms an important landscaped backdrop at this location. Its substantial height and scale will exasperate this impact and have an incongruous and damaging effect on the streetscape to the detriment of the area's amenity.

## **b) Public Safety**

Transport was consulted on the proposal and raised no objections, subject to the requirements agreed Outdoor Media Centre, Voluntary Code for Digital Roadside Advertising (January 2011). However, Transport has further recommended that for this location, the images should not be changed more frequently than once every fifteen seconds, (not every 12 seconds as stated in the supporting information). This recommendation has been made after taking into account local traffic conditions. If the application is approved, an Informative would be required advising of this limitation, which would be regulated under Section 93 of the Roads Scotland Act 1984.

Subject to these provisions, the proposal raises no issues in terms of road safety and would comply with The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Edinburgh Airport Authority was consulted on the proposal and did not object as it does not conflict with the safeguarding criteria from an aerodrome safeguarding perspective.

## **c) Equalities and Human Rights**

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

## **d) Issues raised in Representations**

### **Material Issues:**

- Inappropriate/ prominent location - this issue is addressed in section 3.2 (a).
- Impacts of height and scale - this issue is addressed in section 3.2 (a).
- Impact on existing tree belt - this issue is addressed in section 3.2 (a).
- Concerns regarding road safety - this issue is addressed in section 3.2(b).

## **Conclusion**

The proposed structure is unacceptable in this location due to its scale and it will have a detrimental impact on the existing landscaped backdrop. The proposal therefore does not comply with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

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

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

## **Reasons:-**

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity, owing to its significant height and scale and inappropriate location on this landscaped bund, where it will have a harmful impact on the quality of the existing landscaping and streetscape, and amenity.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

---

### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

---

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

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

## **Consultation and engagement**

---

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

There is no pre-application process history.

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

One letter of objection has been submitted in relation to this application on behalf of a neighbouring commercial landowner (Edinburgh Airport).

## **Background reading/external references**

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)



**Statutory Development  
Plan Provision**

The application site lies within a Special Economic Area, as designated in the adopted Edinburgh Local Development Plan (LDP).

The roadway has been identified under LDP policy Tra 9 for safeguarding or improving, in terms of pedestrian and, or cycle access provision.

**Date registered**

27 February 2019

**Drawing numbers/Scheme**

01,02,03,

Scheme 1

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

Contact: Carla Parkes, Senior Planning Officer  
E-mail: carla.parkes@edinburgh.gov.uk Tel: 0131 529 3925

**Links - Policies**

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**Relevant Policies:**

**Relevant Non-Statutory Guidelines**

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

# Appendix 1

## **Application for Advert Consent 19/00975/ADV At 49 Eastfield Road, Edinburgh, Double Sided LED Display.**

### **Consultations**

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#### **Edinburgh Airport Safety Authority**

*The application has been examined from an airport safety perspective and does not conflict with safeguarding criteria. Therefore there are no objections to this proposal.*

#### **Roads Authority**

*No objections to the application.*

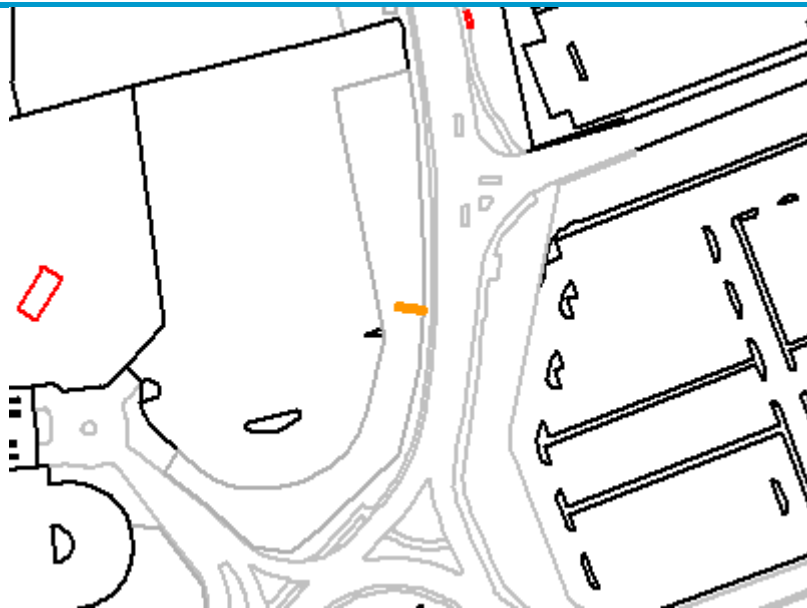
*Advertising signs note:*

- 1. This location has been assessed as low risk;*
- 2. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:
  - a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
  - b) digital roadside billboards / hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
  - c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
  - d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;**With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;**
- 3. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 4. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 5. There should be no message sequencing where a message is spread across more than one screen;*
- 6. Phone numbers, web addresses details etc should be avoided;*
- 7. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

8. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
9. Adverts should not resemble existing traffic signs or provide directional advice;
10. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m<sup>2</sup>
11. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
12. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Listed Building Consent 19/01437/LBC  
At 8 Morningside Road, Edinburgh, EH10 4DD  
Proposing the following amendments: the female bathroom layout in the basement, bar and waiter station layout on ground floor, bar layout on first floor, female bathroom layout and new managers office with roof light on the second floor.**

<b>Item number</b>	7.1
<b>Report number</b>	
<b>Wards</b>	B10 - Morningside

## Summary

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

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LEN04, LEN06, NSG, NSLBCA, OTH, CRPMER, HESROF,
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# Report

**Application for Listed Building Consent 19/01437/LBC  
At 8 Morningside Road, Edinburgh, EH10 4DD  
Proposing the following amendments: the female bathroom layout in the basement, bar and waiter station layout on ground floor, bar layout on first floor, female bathroom layout and new managers office with roof light on the second floor.**

## Recommendations

---

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

## Background

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### 2.1 Site description

The property is a former bank, which was housed within a freestanding building of around 1870, standing on a prominent corner at the junction of Colinton Road and Morningside Road (generally known as "Holy Corner"). Works have recently commenced relating to its change of use to a bar/restaurant (see history). The building was listed category B on 16 October 2002 (reference 48939).

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

### 2.2 Site History

4 September 2018 - Committee approved planning permission and listed building consent for a change of use to bar and restaurant, including a substantial rear extension at ground floor and basement levels (planning application references 18/02343/FUL and 18/02342/LBC).

## Main report

---

### 3.1 Description Of The Proposal

The application represents a variation to a live listed building consent. Procedurally listed building consent cannot be varied under the original application and a new application is required.

The majority of the proposal is unchanged in relation to the previous consent. The internal works largely pertain to bar layout and circulation and do not require additional consent if considered independently. The only new element requiring further formal listed building consent is a new roof-light on the original building, on the roof slope facing Colinton Road (the side elevation to the south-west). This is a proprietary conservation-style roof-light 780 x 1180mm.

Although the scheme itself was not amended, drawings were amended (for the sake of clarity) to exclude other detached elements illustrated in the proposals, as only elements attached to the listed building fabric require consent.

### **3.2 Determining Issues**

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 works impact on the character of the listed building;
- b) the works impact on the character or appearance of the conservation area; and
- c) comments are addressed.

#### **a) Impact on the Listed Building**

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

LDP policy Env 4 considers works which impact on the character of the listed building.

The bulk of the proposal is unchanged in relation to the previous listed building consent. Only the addition of a single roof-light requires further assessment.

The proposed roof-light is traditional in form and design and is minor in both scale and impact. The overall roof profile is unaltered by the additional work. Whilst the roof-light will be visible from Colinton Road, it will have no meaningful impact to the character of the listed building, and is acceptable for this reason.

The character of the listed building is preserved.

#### b) Impact on the Conservation Area

LDP policy Env 6 considers impact on the character and appearance of the conservation area. The Merchiston and Greenhill Conservation Area Character Appraisal illustrates the building, but makes no specific reference to it, despite its prominent location.

Traditional roof-lights are part of the character of the wider conservation area. Although the roof-light will be visible, there is little net impact on the appearance of the conservation area.

The proposal complies with policy requirements.

#### c) Public Comments

##### **Material Representations**

- None

##### **Non-Material Representations**

- Impact on the claimed Right of Way
- Issues relating to pedestrian safety
- Issues relating to erection of umbrellas
- Use of the forecourt

##### **Community Council**

Merchiston Community Council did not request statutory consultee status but objected on the same non-material grounds as above.

#### Conclusion

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

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

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

##### **Conditions:-**

##### **Informatives**

It should be noted that:

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

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application was advertised on 5 April 2019.

Five objections were received, including comment from Merchiston Community Council. These are addressed in section 3.3 c) of the Assessment.

Cllr Main requested a committee presentation.

## **Background reading/external references**

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



- [Scottish Planning Policy](#)

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

The property lies in the Merchiston and Greenhill Conservation Area as shown in the LDP.

**Date registered**

20 March 2019

**Drawing numbers/Scheme**

1,3a,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

**Links - Policies**

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

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

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

**Relevant Non-Statutory Guidelines**

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

## **Other Relevant policy guidance**

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

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

# Appendix 1

**Application for Listed Building Consent 19/01437/LBC  
At 8 Morningside Road, Edinburgh, EH10 4DD  
Proposing the following amendments: the female bathroom layout in the basement, bar and waiter station layout on ground floor, bar layout on first floor, female bathroom layout and new managers office with roof light on the second floor.**

## Consultations

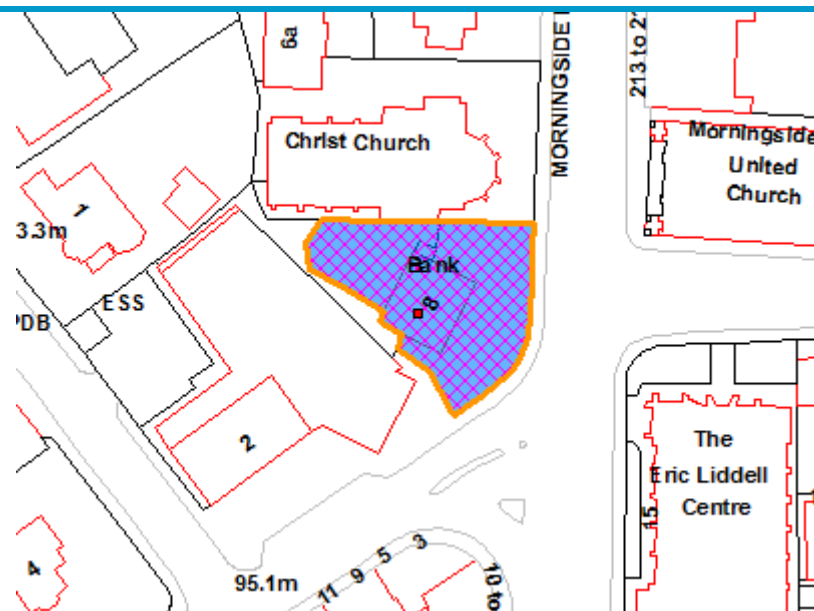
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### Historic Environment Scotland

No comments on the proposals.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 5 June 2019

**Application for Planning Permission 19/00792/FUL  
At 3F2, 17 Bruntsfield Gardens, Edinburgh  
Creation of new flatted dwelling within attic space and alter  
existing third floor flat. Proposed new access from existing  
communal stairwell (as amended).**

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Wards</b>	B10 - Morningside

## Summary

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The proposal complies with the local development plan, with the exception of Policy Tra 3, and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will preserve the character and appearance of the conservation area. It will provide adequate amenity for future occupiers and it will not have an adverse impact on residential amenity or traffic and road safety. The non-compliance with Policy Tra 3 - Private Cycle Parking is justified in this instance. There are no material considerations which outweigh this conclusion.

## Outcome of previous Committee

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This application was previously considered by Committee on 22 May 2019.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, NSLBCA, OTH, CRPMAR, LTRA02, LHOU01, LHOU03, LHOU04, LTRA03, NSG, NSGD02,
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# Report

## **Application for Planning Permission 19/00792/FUL At 3F2, 17 Bruntsfield Gardens, Edinburgh Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended).**

### **Recommendations**

---

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

### **Background**

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#### **2.1 Site description**

The application site relates to the attic space within a tenement building situated on the western side of Bruntsfield Gardens. The surrounding area is residential in character and it is located close to the Morningside/Bruntsfield Town Centre.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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

This is an amended scheme to convert the attic space within the existing tenement to a two bedroom flatted dwelling. A private access to the dwelling will be formed using space from the existing top floor flat.

The proposal includes the following external works:

- two rooflights on the rear elevation; and
- three rooflights on the front elevation.

The proposed rooflights do not materially affect the external appearance of the building and as such do not constitute development under Part 3 Section 26, 2 (a) (ii) of the Town and Country Planning (Scotland) Act 1997. Given the rooflights do not require planning permission, there will be no further assessment of the external works.

## **Scheme 1**

The original proposal included the following external works:

- three rooflights on the rear elevation;
- one rooflights on the front elevation; and
- dormer infill behind the front elevation chimney-stack to the roof ridge.

### **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- (a) the proposal is acceptable in principle;
- (b) the proposal will preserve or enhance the character and appearance of the conservation area;
- (c) the proposal will provide adequate amenity for future occupiers;
- (d) the proposal will be detrimental to the amenity of neighbours;
- (e) the proposal will have any traffic or road safety issues;
- (f) the proposal raises any other matters; and
- (g) any public comments raised have been addressed.

#### **(a) Principle of the Development**

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

Policy Hou 1 of the LDP states that housing development will be permitted on suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

Policy Hou 4 - Density seeks an appropriate density of development having regards to its characteristics and those of the surrounding area. The surrounding area is characterised by tenemental dwellings which has a high density; one additional unit in this context is unlikely to have any significant impact. The proposal is in keeping with the density of the existing surrounding area and it is located close to public transport and active travel routes. The proposal complies with this policy.

The principle of the development is acceptable subject to compliance with other relevant LDP policies.

(b) Impact on the Conservation Area

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The external alterations do not require planning permission. The internal alterations will have no impact on the character or appearance of the Marchmont, Meadows & Bruntsfield Conservation Area. The proposal will preserve the character and appearance of the conservation area and therefore complies with Policy Env 6.

(c) Amenity for Future Occupiers

Policy Hou 4 criterion (b) has regard to proposals creating an attractive residential environment. The Edinburgh Design Guidance sets minimum standards in relation to size, daylighting and open space in order to ensure an acceptable residential environment is achieved.

*Size*

The net internal area for the proposed new two bedroom flat is 73 square metres, leaving the original, now three bedroom property at 88 square metres. The Non-Statutory Edinburgh Design Guidance requires dwellings with two bedrooms to measure 66 square metres and dwellings with three bedrooms to measure 81 square metres. Both flats exceed the minimum space requirements.

*Daylight*

The rooflight openings will provide dual aspect views and will provide adequate levels of daylight and outlook to the proposed flat.



## *Open Space*

Policy Hou 3 of the LDP seeks to make adequate provision for private green space in housing developments, including flatted developments. The site forms part of a traditional, four storey and attic building with a private shared garden to the rear of the tenement; this is considered to be acceptable private amenity space for the proposal. Furthermore, the site is located within 300 metres of Bruntsfield Links. The proposed dwellings will have access to a suitable provision of private and public open space.

Overall, the proposal will provide a satisfactory residential environment for future occupiers and complies with Policy Hou 3 of the LDP and the Edinburgh Design Guidance.

### (d) Impact on Neighbouring Amenity

Policy Hou 4 criterion (b) also has regard to safeguarding living conditions within the development. In essence, proposals which would result in unacceptable damage to residential amenity will not be permitted.

The proposal is for the formation of a new residential unit which is in keeping with the existing character of the area. It is not considered that there will be a significant increase in noise/disturbance to neighbouring properties as a result of this use.

The proposal will not result in an unreasonable loss of neighbouring amenity and complies with the 'Edinburgh Design Guidance'.

### (e) Traffic and Road Safety

Policy Tra 2 (Private Car Parking) supports development where proposed car parking provision complies with but does not exceed the parking levels set out in Council guidelines.

There is no proposed private parking for the development. This complies with the Edinburgh Design Guidance in terms of parking standards; the site is well served by public transport and active travel routes. Overall, the proposal will not result in any traffic or road safety issues. The proposal complies with LDP Policy Tra 2.

There is no proposed private cycle parking. LDP Policy Tra 3 seeks to provide private cycle parking within housing developments. The Edinburgh Design Guidance recognises the difficulty in trying to achieve private cycle parking within tenement buildings. In this context, as the new dwelling will be located within the attic space of the existing tenement, it is acceptable that there is no proposed cycle parking. However, an informative has been added which provides a web link to a fact sheet developed by Spokes in partnership with the Council on the storage of bikes for tenement and flat dwellers. The proposal does not comply with Policy Tra 3. However, an exception is justified in this instance.

(f) Any Other Matters

**Impact on Local Services**

Concerns were raised regarding the existing pressures on local services and the adverse impact further development would cause. The proposal for a two bedroom flatted dwelling will not generate a significant increase in the number of people utilising local services. Therefore, it is considered that the provision of local services will not be adversely affected as a result of the development.

**Waste**

Waste services has been consulted and raise no objection to the proposal. The collection of waste from the development will be the same as the rest of the tenement.

**Neighbour Notification Process**

Concerns have been raised regarding neighbouring properties not being notified of the planning application. The neighbour notification process was checked and confirmed that the process was carried out in accordance with regulations.

(g) Public comments

Material Considerations – Objections

- alterations to the roof are not in keeping with the conservation area - addressed in section 3.3(b) of the assessment;
- impact of parking and traffic - addressed in section 3.3(e) of the assessment;
- inadequate living conditions for future occupiers - addressed in section 3.3(c) of the assessment;
- impact on neighbouring amenity within the tenement - addressed in section 3.3(d) of the assessment;
- impact on local services - addressed in section 3.3(f) of the assessment;
- impact on waste - addressed in section 3.3(f) of the assessment; and
- the neighbour notification process was incorrect - addressed in section 3.3(f) of the assessment.

Material Considerations – Support

- there is a housing shortage and this would contribute one unit. Support was subject to contributions to infrastructure - the site and proposal does not trigger any contributions.

The general comment reiterates the concerns of local residents.

Non-Material Considerations

- impact on privacy as a result of the rooflights - the rooflights do not require planning permission, therefore this concern is considered non-material in this instance;

- concerns over rights of way/ ownership, Title Deeds and maintenance - this is a civil matter;
- disruption from construction - not a planning consideration;
- concerns over future use in the development - not relevant to this planning application;
- if permission is granted it will lead to further applications of a similar nature - not relevant to the planning application;
- impact on listed building - the building is not listed; and
- no details on soundproofing within the development - not relevant to this planning application.

### Conclusion

In conclusion, the proposal complies with the development plan, with the exception of Policy Tra 3, and the relevant non-statutory guidelines. The proposal will preserve the character and appearance of the Conservation Area, and will not prejudice residential amenity or road safety. The departure from Policy Tra 3 in respect of private cycle parking is considered to be acceptable in this instance. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

5. For information on the storage of bikes for tenement and flat dwellers please follow the link <http://www.spokes.org.uk/wp-content/uploads/2010/06/Fact-sheet-v10-231210.pdf>.

## **Financial impact**

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

There are no financial implications to the Council.

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

---

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**

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

There is no pre-application process history.

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

The application received 30 letters of representation; 28 objections, 1 letter of support and 1 general comment. The comments raised will be addressed in the assessment section of the report.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan - Urban Area  
Marchmont, Meadows and Bruntsfield Conservation  
Area.

### **Date registered**

15 February 2019

### **Drawing numbers/Scheme**

01-02,03(a),

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

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

**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 Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 19/00792/FUL At 3F2, 17 Bruntsfield Gardens, Edinburgh Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended).**

### **Consultations**

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#### Roads Authority

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

- 1. The applicant should consider provision of secure and undercover cycle parking for the proposed development;*
- 2. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build).*

#### *Note:*

*The proposed zero parking is acceptable under the Council's parking standards.*

#### Environmental Protection

*I refer to your consultation on the above application. Environmental Protection would offer no comments in respect of this proposal.*

#### Waste

*Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:*

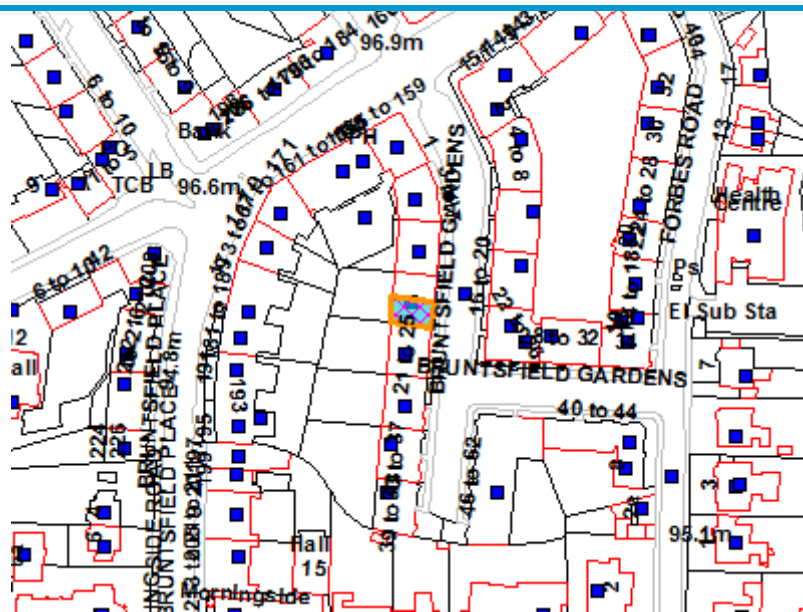
*Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development.*

*It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.*

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly Hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

## Location Plan



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