

Notice of meeting and agenda

Planning Committee

10.00 a.m., Thursday, 5 December 2013

Dean of Guild Courtroom, City Chambers, High Street, Edinburgh

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

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at 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. Deputations

- 3.1 (If any)

4. Minutes

- 4.1 Planning Committee of 3 October and 23 October 2013 (circulated – submitted for approval as correct records).
- 4.2 Development Management Sub-Committee of 25 September, 23 October and 6 November 2013 (circulated – submitted for approval as correct records).
- 4.3 City of Edinburgh Planning Local Review Body of 18 September, 2 and 30 October and 13 November 2013 (for noting) (circulated)

5. Planning Policy

- 5.1 Short Stay Commercial Leisure Apartments – Review of non-statutory guidance - report by the Director of Services for Communities (circulated)
- 5.2 Supplementary Guidance: Tollcross Town Centre - report by the Director of Services for Communities (circulated)
- 5.3 Edinburgh Bioquarter and SE Wedge Parkland – Supplementary Guidance and Masterplan - report by the Director of Services for Communities (circulated)
- 5.4 Planning Guidance – Communications Infrastructure – report by the Director of Services for Communities (circulated)
- 5.5 Planning Guidance – Advertisements Sponsorship and City Dressing - report by the Director of Services for Communities (circulated)

6. Planning Process

- 6.1 Planning and Building Standards Service Plan 2013/14 – 6 months performance update - report by the Director of Services for Communities (circulated)
- 6.2 St James Quarter, Edinburgh – Proposed Compulsory Purchase Order - report by the Director of Services for Communities (circulated)

7. Conservation

- 7.1 Planning Scotland's Seas – consultation by Marine Scotland - report by the Director of Services for Communities (circulated)
- 7.2 Scottish Planning Policy – Further Consultation – Sustainability and Planning - report by the Director of Services for Communities (circulated)

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock Cairns, Child, Dixon, Heslop, McVey, Milligan, Mowat, Robson, Rose and Ross.

Information about the Planning Committee

The Planning Committee consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Planning Committee usually meets every eight weeks. It considers planning policy and projects and other matters but excluding planning applications (which are dealt with by the Development Management Sub-Committee).

The Planning Committee usually meets in the Dean of Guild Court 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

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel 0131 529 4261, e-mail stephen.broughton@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/cpol.

Planning Committee

10.00 am, Thursday, 3 October 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Heslop, McVey, Milligan, Mowat, Robson and Rose.

1. Minutes

Decision

- 1) To approve the minutes of the Planning Committee of 8 August 2013 as a correct record.
- 2) To approve the minutes of the Development Sub-Committees of 31 July, 14 August, 28 August and 11 September 2013 as correct records.
- 3) To note the minutes of the City of Edinburgh Planning Local Review Body of 7 August, 21 August, 4 September 2013.

2. Local Development Plan – Update

The proposed Local Development Plan (LDP) was approved by Committee on 19 March 2013 and the representation stage took place from 1 May – 14 June 2013. Over 2200 individuals and organisations submitted representations to the proposed Local Development Plan.

The Director of Services for Communities advised that eleven submissions had been received shortly after the advertised deadline and not ten as detailed in his report and approval was sought to accept these as formal representations.

An e-mail had been received from Cammo Residents Association commenting on the late representations received.

The proposed LDP and its representations (when made publicly available) would be a material consideration in determining planning applications.

The LDP was required to be consistent with the Strategic Development Plan (SDP) for Edinburgh and South East Scotland. Scottish Ministers when approving the SDP on 27 June 2013 had made a number of modifications which had implications for the content and timescales of the LDP.

Decision

1. To note the summary information on the number and nature of representations submitted to the Proposed LDP.
2. To accept the 11 late submissions outlined in paragraph 2.9 as formal representations.
3. To note that, where relevant, the Proposed LDP and its representations (when made publicly available) were material considerations in determining planning applications.
4. To note that the modifications made by Scottish Ministers in approving the SDP in June 2013 would have implications for the content and timescales of the LDP. The details of these would be covered in a future committee report.

(References – Planning Committee 19 March 2013 (item 1); report by the Director of Services for Communities, submitted)

3. SESplan Annual Report 2012/13

SESplan is the Strategic Development Planning Authority for the Edinburgh city region. It covers the following Council areas - City of Edinburgh, East Lothian, Fife (southern part), Midlothian, Scottish Borders and West Lothian. The Planning etc (Scotland) Act 2006 requires these Councils to work together and prepare and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.

The SESplan Joint Committee was formally established in November 2008. The SESplan constitution requires the Joint Committee to prepare an Annual Report on its work for the Member Authorities.

Details of the SESPlan Annual Report 2012/13 were provided, the Director of Services for Communities advised that since publication of the report, amendments had been made in respect to the proposed meeting with Scottish Ministers which would now be held on 12 November 2013 and changes of the membership details from two of the constituent authorities had been agreed.

Decision

- 1) To note the SESplan Annual Report 2012 -2013 .
- 2) The amended report to be circulated to members.

(Reference – report by the Director of Services for Communities, submitted)

4. Developer Contributions and Affordable Housing – Planning Guidance - draft for consultation

Following the approval of the Proposed Local Development Plan (LDP) in March 2013 the Council's approach to developer contributions and affordable housing has been revised.

Approval was sought of the draft guidance on Developer Contributions and Affordable Housing as detailed in appendix 1 of the report by the Director of Services for Communities for consultation.

Motion

To approve the draft guidance on Developer Contributions and Affordable Housing as detailed in appendix 1 of the report by the Director of Services for Communities for consultation and in the meantime to use it to advise any applicants for sites specified in para 2.17 of the Directors report.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

To approves the draft guidance on Developer Contributions and Affordable Housing as detailed in appendix 1 of the report by the Director of Services for Communitis for consultation.

- moved by Councillor Mowat, seconded by Councillor Rose.

Voting

For the motion	-	9 votes
For amendment	-	3 votes

Decision

To approve the draft guidance on Developer Contributions and Affordable Housing as detailed in appendix 1 of the report by the Director of Services for Communities for consultation and in the meantime to use it to advise any applicants for sites specified in para 2.17 of the Directors report.

(Reference – report by the Director of Services for Communities, submitted)

5. Cycle Storage in Gardens – motion by Councillor Bagshaw

The following motion by Councillor Bagshaw which was approved by the Planning Committee on 16 May 2013:

Committee:

1. recognises the issues which have arisen, and continue to arise, in connection with cycle storage in gardens, particularly in front gardens where households have very limited other storage options;

2. recognises and welcomes the City Council's ambitious targets to encourage increased cycle use, the achievement of which requires existing barriers to cycle use to be addressed;
3. acknowledges that householders seeking storage solutions find it difficult to get a clear steer on what is permitted and how best to provide storage;
4. notes the proposals prepared by SPOKES in its *draft Factsheet on Cycle Storage in Gardens* and its accompanying note on *Steps that the Council should consider* to clarify and seek to resolve these issues; and
5. instructs officers to investigate the proposals put forward by SPOKES, in order to improve clarity for householders, reduce the likelihood of abortive applications and/or enforcement measures, and reduce costs to a proportional level; and to report on measures to support those proposals or alternatives with the same aim.

Details were provided of the work undertaken with SPOKES to produce guidance which provided advice on cycle storage in gardens.

Decision

1. To note the finalised version of the SPOKES factsheet, "Cycle Storage in Gardens and that it would be publicised by the Council;
2. To agree that the use of the factsheet by householders in submitting applications be monitored for a period of six months and that a summary of activity be presented to the Committee;
3. Agree that no further action by the Council was necessary; and
4. To discharge the motion by Councillor Bagshaw.

(Reference – Planning Committee 19 March 2013 (item 8); report by the Director of Services for Communities, submitted)

Declaration of Interests

Councillors Bagshaw and Rose declared non-financial interests in the above item as members of SPOKES.

6. Development Management Sub Committee – Review of Procedures

On 28 February 2013, the Planning Committee considered a report on a review of procedures in relation to the Development Management Sub-Committee. This report reviewed the ward member hearing process, which was introduced on 9 August 2012 and advised the Committee of the views of the Standards Commission in relation to the Councillors' Code of Conduct with reference to planning matters. The Committee agreed the following:

1. To continue the present procedure for ward members requesting a hearing, with a further review of the hearings procedure in 6 months.
2. To note the recent response from the Standards Commission and that they were to look at the procedures currently being applied across authorities in Scotland.
3. To ask the Convener to seek a meeting with the Minister to express the Committee's concerns over the Standards Commission interpretation of the Code of Conduct regarding members' declarations of interest /requirement to leave the room and the limitations on ward councillors in speaking on planning applications.

The Acting Head of Planning and Strategy provided details of the further review of the hearings process, and updated the Committee on the Standard Commission's advice.

Decision

1. To agree the hearings procedures for ward councillors be made permanent.
2. To note the further information on the Standards Commission advice.
3. The Convener to write to the Standards Commissioner and the Minister for Local Government and Planning, to advise that the concerns raised by the Committee previously over the Code of Conduct regarding member's declarations of interest/requirement to leave the room and the limitations on ward councillors speaking on planning applications, were still relevant, and in the Committee's opinion unnecessary, and to request that further consideration be given to reviewing the Code of Conduct .

(Reference – Planning Committee 28 February 2013 (item 4); report by the Director of Services for Communities, submitted)

7. Review of Conservation Area Character Appraisals

Approval was sought for a programme of review of the existing conservation area character appraisals.

Decision

To approve the proposed review programme for conservation area character appraisals.

(Reference – report by the Director of Services for Communities, submitted)

Minutes

Planning Committee

9.00 am, Wednesday 23 October 2013

Present

Councillor Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, Griffiths, McVey, Milligan, Mowat, Robson, Rose and Ross.

A Special Meeting of the Planning Committee had been called to consider the following items –

1. Demographic Changes – Motion by Councillor Mowat

Councillor Mowat had submitted the following notice of motion for consideration by the Planning Committee -

‘Committee notes that demographic changes are one of the greatest pressures facing the Council and asks for a report detailing how the needs of the increasing numbers of the older people can be taken into consideration as part of the planning process, what the impacts for development are and whether there is a need to include the Health and Social Care department of the Council as a statutory consultee, to ensure we are meeting the needs of older people when determining planning applications.’

Decision

To ask the Head of Planning and Building Standards to report in terms of the motion.

2. Strategic Development Plan – Supplementary Guidance on Housing Land

The Strategic Development Planning Authority for Edinburgh and South-east Scotland (SESplan) on 30 September 2013 had approved draft Supplementary Guidance on identification of housing land to meet the requirements of the Strategic Development Plan. This was as a result of the Scottish Ministers approval of the SDP in June 2013, when they had added a requirement for supplementary guidance that would require Local Development Plans to show how much of the overall housing land requirement was to be met in each of the six member authority areas in the period up to 2024. The SESplan Joint Committee was recommending its member authorities to approve the draft Supplementary Guidance, for public consultation.

The Head of Planning and Building Standards reported that the supplementary guidance was apportioning a target of 107,560 homes across the six council areas, to be provided over two phases. The City of Edinburgh's share was 22,300 houses in the first phase (2009-19) and 7,210 for the second phase (2019-24). He said that most of the land needed to meet the targets had already been identified and had planning support for housing development. However, additional land would need to be allocated, with the guidance requiring that Edinburgh allocate land for 2,700 homes in the West Edinburgh Strategic Development Area and 2,500 in the South East Edinburgh SDA. He said that sites already identified in the Proposed Local Development Plan could count towards the allocations. The draft guidance also stated that land for 2,500 homes needed to be allocated on land out-with the strategic development areas.

In summary, therefore, the supplementary guidance required the City of Edinburgh Council to allocate new land for 7,700 homes, as against the equivalent figure in the earlier proposed Strategic Development Plan of 3,000. The Local Development Plan would require to translate this into site-specific allocations. In doing this, the Local Plan was expected to review both the base land supply position and the contribution to be made from existing sites.

Motion

That the Planning Committee ratify the draft Supplementary Guidance on Housing Land from SESplan.

- moved by Councillor Perry, seconded by Councillor Howat

Amendment

That the Committee does not agree to ratify the supplementary guidance and refers the matter back to the SESplan Joint Committee for further consideration in order to take realistic account of flaws in the process and in the assumptions underlying the calculations of housing land need.

- moved by Councillor Bagshaw, seconded by Councillor Mowat.

Voting

For the motion 12 votes

For the amendment 1 vote

Decision

To agree to ratify the SESplan draft Supplementary Guidance on Housing Land, for public consultation.

(Reference – report by the Director of Services for Communities, 23 October 2013, submitted)

3. Local Development Plan - Development Plan Scheme

SESplan had approved new Supplementary Guidance for local authorities which had set a new housing land requirement for the area of Edinburgh Local Development Plan. The Supplementary Guidance was expected to be adopted in June 2014. The Head of Planning and Building Standards now reported on the implications for the Council for its Local Development Plan programme.

The new guidance meant that the Council would have to allocate significantly more housing land than the sites included in the Proposed Local Development Plan as approved by the Committee in March 2013. The Council would therefore require to publish a revised Local Development Plan. If the revisions should amount to changes in the Plan's underlying aims and strategy, then the revised Plan would be formally described as a second Proposed LDP; if they did not change the strategy, then it would be a Modified Plan. In either case, the required timetable would be the same.

The new proposed timetable was now indicated as follows -

October 2013	Representations published online. New Development Plan Scheme published
May 2014	Report revised LDP ₁ for approval
June 2014	Publish revised LDP for period of representations (10 weeks from end of June – details to be published in advance in next Development Plan Scheme)
December 2014	Submit Proposed LDP to Ministers (examination starts one month later)
July 2015	Report of Examination
October 2015	Adoption

The revised LDP was likely to include some housing proposals on which the Council had not previously consulted. Neighbouring properties would be notified of the start of the period for representations, in line with legislation. It was intended also that, before this stage, community councils and community groups raise local awareness of the potential for housing proposals to come forward from their areas. The Head of Planning and Building Standards therefore intended to carry out some focused engagement activity with community councils and community groups, over the period December – March. It was also intended to continue to engage as appropriate with other stakeholders,

including the development industry; key agencies (national public agencies including SEPA, Scottish Enterprise, Transport Scotland, etc); and elected representatives (councillors, MSPs and MPs).

Decision

To approve the revised Development Plan Scheme, as contained in the report by the Head of Planning and Building Standards, for publication.

(Reference – Planning Committee 19 March 2013 (item 1); report by the Acting Head of Planning and Building Services, submitted)

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 25 September 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Child, Dixon, Heslop, Milligan, Mowat, Robson, Rose and Ross.

1. General Applications/ Returning Applications/ Pre-Application Reports

The Sub-Committee considered the reports on planning applications and pre-application notices as listed in Sections 4 (General Applications), Section 5 (Returning Applications) and Section 7 (Pre-Application Reports), as listed in the agenda for the meeting.

Notes: under Section 4, the Head of Planning and Building Standards gave a presentation of his report on agenda item 4.7 as requested by Councillor Child.

Decision

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

(Reference – reports by Acting Head of Planning and Buildings Services, submitted)

APPENDIX

Applications

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>		
Item 4.1 Bonnington Mains House, Wilkieston Road, Ratho	Proposed extension of planning consent 09/00849/FUL for demolition of existing house and erection of a new house – application no. 12/03219/FUL	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.2 21-22 Balcarres Street, Edinburgh	Demolition of existing building and redevelopment for later living retirement housing (2 blocks), landscaping and car parking. (SCHEME 2) – application no 12/03961/FUL	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.3 7 Claremont Bank, Edinburgh	Demolish existing garage and erect new rear and side return extension with new pedestrian access to rear boundary Edinburgh – Application no. 13/03024/FUL	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.4 555 Gorgie Road, Edinburgh	Part change of use of third and fourth floors of Class 4 offices to student accommodation (Sui Generis) - application no. 13/012556/FUL	To GRANT planning permission, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.5 11 Logie Green Road, 26, 28A, 29, 32, 33 Beaverbank Place, Edinburgh	Proposed Surface Car Park and associated works - application no. 13/00589/FUL	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.6 21 Paisley Crescent, Edinburgh	Rear extension to form family room and garden store – application no. 13/02948/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.7 27 Seaview Terrace, Edinburgh	Demolish garage and erect domestic dwelling – application no. 13/02193/FUL	To CONTINUE the application for a site visit.
Item 5.1 1-5 Baxters Place, Edinburgh	Alterations and change of use of 1-5 Baxters Place to licensed hotel, demolition of building at 2 Greenside Lane. Construction of additional hotel accommodation and associated facilities. Formation of access and car parking (amendment to planning permission 08/03635/FUL) application no. 12/04064/FUL	Application (proposed amendments to 08/03635/FUL) withdrawn by applicants. Item was withdrawn from agenda and no consideration given to item.
Item 7.1 Ravelrig Road, Balerno, Edinburgh	Report on forthcoming application by Gladman Developments Ltd. for development of a greenfield site for housing – PAN/13/02545	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards, including traffic assessments and other infrastructure impacts including schools.
Item 7.2 60 Ratho Park Road, Ratho (200 metres northeast)	Report on forthcoming application by Stewart Milne Homes for planning permission for erection of residential development with associated access roads, landscaping, suds and ancillary development – PAN 13/02960	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards; traffic assessments to include consideration of effect on relevant adjoining roads and relevant major junctions.
Item 7.3 10 Gilmerton Station Road, Edinburgh	Report on forthcoming application by Mactaggart & Mickel (Homes) Ltd. for a residentially-led mixed use development including a new primary school, retail/commercial uses, access, parking and landscaping – PAN 13/02545	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards; also the importance of housing density proposals and mix of types of housing and public transport provisions and linkages.

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 23 October 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, McVey, Milligan, Mowat, Rose and Ross.

Also Present - Councillors Bridgman and Walker.

1. 103 and 104 Newcraighall Road, Edinburgh – housing, etc

The Head of Planning and Building Standards had circulated reports on the following applications which had each been the subject of earlier considerations by the Sub-Committee. He now asked that the Committee defer any consideration to a future meeting, to allow him to assess fresh information received from the applicants for one of the applications. He considered that both applications were linked and should be determined at the same time.

(a) 103 Newcraighall Road, Edinburgh (Newcraighall North) – new housing etc. – application no. 10/03449/PPP (EDI Group), and

(b) 104 Newcraighall Road, Edinburgh (Newcraighall East) – new housing, etc – application no. 10/03506/PPP (Trustees of Sir C M Dalrymple)

Motion

That consideration of the applications be deferred to a future meeting to allow the Head of Planning and Building Standards to report further.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

That the Committee proceed to consider application no. 10/03449/PPP (Newcraighall North) only this day, in view of the possible implications of any delay for the applicants

- moved by Councillor Ross, seconded by Councillor Blacklock.

Voting

For the motion	-	8 votes
For the amendment	-	4 votes

Decision

To defer consideration of both applications to a future meeting, to allow the Head of Planning and Building Standards to report further.

(Reference – Development Management Sub-Committee 18 January 2012 (items 3 and 4); reports by the Acting Head of Planning and Building Standards, submitted.)

Declarations of Interest

Councillor Ross declared a non-financial interest in the above item as a Director of EDI.

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications as listed in Sections 4, 7 and 9 of the agenda for the meeting.

Decision

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

(Reference – reports by the Acting Head of Planning and Building Standards, submitted.)

3. 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh – Retail Unit

The Head of Planning and Building Standards reported on an application for the erection of a retail unit of 5,612 sq. metres gross internal retail floor-space, on a site lying 90 metres north of 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh. The retail unit was proposed for part of the remaining brown-field land in the north-western corner of the retail park; the remainder of the land was proposed for restaurants, cafes, a children's play area and a cinema, for which planning permission had earlier been granted. Debenhams had signed a lease to occupy the unit if it were granted planning permission.

He reported in detail on the application and the planning considerations involved. The retail park had a total of 14,187 sq. metres of floor-space available for implementation within the existing retail floor-space cap of its planning consent. The application did not seek additional floor-space above the existing cap and to this end was supported by two applications to modify the existing planning agreements (nos. 13/03450/OBL and 13/03451/OBL). However, there was a planning restriction on the size of individual retail units at 4,000 sq. metres, as a means to prevent occupancy by department stores (or similar) which could compete more directly with Edinburgh City Centre.

In conclusion, the Head of Planning and Building Standards considered that the proposal was contrary to the development plan as it did not comply with the development plan policy Ret 3 in all respects. Specifically, the proposed new retail store would add another significant retail outlet to the commercial centre, compounding its sub-regional role and having the potential to have significant adverse impacts on the City Centre and other commercial centres. Whilst the proposal was an opportunity for new jobs in the area, on the basis of the information available, it was considered that the economic benefits of the proposals were not likely to outweigh the potential harm to the economic development and jobs in the city centre and other commercial centres.

He added that were the Committee of a mind to approve the application, a condition should be added to require that the development was personal and specific to a Debenhams store.

The application was to be determined by means of a hearing and the Sub-Committee had invited the applicants and other parties to the meeting. In summary, the points made by the speakers were as follows -

(a) Craigmillar Community Council

Terry Tweed and Honor Flynn said that the Community Council supported the application for reasons of regeneration of the Craigmillar area and the employment potential. In this, it was to be noted that the Fort Kinnaird centre had a specific facility which offered coaching or training for people seeking to get into employment. The local communities were excited to hear that a Debenhams store had been proposed. They thought it was inconsistent that the Council had built park and ride facilities and shopping centres in the area in order that people did not take their cars into the city but on the other hand sought to limit new developments. People wanted to use their cars for shopping.

Mr. Tweed advised that he had also been contacted by Portobello Community Council who wished to state their support for the application for reasons of job creation and the improvement to shopping for the local communities. Fort Kinnaird had been ruined by the large gap site. If the development was approved then it was hoped that new retailers would be attracted to vacant units at Fort Kinnaird. As the proposed development would be smaller than the two existing Debenham stores in Edinburgh they felt it unlikely there would be an adverse impact on the other two stores.

(b) Leith Business Interests

Robin Holder and Alex Wilson spoke on behalf of Leith business interests. Ocean Terminal was central to the re-generation of Leith and to hundreds of jobs. They were concerned at the likely impact if Fort Kinnaird were allowed the permission for a Debenhams store, on top of the cinema which had received planning permission earlier this year. They were disappointed that the owners of Fort Kinnaird, having recently signed a unilateral agreement, now sought to breach the 4000 sq metre upper limit for any store. The direct effect on Ocean Terminal could be estimated at 7-10% but indirect impacts were more difficult to assess. They were concerned that the two elements of cinema and large department store together would give Fort Kinnaird a dominance that was never intended for its sub-regional role and lead to very significant trade diversions from other centres. It was not simply a store against store competition issue - the overall vitality of Ocean Terminal would be affected. At present a large section of the ground floor in Ocean Terminal was empty – four major trading brands had been lost recently - and a general uncertainty over how Fort Kinnaird was being allowed to develop was hindering attempts to engage major investors. The centre management had invested heavily in recent years to make Ocean Terminal an attractive centre - any further decline would be damaging and would be likely to mean shop closures and job losses.

(c) Leith Civic Interests

Isobel Kane spoke on behalf of the Leith Civic Trust. She explained that Leith had been suffering a decline in recent years but the Shore and Ocean Terminal had been

anchor points in re-establishing the town as a vibrant place to live and work. If Debenhams were to open as a large department store at Fort Kinnaird then shoppers would be likely to be attracted at the expense of the existing centres. There was a limited amount of expenditure available in the current recession and the threat of trade diversion away from the area as a whole was very real. She felt Leith had been held back to an extent in terms of delays to infrastructure investment on its roads and traffic issues and not allowing it to develop to its full extent.

(d) City Centre Business Interests

Rob Newton, on behalf of Henderson Global Investors (owners of the St James Centre) wished to see the application refused in line with the officers' recommendations. To allow permission would seriously affect investor confidence in the city centre renewal plans; the cumulative impact of the proposal, on top of other recent consents, meant Fort Kinnaird was in a position to directly compete with the city centre as the Regional shopping, contrary to planning policy. The restriction on the size of an individual store within a sub-regional centre was sound in planning terms.

Andrew Woodrow, on behalf of John Lewis, advised that his client had objected on grounds that the application aimed to provide flexibility for a major department store development at Fort Kinnaird and which was never intended for its role to serve local needs. John Lewis were major investors in the city centre and were keen to continue to do so, and to support the 850 jobs in their store, but development of Fort Kinnaird to this extent would make investment plans more difficult. There were no material changes to justify the removal of the floor space cap on any individual store and which was entirely appropriate in terms of the planning policy protection for of the city centre as the regional shopping centre.

In reply to questions, they agreed that city centre trade could benefit from expansion as a result of the impending completion of the trams project. However, they felt there was a gradual creep of retailers towards Fort Kinnaird that was affecting investor confidence in the city centre.

(e) Applicants

Andrew McParland, Development Manager at Fort Kinnaird, said that there would be no significant effect on other retail areas in the city from allowing the Debenhams proposal. As assessed by the Planning officers, the effect on the city centre of the proposed store was not expected to be significant. Edinburgh was starting to attract investment into the city as a direct result of planning decisions. The investment at Fort Kinnaird would sustain jobs for the current 1600 workforce and would create an additional 200 jobs, not displacement jobs from elsewhere.

The recruitment and skills centre at Fort Kinnaird was a demonstration of intent to help local people into employment. The centre was working hard to develop its attractiveness and promote investment in the area. The catchment area for the centre was wide and included East and Midlothian and extending to the Borders; it would attract new expenditure rather than draw away from the city centre.

The Planning officers had indicated that if the application was to be approved a condition could be added which required consent for the development be personal and for a Debenhams store only; on this, he felt this would not be appropriate to the situation, in view of the burden of risks to the owners of the retail park who would have

no potential to replace the operator in the future. It was to be noted also that Debenhams had chosen this site in preference to other possible locations outwith the City boundary.

Rob Hadfield on behalf of Debenhams advised that the company had a three store strategy for Edinburgh. The two existing stores in Edinburgh, in the city centre and at Ocean Terminal, had long leases which expired in 2054 and 2026. The continued success of these existing stores was fundamental to the company's plans. They had identified a gap in the market and were looking to attract new customers with the third store. Experience had shown that people would not travel to a Debenhams store if it was too far away. The existing stores had a 'click and collect' facility which the new store would also be able to be developed on this site. In reply to questions, he indicated that they required a store on two levels – hence the need to exceed 4000 sq. metres – without the additional space they would not consider the store to be a viable option.

Brian Muir on behalf of Gibraltar General Partners Ltd (owners of Fort Kinnaird) said that there were no technical objections to the proposed application and no contradiction with policy RET 3 and it was to be noted that there were already stores such as Marks and Spencer and Toy 'R' Us situated in Fort Kinnaird. The objections were in relation to the amount of floor-space required for the development. The applicants did not seek to exceed the retail cap for floorspace for the centre. The development would not have any adverse direct impacts on the city centre or on Ocean Terminal. It had also to be viewed against a background of estimates of trade accruing to the city centre which were increasing – there was a bigger pie to share out – and the Planning Officers had assessed that the impact of this one store on the city centre was unlikely to have any significant effect. The development was not likely to alter the existing sub-regional role of Fort Kinnaird.

In conclusion, A McParland stated that developers' view that there was no conflict with policy Ret 3 - Fort Kinnaird was not in direct competition with the City Centre, they each catering for different catchment areas. The proposal would allow the centre to build on the efforts being made to increase its attractiveness as a sub-regional commercial centre and to benefit the surrounding communities in the SE sector. It would involve the creation of 200 new jobs and had wide support from the local communities.

(f) Ward Councillors

Councillor Bridgman said that the objections to this application were ones of competition rather than planning policy. The Debenhams store would allow greater consumer choice and it was up to a retailer to decide where they wanted to situate a new store. The application would create new jobs in the area without displacement and it was not to be noted that Economic Development officers did not have any objections to the application. He asked the Sub-Committee to grant the application.

Councillor Walker said that Fort Kinnaird had fallen into decline in recent years and the efforts of management to regenerate the centre should be supported by the Council. The offer of investment by Debenhams as a flagship retailer should be welcomed. It was wrong to suggest that the proposed development would have an impact on the city centre, and the Ocean Terminal and Cameron Toll centres were both on the outskirts of the city and similar in position to Fort Kinnaird. Craigmillar was a deprived area and needed the attraction to help create other new jobs. The recruitment centre had been

established within the centre with the support of the Council. The application had widespread support from the community.

Motion

That the application be refused planning permission, as recommended by the Head of Planning and Building Standards, for the reason as follows -

The proposal is contrary to Edinburgh City Local Plan Policy Ret 3 as it will add another significant retail offer to this commercial centre compounding its sub-regional role. It has the potential to have significant adverse impacts on City Centre and other commercial centre and does not address a quantitative or qualitative deficiency within the local area.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

That the Committee considered the application to be consistent with the development plan policy RET3 and that planning permission could be granted, for reasons that –

- the retail impact on the City Centre was small and not likely to threaten its future vitality or viability as the regional shopping centre;
 - the proposals did not involve any increase on the agreed retail cap on floor-space at Fort Kinnaird and the size of the store was relatively small relative to the overall centre; and the addition of a department store recognised the modal shifts in shopping patterns in recent years;
 - the proposals were consistent with re-generation strategies for the area and efforts to create investment and employment in Craigmillar and the SE sector;
 - the Committee accepted that Debenhams were unlikely to select a city centre site for commercial reasons and that the application otherwise met the sequential test requirements.
- moved by Councillor Child, seconded by Councillor Rose.

Voting

For the motion	-	8 votes
For the amendment	-	4 votes

Decision

1) To refuse planning permission for the application, for the reason as follows –

The proposal is contrary to Edinburgh City Local Plan Policy Ret 3 as it will add another significant retail offer to this commercial centre compounding its sub-regional role. It has the potential to have significant adverse impacts on City Centre and other commercial centre and does not address a quantitative or qualitative deficiency within the local area.

- 2) To refuse the associated applications for modification or discharge of planning obligations, as follows, for the reasons as recommended by the Head of Planning and Building Standards and detailed in his reports –
 - 2.1 Application for Planning Obligation 13/03450/OBL – at 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh
 - 2.2 Application for Planning Obligation 13/03451/OBL – at 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh

(References – Development Management Sub-Committee 29 May 2013 (item 1); reports by the Head of Planning and Building Standards, submitted.)

APPENDIX

Applications

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>		
Item 4.1 - Agilent Technologies, Scotstoun Avenue, South Queensferry	Modification or discharge of planning obligations – Application no. 13/03502/OBL	To GRANT the application with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.2 - 37 - 41 Broomhall Drive, Edinburgh	Installation of ATM to shop front – Application no. 13/03447/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.3 - 376 Calder Road, Edinburgh (94 metres north)	Application for renewal of consent 10/00953/PPP - Planning Permission in Principle for redevelopment of site for affordable housing and housing for sale with ancillary community facilities and associated landscaping and public realm – Application no. 13/03147/PPP	To GRANT planning permission in principle subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.4 - 179 Clermiston Road & 7 Fox Covert Grove, Edinburgh – (Confirmation of Tree Preservation Order No 171)	(Confirmation of Tree Preservation Order No 171) – Application no. TPO No. 171	To CONFIRM Tree Preservation Order No 171 as modified to exclude the one tree which was felled.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.5 - 7 Dryden Place, Edinburgh	Formation of new dormer window to rear elevation; installation of new roof windows into existing pitched roof; replacement of existing bituminous felt flat roof with new warm roof construction – Application no. 13/03003/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.6 - 1 Freelands Farm, Freelands Road, Ratho (48 metres southwest)	Erection of two semi-detached dwellings – Application no. 13/03476/FUL	To REFUSE planning permission for the reasons detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.7 - 302A Gilmerton Road, Edinburgh	Remove sloping slated roofs and stepped flat roofs and replace with a new sloped slated roof, including dormer window, skylight, projecting balcony and set back french windows. – Application no. 13/02453/FUL	To issue a mixed decision to part-approve and part-refuse this application, i.e.: 1. To refuse planning permission for the side dormer only, and 2. To grant planning permission for the remainder of proposals - as recommended by the Head of Planning and Building Standards and with reasons and conditions, as detailed in his report.
Item 4.8 - 112 Greenbank Road, Edinburgh	Extend house to side and rear, re-instate original chimney and erect flue. – Application no. 13/03150/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.9 - Flat 3, 2 Greenhill Place, Edinburgh	New timber sash and case windows, double glazed slimlite low E units to rear dormers and slimlite double glazed units in existing window frame to the front windows. – Application no. 13/02657/LBC	To GRANT listed building consent with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.10 - 95 Harvesters Way, Edinburgh (Land 90 Metres West Of)	Proposed redevelopment of longstanding brownfield site with 183 new flatted and housing units – Application no. 13/02640/FUL	To GRANT planning permission subject to conditions and informatives, including legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.11 - 39 High Street, South Queensferry	To allow the use of a public parking area as a community market with the erection of twelve gazebos on selected days in August, September and December 2013 and monthly through May to September 2014 (as amended) – Application no. (13/02603/FUL)	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.12 - 10 Learmonth Gardens Mews, Edinburgh (Land 26 Metres South West Of)	Erection of detached house with integral garage – Application no. (13/02997/FUL)	Application withdrawn by applicants. (No consideration of matter at meeting.)
Item 4.13 - 21 Moredun Park Street, Edinburgh (60 metres east)	Development of 54 new dwellings along with associated access roads, car parking and areas of both hard and soft landscaping – Application no. (13/02248/FUL)	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.14 - 68 North Street, Ratho	Alter and change the use of existing office to residential and change of use of public green space to garden ground – Application no. (13/01160/FUL)	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.15 - 45 Queen Margaret Close, Edinburgh	Certificate of lawfulness for a proposed use or development to remove garage door and build up opening in facing brick to match existing walls and new projecting window – Application no. (13/03317/CLP)	To GRANT the application as detailed in the report by the Acting Head of Planning and Building Standards.
Item 5.1 - 103 Newcraighall Road, Edinburgh (Land 335 Metres Southwest Of)	Development including new housing, potential mixed-use facilities, open space, access and services infrastructure – Application no. (10/03449/PPP)	To defer consideration to a future meeting, to allow for further information by the Head of Planning and Building Services. (On a division)
Item 5.2 - 104 Newcraighall Road, Edinburgh (Land 263 Metres South Of)	Planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision – Application no. (10/03506/PPP)	To defer consideration to a future meeting, to allow for further information by the Head of Planning and Building Services.
Item 6.2 - 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh	Erection of retail unit incorporating 5,612 square metres (gross internal retail floor-space) – Application no. 13/02381/FUL	To REFUSE the application for the reasons as detailed in the report by the Acting Head of Planning and Building Standards. (On a division –see item 3 of minutes)
Item 6.3 - 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh (Reports, PDF, 197.67 KB)	Application for the modification or discharge of Planning Obligations – Application no. 13/03450/OBL	To REFUSE the application for the reasons detailed in the report by the Acting Head of Planning and Building Standards. (On a division – see item 3 of minutes)

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 6.4 - 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh (Reports, PDF, 197.08 KB)	Application for the modification or discharge of Planning Obligations – 13/03451/OBL	To REFUSE the application for the reasons detailed in the report by the Acting Head of Planning and Building Standards. (On a division – see item 3 of minutes)
Item 7.1 - A8 West Edinburgh (Land North of) (Edinburgh) Services Ltd)	Report on forthcoming application by IBG Stakeholders (New Ingliston Ltd, Murray Estates Lothian Ltd, FSH Airport) PAN 13/03146	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.2 - 59 and 60 Belford Road, Edinburgh)	Report on forthcoming application by AMA (New Town) Ltd. for detail proposals for demolition and redevelopment of site for residential and office development. PAN 13/02767	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.3 - Cliftonhall Road, Newbridge	Report on forthcoming application by Roxhill Developments Ltd for planning permission for erection of a distribution warehouse. PAN 13/03330	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.4 - Saughton Prison, Stenhouse Road, Edinburgh	Report on forthcoming application by Scottish Prison Service for a new Women's Regional Unit, associated parking and alterations to the existing prison estate PAN 13/03331	To refer consideration of report to the next meeting of the Sub-Committee.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 9.1(a) - 7 Shrub Place, Edinburgh (69 metres west)	Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops) – Application no. (13/01070/FUL)	To CONTINUE consideration for a site visit.
Item 9.1(b) - 7 Shrub Place, Edinburgh (69 metres west)	Retain existing chimney, alter existing tram workshops to accommodate residential development, reduce height of existing gable wall to remove requirement for galvanised steel buttresses – Application no. (13/01071/LBC)	To CONTINUE consideration for a site visit.

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 6 November 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, Heslop, McVey, Milligan, Rose, Robson and Ross.

1. 154 Mcdonald Road, Edinburgh (Agenda Item 6.1)

The Acting Head of Planning and Building Standards reported on an application for planning permission for the alterations to and change of use from offices to form residential accommodation. Application no. 13/02458/FUL

He gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

(a) New Town Broughton Community Council

Richard Price, on behalf of New Town Broughton Community Council advised that they objected to this application. Mr Price reiterated the concerns of the Community Council representation on 25 July 2013, primarily:

- Lack of pre-application consultation procedure being employed for a major application of more than 50 dwellings.
- The provision of housing in direct proximity to a primary school could be deemed material in terms of incompatibility.
- Scheme affordability.
- Parking/car ownership.
- External aspects to the building.

Mr Price added that after further consultation with the local community and a site visit in October the Community Council would like further concerns to be noted;

- Those choosing to live in the development (key workers) may have abnormal work patterns/shift work, which is not compatible with the Primary School.
- The school playground was designated as available for use until 9pm. This had caused issues regarding noise in other locations.
- The proposal states that the area was 'highly accessible by public transport' which the Community Council strongly rejected
- Waste management for the development was believed to be inadequate as proposed
- Concluding that the development was not supported by the Environmental Assessment due to noise both internal and external.

(b) Leith Central Community Council

Julian Siann, on behalf of Leith Central Community Council advised that they objected to this application. Mr Siann felt that the building itself did not lend itself to being converted into flats and that no serious attempts had been made by the developers to reform the internal structure to remedy this concern. The objector felt that accommodation would be inflexible and cramped as it did not meet the Edinburgh Design Guidance standards. The objector felt that the development offered no housing mix and as such would lead to a rapid turnover of occupancy. Concerns around the green space and parking facilities for the development were also expressed; in conclusion the Community Council felt that the application was unsympathetic and failed to meet the needs of the area.

(c) Parents of Children at Broughton Primary School

Sandra Bagnall and John Gardner, on behalf of Parents of Children at Broughton Primary School Council advised that they objected to this application. Their objections were on the basis that the planning application does not comply with current development policy, primarily in regards to the size of the apartments, and that the correct application procedure had not been followed. The objector also noted concerns around housing density, waste collection, lack of open and green space, housing mix, lack of affordable housing, and lack of car parking facilities within and around the proposed development.

Sandra Bagnall was concerned about privacy and the potential conflict between residents of the proposed development and the school community. Ms Bagnall said that there was an assumption that prospective owners of the development would accept the noise generated from the school, she also noted that similar developments i.e. residential properties within close proximity to schools, had resulted in conflicts that she did not want to see this replicated at McDonald Road.

(d) Malcolm Chisholm MSP

Malcolm Chisholm MSP addressed the Committee on behalf of his constituents advising that they objected to this application. Mr Chisholm highlighted the number of planning policies that the application contravened. He felt that McDonald Road was a busy thoroughfare and the fact that the development did not offer parking facilities this would only serve to exacerbate the situation. The public transport links, Mr Chisholm felt, would not support the scale of the development. Other concerns raised by Mr Chisholm were that:

- The housing mix was nonexistent.
- Doubted that the Units would meet the 36m² minimum space requirement.
- Units would not receive the necessary day light required.

(e) Cockburn Association

Marion Williams, on behalf of the Cockburn Association advised that they objected to this application. Ms Williams was concerned that the development may hinder the long term viability of the Primary School, as the development would seriously curtail any potential development/redesign to the primary school in order to meet an increasing school role.

(f) The Applicant

Alex Watts and Paul Scott on behalf of Kingsford Development spoke in favour of the development. The applicants empathised with the objectors and welcomed the opportunity to work with them to address their concerns. The applicants felt that the development would address Edinburgh shortage of affordable housing and would help support first time buyers get on the housing market. The applicant recognised that the space for each Unit was limited but by using contemporary and aspirational designs they could maximise the space available adding that the communal facilities within the development would support the design. The developers estimated that around 150 jobs would be created by the development.

(g) Ward Councillors

Councillor Gardner was supportive of the other objectors. He felt that the proposal was not one of affordable housing but would encourage let to buy or party flats, as a consequence he had serious concerns around anti-social behaviour within the development. Councillor Grander has received concerns from across the community, due in part to the location of the development around an already busy road, the size of Units that were below the policy standard and the environment assessment not supporting the application.

Councillor Chapman submitted a statement objecting to the proposal.

Motion

1. To grant planning permission subject to conditions, informatives and a legal agreement as detailed in the report by the Acting Head of Planning.
2. Subject also to conditions that the room sizes be no less that 36m² and that the windows facing the playground in units 18, 19 and 20 be treated to obscure the view of the playground to the satisfaction of the Acting Head of Planning and Building Standards.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

The Sub-Committee was minded to refuse the application on the grounds that the proposal was contrary to Edinburgh City Local Plan Policies Hou 2, 3 and 5 and Tra 4 & 5.

- moved by Councillor Bagshaw, seconded by Councillor Brock.

Voting

For the motion - 6 votes
For the amendment - 7 votes

Decision

To indicate the intention to refuse planning permission for the application, for the reason that the proposal is contrary to Edinburgh City Local Plan Policy Ret Local Plan Policy Hou 2, 3 and 5 and Tra 4 & 5.

(Reference - report by the Acting Head of Planning and Building Standards, submitted.)

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-application as listed in Sections 4, 6, 7 and 8 of the agenda for the meeting.

Decision

To determine the application as detailed in the appendix to this minute.

Dissent

Councillor Ross requested that his dissent be recorded in respect of the decision made at agenda item 4.4. The application to Convert the attic and form 6 person HMO maisonette from 5 person HMO flat at 3F1 100 Polwarth Gardens, Edinburgh, EH11 1LH

(Reference – report by the Acting Head of {Panning and Building Standards, submitted)

3. Seaview Terrace

Details were provided of an application to demolish a garage and erect a domestic dwelling at 27 Seaview Terrace. Application number 13/02193/FUL.

The Acting Head of Planning and Building Standards gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

Motion

To grant planning permission subject to informatives as detailed in the report by the Acting Head of Planning.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

To indicate that the Sub-Committee was minded to refuse the application on the grounds that the development was an unacceptable intrusion to the area and would result in the loss of a key view of the Forth.

- moved by Councillor Child, seconded by Councillor Brock.

Voting

For the motion	-	7 votes
For the amendment	-	3 votes

Decision

To grant planning permission subject to informatives as detailed in the report by the Acting Head of Planning.

(Reference - report by the Acting Head of Planning and Building Standards, submitted.)

4. Shrub Place

Details were provided on applications for a proposed Mixed Use Development redevelopment of Listed Buildings (Tram Workshops) application no. 13/01070/FUL, and proposals to retain the existing chimney, alter the existing tram workshops to accommodate residential development, and reduce the height of the existing gable wall to remove requirement for galvanised steel buttresses application no 13/01071/LBC at 7 Shrub Place, Edinburgh.

The Acting Head of Planning and Building Standards gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

Motion

1. To grant planning permission subject to conditions, informatives and a legal agreement, and listed building consent subject to as detailed in the report by the Acting Head of Planning.
2. To grant planning permission and listed building consent subject to conditions, informatives and notification to the Scottish Ministers prior to determination
3. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance.

- moved by Councillor Howat, seconded by Councillor Perry.

Amendment

To continue consideration of the applications for discussions with the developer on increasing the room sizes to meet the Edinburgh Design Guidance standards and any proposals to reduce the density of the development.

- moved by Councillor Ross, seconded by Councillor Bagshaw.

Voting

For the motion	-	8 votes
For the amendment	-	3 votes

Decision

1. To grant planning permission subject to conditions, informatives and a legal agreement, and listed building consent subject to as detailed in the report by the Acting Head of Planning.
2. To grant listed building consent subject to conditions, informatives and notification to the Scottish Ministers prior to determination
3. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance.

(Reference - reports by the Acting Head of Planning and Building Standards, submitted.)

APPENDIX

Applications

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>General application and miscellaneous business</p>		
Item No 4.1 - 1 Craigpark, Ratho (Craigpark Quarry)	Material variation to planning permission Ref; 05/01229/FUL to provide amended housing layout and substitution of house types and associated works. – Application no. 13/02527/FUL	To GRANT the application subject to conditions, informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standard
Item No 4.2 - 63A Cumberland Street, Edinburgh	Replace existing sashes in front bedroom window with slimline double glazing units to match existing appearance. Replace fanlight of 3 windows above rear patio door with slimline double glazing to match existing appearance. – Application no. 13/03334/LBC	To GRANT listed building consent with an informative, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.3 - Greendykes Road, Edinburgh (Land at)	Approval of matters specified in conditions of application 07/01644/OUT	To APPROVE the application permission subject to conditions as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.4 - 100 (3F1) Polwarth Gardens, Edinburgh	Convert attic and form 6 person HMO maisonette from 5 person HMO flat. Fit 2 no. rooflights to front elevation, 2 no. rooflights to rear elevation and rooflight to platform roof. – Application no. 13/02955/FUL	To GRANT the application subject to informatives as detailed in the report by the Acting Head of Planning and Building Standards. Note: Councillor Ross requested that his dissent be recorded in respect of the above decision
Item No 4.5 - 16 Ravenscroft Street, Edinburgh	Reopening of door in boundary wall to lane to allow access to mobility scooter.– Application no. 13/02968/FUL	To GRANT the application subject to informatives as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 4.6 - 4 Seafield Street, Edinburgh	Construction of 155 dwellings (145 flats and 10 houses), including demolition of the Gatehouse at 4 Seafield Street and conversion of the Chapel and the Matron's House to form residential dwellings. – Application no. 13/02584/FUL	To GRANT the application subject to conditions, informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.7 - 8 Shandwick Place, Edinburgh	Change of use from vacant storage of a shop and residential accommodation to a hostel (class 7). – Application no. 13/02490/FUL	To GRANT the application subject to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.8 - 9 Shandwick Place, Edinburgh	Change of use application from Class 1 (Retail) to Class 3 (Food and Drink) at the merged units of 9 and 13 Shandwick Place. – Application no. 13/01433/FUL	To APPROVE the planning permission subject to conditions, to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Application for Hearing		
Item No 6.1 - 154 Mcdonald Road, Edinburgh	Protocol note on hearing procedure	Noted
Item No 6.1(a) – 154 Mcdonald Road, Edinburgh	Alteration to and change of use from offices to form residential accommodation (as amended). – Application no 13/02458/FUL	To REFUSE the planning for the reasons that the proposal was contrary to policies Hou 2,3 and 5 and Trans 4 and 5 (On a division)

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 6.2(b) - 154 Mcdonald Road, Edinburgh	Alterations to form studio residential accommodation (73 units) and associated works including removal of existing internal walls and insertion of new internal partitions; insertion of new windows to rear elevation; insertion of conservation roof lights to rear slope of roof; creation of sun room access to new roof terrace and installation of balustrade; addition of photo-voltaic panels to flat roof; and widening of existing access on south east elevation (as amended to delete rooftop sun room). – Application no. 13/02459/LBC	To GRANT listed building consent with an informative, as detailed in the report by the Acting Head of Planning and Building Standards.
Pre-Application Reports		
Item No 7.1 - A8 West Edinburgh (Land North of)	Forthcoming application by IBG Stakeholders (New Ingliston Ltd, Murray Estates Lothian Ltd, FSH Airport (Edinburgh) Services Ltd)	<ol style="list-style-type: none"> 1. To note the key issues in the report 2. Transport to circulate the previous report on works required to A8 to members
Item No 7.2 - 59 and 60 Belford Road, Edinburgh (Land at)	Forthcoming application by AMA (New Town) Ltd. for detail proposals for demolition and redevelopment of site for residential and office development	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on proposals to retain Douglas House
Item No 7.3 - Cammo Estate, Maybury Road, Edinburgh	Forthcoming application by Crammond and Harthill Estate for development of a greenfield site for housing	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on the proposed design and a scheme for infrastructure improvements to be undertaken prior to work being commenced on site
Item No 7.4 - Cliftonhall Road, Newbridge	Forthcoming application by Roxhill Developments Ltd for planning permission for erection of a distribution warehouse	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on access proposals

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 7.5 - Saughton Prison, Stenhouse Road, Edinburgh	Forthcoming application by Scottish Prison Service for a new Women's Regional Unit, associated parking and alterations to the existing prison estate	To note the key issues in the report
Returning Applications Following Site Visit		
Item No 8.1 - 27 Seaview Terrace, Edinburgh	Demolish garage and erect domestic dwelling. Application no. (13/02193/FUL)	To GRANT planning permission subject to informatives, as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item No 8.2(a) - 7 Shrub Place, Edinburgh (Site 69 Metres West Of)	Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops) – Application no. (13/01070/FUL)	To GRANT the planning permission subject to conditions, to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance. (On a division)
Item No 8.2(b) - 7 Shrub Place, Edinburgh (Site 69 Metres West Of)	Retain existing chimney, alter existing tram workshops to accommodate residential development, reduce height of existing gable wall to remove requirement for galvanised steel buttresses – Application no. (13/01071/LBC)	To GRANT listed building consent subject to conditions and notification to the Scottish Ministers, as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)

City of Edinburgh Local Review Body

10.00 am, Wednesday, 18 September 2013

Present

Councillors Bagshaw, Brock, Child, Heslop and Howat

1. Chair

Councillor Howat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request for Review – 88 Bruntsfield Place

Details were provided of a request for a review of the refusal of planning permission for the proposed Change of Use from Class 1 (shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No: 13/01968/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01- 06 Scheme 1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:

Policy Ret 9 (Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres); Policy Ret 12 (Food and Drink Establishments)
- 2) Non Statutory Guideline - “Guidance for Businesses”
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of nearby properties being granted similar changes of use and the general vitality of the area. It noted that the premises could return to a class one use in the future, and that although the development would increase the number of units in non-retail use, the benefits to the area justified the departure from policy.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Motion

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed Change of Use from Class 1 (shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL, subject to the following conditions and informatives.

Conditions

- 1 The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring residential property.
- 2 The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any neighbouring living apartment.

Reasons

- 1 In order to safeguard the amenity of neighbouring residents.
- 2 In order to safeguard the amenity of neighbouring residents.

Informatives

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.

- moved by Councillor Howat, seconded by Councillor Heslop.

Amendment

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission the proposed Change of Use from Class 1(shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL.

- moved by Councillor Bagshaw, seconded by Councillor Child.

Voting

For the Motion 3 votes

For the Amendment 2 votes

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed Change of Use from Class 1(shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL, subject to the following conditions and informatives.

Conditions

- 1 The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring residential property.
- 2 The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any neighbouring living apartment.

Reasons

- 1 In order to safeguard the amenity of neighbouring residents.
- 2 In order to safeguard the amenity of neighbouring residents.

Informatives

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.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted.)

4. Request for Review – 442 Lanark Road, Edinburgh

Details were provided of a request for a review of the decision to refuse planning permission to proposed replacement of 19 windows to front, side and rear of the property at 442 Lanark Road, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01058/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plan used to determine the application was numbered 01, Scheme 1, being the drawing shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions); Policy Env 6 (Conservation Area Developments)
- 2) Non Statutory Guidelines:
“Guidance for Householders”
“Listed buildings and Conservation Areas”
“The Colinton Conservation Area Character Appraisal”.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the argument that there were numerous examples of UPVC replacement windows in the street and that the design proposed would closely match the existing window. The LRB also took into account arguments regarding improvements in safety and the economic, environmental and sustainability benefits of UPVC.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and concluded that the proposal would adversely affect the building’s architectural integrity to the detriment of the character and appearance of the conservation area, contrary to Policy Env 6 and the Council’s Guidelines on Listed Buildings and Conservation Areas.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed replacement of 19 windows to front, side and rear of the property at 442 Lanark Road, Edinburgh which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01058/FUL.

Reason for Refusal

The proposed use of UPVC as a material for replacement windows on this traditional house would adversely affect its architectural integrity to the detriment of the character

and appearance of the conservation area, contrary to Policy Env 6 and the Council's Guidelines on Listed Buildings and Conservation Areas.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

5. Request for Review – 11 Old Farm Road, Edinburgh

Details were provided of a request for a review of the decision to part grant and part refuse planning permission for the proposed single storey flat roof extension to the rear of the house and a single storey flat roof extension to the rear of the garage dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/00611/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01- 07 Scheme1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 11 (Alterations and Extensions);
 - Policy Env 12 (Trees)
- 2) Non Statutory Guidelines – “Guidance for Householders”
- 3) The procedure used to determine the application.
- 4) The further representation received in respect of the review.
- 5) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the argument that the trees were poorly maintained had structural defects and potentially unsafe and not worthy of retention.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal would have a damaging impact on a tree or trees worthy of retention around the proposed development site to the detriment of the character of the area. The LRB also agreed that they considered the design to be acceptable, but were of the opinion that any future application should be reduced in scale so it was not invasive to the existing trees.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to issue a mixed decision to part grant and part refuse planning permission for the proposed single storey flat roof extension to the rear of the garage and a single storey flat roof extension to the rear of the house in accordance with the particulars given in the application at 11 Old Farm Avenue, Edinburgh which was dealt with by the Acting Head of Planning and Building Standards under delegated powers, Application No 13/00611/FUL.

To grant planning permission for the proposed garage extension subject to:

Informatives:-

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

To refuse planning permission for the proposed rear extension..

Reason for Refusal:-

The proposal is contrary to Policy Env 12 of the Edinburgh City Local Plan and Edinburgh Design Guidance as it would be likely to have a damaging impact on a tree or trees worthy of retention around the proposed development site to the detriment of the character of the area.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

6. Request for Review – 42 Pilrig Street, Edinburgh

Details were provided of a request for a review of the decision to refuse planning permission for the proposed installation of replacement windows at 42 Pilrig Street, Edinburgh, dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01565/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Env6 (Conservation Area Development)
- 2) Non Statutory Guidelines :
"Listed Buildings and Conservation Areas",
"The Leith Conservation Character Appraisal",
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the arguments regarding the improvements that could be achieved in the thermal and noise insulation of the property and the problems of maintaining the existing windows. The LRB further considered the arguments on the visibility of the windows from other property and public view, and that the change of material from wood sash windows to PVC windows of the same dimensions would have no discernable impact on the integrity of the Conservation Area.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal was not acceptable, having special regard to the character and appearance of the conservation area, as the predominant character of this part of the conservation area was the use of timber and the use of UPVC could not be considered an enhancement in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to allow for the proposed installation of replacement windows of 42 Pilrig Street, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01565/FUL.

Reason for Refusal

The proposal is contrary to Policy Env 6 and Policy Des 11 Edinburgh City Local Plan and the Council's Non-Statutory Guidelines on Listed Buildings and Conservation Areas. The proposals will result in the loss of traditional timber sash and case windows, while the introduction of uPVC windows will further erode the character and appearance of the Conservation Area.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 2 October 2013

Present

Councillors Mowat, Perry and McVey (substituting for Councillor Cairns) (all for items 1-8), and Councillor Brock (substituting for Councillor Dixon) (for items 5-8)..

1. Chair

Councillor Mowat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 7 Bramble Drive, Edinburgh

The request had been considered by the Local Review Body on 21 August 2013, when consideration had been continued for a site visit and to seek further information from the Planning Adviser as to area sizes of the rear garden and the proposed rear extension.

The further information on the specified matter was now submitted, together with the response to this information by the applicant. The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-02, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 11 (Alterations and Extensions) which sets criteria for assessing development design.
- 2) Non Statutory Guidelines: "Guidance for Householders".
- 3) The reasons for refusal and the arguments put forward in the notice of review.

- 4) The further information requested by the Local Review Body in relation to the area of the rear garden and the area of the proposed rear extension, and the applicant's response to this further information.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The main issue, they considered, was the size and design of rear extension and the likely effect on the character and appearance of the house. It was noted that the extension would not result in any detrimental overlooking of neighbouring properties nor result in over-shadowing. The LRB were also aware that, in style, an attempt had been made to design an extension to blend with the original house. They also noted the applicant's arguments that there were already a variety of size and styles of house extensions in the area.

The additional information had been requested in order to try to assist with assessment as to whether the proposals were in accord with the Council's guidance on extensions, as regards overall area in comparison with the house and rear garden. The LRB noted the figures provided. However a judgement required to be made as to whether or not the scale and proportions of the rear extension were compatible with the existing house and garden.

On balance, the LRB felt that although the extension was large, against the configuration of the garden it would not adversely affect the character and appearance of the house, and was not likely to affect overall character of the area. In conclusion, the LRB considered that the proposals were allowable and that the material circumstances they had identified were sufficient to over-turn the Planning Officer's decision and therefore to allow planning permission.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for a single storey extension to rear of property at 7 Bramble Drive, Edinburgh, with informatives, as follows :-.

Informatives

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.

(Reference –notice of review; decision notice and report of handling, and further information from Planning Adviser and applicant's response, submitted.)

4. Request For Review – 124 Trinity Road, Edinburgh

The Local Review Body had considered the review on 21 August 2013 when consideration had been continued for further information from the applicant as to the materials to be used on the roof of the proposed extension. The LRB now considered the matter further, the applicants having provided further information of the materials to be used for the roof and including a sample of the material.

Assessment

The LRB had been provided with copies of the notice of review and the report of handling by the Acting Head of Planning and Building Standards. The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-03, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions); policy Env 6 (Conservation Areas Development), and policy Des 11 (Alterations and Extensions).
- 2) Non Statutory Guidelines: "Guidance for Householders" and Edinburgh Design Guidance.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 4) The further information submitted relative to the materials to be used for the roof of the extension.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The main issue in this case was considered to be whether the rear extension in scale and design was appropriate to the character and appearance of the house which itself was a listed building in a conservation area.

The LRB had noted that the Planning Officer, in his determination, had stated his view that the extension had little or no public impact and that there were similarly sized extensions on neighbouring properties. The proposed extension was not likely to affect the character of the area nor impact on the character and appearance of the Trinity Conservation Area. The LRB considered that the key issue was whether in its design and materials for the extension were compatible with the existing listed building.

On further consideration of the materials for the roof, the LRB was satisfied that the appearance of the house would not be compromised and that character of the conservation area would not be adversely affected. They had noted that there were a number of extensions to rear of most of buildings in the terrace, and that it would

not affect the amenity of neighbours. Neither was it visible to front of building, and was screened by a boundary wall to rear. They noted also that, externally, the development could improve the existing unsympathetic and non-complaint works and retain period features in the house.

In conclusion, they considered that the material circumstances identified to allow the planning officers decision to be over-turned and for planning permission to be granted.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for internal alterations and new extension to rear of property at 124 Trinity Road, Edinburgh, subject to informatives, as follows:-

Informatives

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.

(Reference –notice of review and decision notice and report of handling, submitted)

5. Request For Review – 45 Buckstone Crescent, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for the above application at 45 Buckstone Crescent, Edinburgh (application no. 13/01617/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and further written information. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-11 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

It was noted that in the notice of review, the applicant had included amended drawings (from the original drawings as submitted with the planning application); on this, the LRB considered this to be new information that had not been available to

the Planning Officer at the time of determination and as such was not allowable in determination of the matter. The LRB therefore determined the case on the basis of the original drawings as numbered 01-11.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy Des 11 (Alterations and Extensions) which set criteria for assessing alterations and extensions to existing buildings.
- 2) The non-statutory guidelines on 'Guidance for Householders'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.

Conclusion

The LRB noted the applicant's arguments that there were a great variety of house styles and design within Buckstone Crescent, that the house did not sit within a row of similar house types, and that these houses had no significant architectural merit nor fell within a conservation area. A number of houses were of one and a half storeys in height. The applicants considered that the alterations proposed could be viewed as a natural development and that there was little evidence that the proposals would be likely to harm the character of the surrounding area.

The LRB were not persuaded by the applicant's arguments: essentially the proposals involved a three metre increase in height of the house which at present was a chalet style bungalow with mono-pitched roof and situated in a street of single storey houses. They concurred with the Planning Officer's assessment that it would disrupt the rhythm of design in the street to an unacceptable degree. They also had concerns over the impact on the outlook of the adjacent property to the east.

In conclusion, they found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for removal of existing roof and to form one and a half storey pitched roof extension to house at 45 Buckstone Crescent, Edinburgh (Application no. 13/01617/FUL).

Reasons

The proposals would result in a development that harmed the character of the existing house, was not in keeping with the character of this side of the street and compromised the immediate outlook of the adjacent property to the east. The proposals were contrary to the City of Edinburgh City Local Plan policy DES 11 (Alterations and Extensions) and to non-statutory Guidance for Householders.

(Note: An amendment by Councillor McVey that the Planning Officer's decision be over-turned and planning permission granted, on grounds that the applicant's

arguments be accepted insofar as the design was acceptable and not inconsistent with the varied house styles existing in the area and therefore unlikely to affect overall character, was not seconded and therefore fell.)

(Reference –notice of review and decision notice and report of handling, submitted)

6. Request For Review – 13 East Hermitage Place, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for proposed alterations and extension to existing kitchen to form new kitchen at rear of property at 13 East Hermitage Place, Edinburgh.

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-03 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy Des 11 (Alterations and Extensions) and policy Env 6 (Conservation Area Development).
- 2) The non-statutory guidelines on 'Guidance for Householders' and 'Listed Buildings in Conservation Areas'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.

Conclusion

The LRB noted the applicant's arguments that there were a variety of house styles and design within the street, providing photographs of relevant examples, and arguing essentially that the proposal to replace an existing extension with the new extension was not likely to impact on the character of the house or on the conservation area.

The LRB considered that the key issue was whether the proposals, in particular the alterations involving a flat roof, were out of character with the street-scene, within a conservation area. On this they considered that although a number of such roofs could be seen in the area, the established character of the area did not support this feature, the street-scene being characterised by slate pitched roofs. The application site was on a corner and as such the development was likely to be conspicuous. The LRB considered on balance that if approved the development was likely to have an adverse effect on the overall character of the street, within the conservation area.

In conclusion, they found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for proposed alterations and extension to existing kitchen to form new kitchen at rear of property at 13 East Hermitage Place, Edinburgh (application no 13/01049/FUL).

Reasons

The proposal was contrary to Edinburgh City Local Plan policy Env 6 in respect of Conservation Areas – Development as it would result in a feature not in keeping with the over-riding and established character of this part of the conservation area and, in appearance, would represent an incongruous feature within the streetscape, thus neither maintaining nor enhancing the character or appearance of the conservation area.

(Reference –notice of review and decision notice and report of handling, submitted)

7. Request For Review – 2F Lanark Road, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for erection of a new house at 2F Lanark Road, Edinburgh. The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01d, 02d, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 3) The further representations received in respect of the notice of review.

Conclusion

The LRB in considering the application noted the one objection and further representation which was relative to the stability of the ground or banking on which

the proposed house was to be built. The LRB considered the representations raised to be non material relative to their consideration of the notice of review.

The LRB considered that the key issue was the question of whether the design, scale, use of materials, and massing of the proposals was appropriate for the sensitive site. They noted that consent had already been granted for two houses of smaller size on the site and that the principle of development had been established. The new proposal was to substitute for the earlier approvals and was on the site of the partially demolished warehouse.

On this question, they were persuaded of the merits of the design in its context, considering that it was a good modern design, befitting of the location, and respecting the lines of the neighbouring aqueduct and the recently erected Water of Leith visitor centre. Overall they were satisfied that the development could be allowed and that the Planning Officer's earlier decision be over-turned and allow planning permission to be given.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for the erection of a new house at 2F Lanark Road, Edinburgh (application no. 12/01125/FUL), with informatives as follows:-

Informatives

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.

(Reference –notice of review and decision notice and report of handling, submitted)

8. Request For Review – 2 The Steils, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for the erection of double garage with pitched slate roof at 2 The Steils, Edinburgh (application no. 13/00894/FUL). The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents, further written information and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the

application were numbered 1, 2A-3A, and 4 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy ENV3 (Listed buildings – setting), Env6 (conservation area development), Des1 (design quality and context), Des 11 (alterations and extensions).
- 2) The non-statutory guidelines on 'Listed buildings and conservation areas', 'Guidance for householders' and 'Edinburgh design guidance'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 4) The objection to the application and further representations on the notice of review.

Conclusion

The LRB noted the applicant's arguments that they considered the garage to be of an appropriate size for the property and was to be discreetly located in the north-west corner of the site and was subservient in scale to the main house and to the cottage to the west. They also argued that it was set behind the rear building line of the house and did not distort the views of the house or the cottages from the principal vantage points. The design had also attempted to reflect aspects and features of the main house.

The LRB agreed to adjourn the meeting to visit the site. On resuming consideration, they expressed concern at the overall scale and design of the proposals. Whilst the attempt to provide the most suitable situation within the grounds was appreciated, the LRB considered that, in the scale proposed, and having regard to the area of the grounds and distance from the main building, the new building would be excessive and likely to impact on the appearance and setting of the main house which was a listed building. The overall height was considered excessive, relative to its situation, and the design solution did not respond adequately to the sensitive location and proximity to listed buildings. If approved, it was likely to detract from the setting of the listed buildings and overall character of the conservation area. The LRB also noted that there had been one objection to the application from a neighbouring property.

In conclusion, the LRB found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for erection of double garage with pitched slate roof at 2 The Steils, Edinburgh (application no. 13/00894/FUL).

Reasons

The proposed size and bulk of the garage, its situation in relation to adjacent listed buildings, architectural detailing and material treatments, would result in a detrimental impact to the setting of the listed buildings and the character of the conservation area. The application would be contrary to Local Plan policies ENV3, ENV6, DES1, DES11 and Council non-statutory guidance.

(Reference –notice of review and decision notice and report of handling, submitted)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 30 October 2013

Present

Councillors Blacklock, McVey, Milligan and Rose.

1. Chair

Councillor Rose was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 65 Candlemaker's Park, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a proposed two storey extension on side of property at 65 Candlemaker's Park, Edinburgh (application no. 13/02488/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1 -2A, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan – Urban Area, Policy Des 11 (Alterations and Extensions)
- 2) The non-statutory guidelines on ‘Guidance for Householders’
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant’s argument that there were numerous examples of semi detached properties that had been extended on one side, the lack of any building line, extending over numerous houses within the estate and also that other properties had been built outwith the building lines within the estate. The LRB also noted that there had been no neighbour objections to the proposed work.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer’s report and concluded that the proposal would not unbalance the appearance of the semi-detached property and would not have a detrimental impact upon the character and appearance of the streetscape.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission on a division.

Motion

Motion by Councillor Milligan.
Seconded by Councillor Blacklock

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the reasons contained in his report.

Amendment

Amendment by Councillor McVey
Seconded by Councillor Rose

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed two storey extension on side of property with informative as follows:

Informatives

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.

Voting

For the Motion	2
For the Amendment	2

The votes being equal, the Convener used his casting vote for the amendment.

Decision

To approve the amendment.

(Reference –notice of review and decision notice and report of handling, submitted)

4. Request For Review – 222 Easter Road, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for change of use from retail unit, Class 1 to form two studio apartments, Class 9 at 222 Easter Road, Edinburgh (application no. 13/02390/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-08, Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 12 (Shopfronts)
 - Policy Hou 5 (Conversion to Housing)
 - Policy EMP 4 (Employment Sites and Premises)
 - Policy Ret 11 (Alternative Use of Shop Units in Other Locations)
 - Policy Tra 4 (Private Car Parking)
- 2) Non-Statutory Guidelines on 'Edinburgh Design Guidance' 'Guidance for Businesses' and 'Parking Standards'.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the applicants assertion that they felt that they had complied with all of the Council's guidelines and policies or had at least reached the same level of compliance as those applications adjacent to the proposed site and that although the proposal did not strictly comply with ADF to the kitchen unit of the basement they felt that this was a minor detail.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal did not comply with the development plan and non statutory guidelines and would adversely affect the character and appearance of the property and surrounding area and would not provide the minimum level of accommodation with the necessary levels of residential amenity.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for change of use from retail unit, Class 1 to form two studio apartments, Class 9 at 222 Easter Road which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/02390/FUL.

Reasons for Refusal

1. The proposal was contrary to Edinburgh City Local Plan Policy Hou 5 in respect of Conversion to Housing and to non statutory guidelines, as the basement flat provides only 'single aspect' living accommodation with inadequate floor space and average daylight factor within those habitable rooms, and the ground floor flat provides living accommodation with inadequate floor space. Resulting in an inadequate level of residential accommodation to the detriment of the residential amenities of future occupants of those properties.
2. The proposal was contrary to Edinburgh City Local Plan Policy Des 12 in respect of shop fronts and to 'Guidance for Businesses' as the proposal would result in a replacement shop frontage of an inappropriate form and size of glazing that would appear heavy and cumbersome, extending down almost to pavement level, resulting in an inappropriate form of replacement shop front to the detriment of, and out of character with, the neighbouring properties and this part of the street scene.

(Reference –notice of review and decision notice and report of handling, submitted)

5. Request For Review – 50 Liberton Gardens, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a proposed new detached house on vacant land at land 14 metres south of 50 Liberton Gardens, Edinburgh (application no. 13/01961/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards and a further representation objecting to the application.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, 02, 03a, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 1 (Design Quality and Context)
 - Policy Des 3 (Development Design)
 - Policy Env12 (Trees)

- Policy Hou1 (Housing Development);
 - Policy Hou 3 (Private Open Space)
 - Policy Hou4 (Density).
- 2) The non-statutory guidelines on 'Edinburgh Design Guidance'.
 - 3) The procedure used to determine the application.
 - 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant's arguments that the proposal complied with the relevant statutory and non statutory planning policies and guidance, and that furthermore the plot had been vacant for more than 60 years with existing dropped kerb and vehicle access.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and concluded that the proposal would not have an adverse effect on the character and appearance of the area and would not adversely affect the amenity levels available to future occupiers of the development.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission on a division.

Motion

Motion by Councillor Milligan
 Seconded by Councillor McVey

To up hold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the reasons contained in his report.

Amendment

Amendment by Councillor Blacklock
 Seconded by Councillor Rose

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed new detached house on vacant land at land 14 metres south of 50 Liberton Gardens, Edinburgh with informatives as follows:

Informatives

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.

Voting

For the Motion	2
For the Amendment	2

The votes being equal, the Convener used his casting vote for the amendment.

Decision

To approve the amendment.

(Reference –notice of review and decision notice and report of handling, submitted)

6. Request For Review – 10 Ravencroft Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission to convert existing double garage into a dwelling house at 10 Ravencroft Street, Edinburgh. Application No 13/01666/FUL.

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1-3, 4a, 5a, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan
 - Policy Des 11 (Alterations and Extensions)
 - Policy Hou5 (Conversion to Housing)
 - Policy Env 6 (Conservation Areas Development).

- 2) The non-statutory guidelines on 'Guidance for Householders and 'Edinburgh Design Guidance'.
- 3) The Gilmerton Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant's arguments that the proposal provided adequate amenity space to both the existing house and the proposed house and that the design and materials had been considered carefully to preserve the character and appearance of the conservation area.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and concluded that the proposal would provide a satisfactory residential environment and an adequate amenity space for the converted property and the existing property, and that the scale and design would not dominate the original house to its detriment.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission to convert existing double garage into dwelling house, with informatives as follows: .

Informatives

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.

(Reference –notice of review and decision notice and report of handling, submitted)

7. Request For Review – 46 St Clair Terrace, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission to demolish approximately 3 metres of wall to provide easier access to a new drive at 46 St Clair Terrace, Lock Up 1, 126 Comiston Drive, Edinburgh, Application No13/01098/FUL.

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, 02, Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards online services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: Policy Env 6 (Conservation Areas Development).
- 2) Non-Statutory Guidelines on 'Guidance for Householders'.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the applicants arguments that the extent of the wall removal is only in front of the garage and not the side wall of the soft landscaping, that this area cannot be seen from the public footpath and that the side wall beside this area would not be touched apart from some repointing and furthermore that it was intended that the stone be reused to build a low retaining wall round two sides of the proposed drive, in keeping with the character of the Conservation Area.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal would adversely affect the character and appearance of the property, and the character of the conservation area.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to demolish approximately 3 metres of wall to provide easier access to a new drive at 46 St Clair Terrace, Lock Up 1, 126 Comiston Drive, Edinburgh. Application No 13/01098/FUL.

Reasons for Refusal

- 1) The proposal was contrary to the non statutory guidelines on 'Guidance for Householders' in terms of road safety (additional pavement crossings).
- 2) The proposed works were contrary to Policy Env 6 of the Edinburgh City Local Plan, this policy sought to preserve boundary walls and areas of soft landscaping which made up the character of the area. The proposal required the partial removal of the original stone wall. This was contrary to the Council's guidelines as it would alter the visual appearance of the street which further detracted from the essential character of the Conservation Area.

(Reference –notice of review and decision notice and report of handling, submitted)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 13 November 2013

Present

Councillors Bagshaw, Brock, Child, Heslop and Howat.

1. Chair

Councillor Bagshaw was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 2 Lee Crescent, Portobello, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for proposed replacement of existing windows with new double glazed uPVC windows at 1F1, 2 Lee Crescent, Edinburgh (application No: 13/01093/FUL).

Assessment

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 11 (Alterations and Extensions), and policy Env 6 (Conservation Areas Development).
- 2) Non Statutory Guidelines: “Guidance for Householders” and ‘Listed Buildings and Conservation Areas’
- 3) The Portobello Conservation Area Character Appraisal.
- 4) The representations on the application.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicants’ arguments that there were examples of non-timber windows in Lee Crescent and nearby Brighton Place and that, in the design of the sash and case replacement windows, they had had regard to the traditional style and would intend to keep the general appearance of the windows similar to the existing style for the area; also, in construction, to use a product that simulated traditional timber profiles. In these circumstances the applicants did not feel the proposed replacements were likely to compromise the appearance of the listed building or of the wider conservation area.

The LRB took these factors into account but remained of the view that the conservation area policies and guidance to householders were clear on the type of window and material that would be allowed and although there were examples of non-conforming windows in existence the predominance of such was not of such a level that it had altered the character of the area or that the policy requirement could be set aside. Approval of these proposals was considered likely to have an adverse effect on the character of the area.

In conclusion, the LRB considered that the Planning Officer’s assessment was fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer’s decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for proposed replacement of existing windows with new double glazed uPVC windows at 1F1, 2 Lee Crescent, Edinburgh (Application No: 13/01093/FUL).

Reasons for Refusal

The proposal is contrary to policy Env 6 and policy Des 11 of the Edinburgh City Local Plan and the Council’s non-statutory guidelines in respect of listed buildings and conservation areas. The proposal will result in the loss of traditional timber sash

and case windows and the introduction of uPVC windows will further erode the character and appearance of the Conservation Area.

(Reference – decision notice and report of handling by Head of Planning, and notice of review submitted by applicants, submitted)

4. Request For Review – 11 Belleview Crescent, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for formation of 2 openings in boundary wall at lane, erect 2 garages, form 2 crossovers from lane, at 11 Bellevue Crescent, Edinburgh (Application no.13/01202/FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01 and 02 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated. (The LRB considered the applicants' request that consideration of the review be delayed pending the outcome of the applicants' appeal to Scottish Ministers in relation to listed building consent but took a view that the processes for each were independent and that they should proceed to consider the review this day.)

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), Des 11 (Alterations and Extensions), Env 6 (Conservation Areas Development) and policy Env 3 (Listed Buildings – Setting).
- 2) Non-statutory guidelines: Guidance for Householders; Listed Buildings and Conservation Areas; Parking Standards; and Movement and Development.
- 3) The New Town Conservation Area Character Appraisal.

- 4) The representations on the application and the further representations to the notice of review.

Conclusion

The LRB carefully considered all the arguments put before it by the applicants, including their view that the operations to the boundary walls were not likely to affect the setting of the main house as a listed building and that the listed categorisation did not specifically refer to either garden ground or boundary walls and that, on road safety, given the limited number of car movements, there were not likely to be any significant effects on safety. They also felt that the character of the boundary wall had been significantly altered over recent years, with many interruptions and alterations, and that these particular proposals were unlikely to impact on the overall character of the area.

The Local Review Body however was not persuaded by the applicants' arguments and remained concerned in particular at the possible impact on the setting of the listed buildings and the effect on the character of East Scotland Street Lane. They felt that the proposals were likely to have a significant effect on listed buildings and settings and on the overall appearance and character of the conservation area. They also accepted the Transportation view that the proposals would adversely affect road safety. They noted that there had been objections to the original application and further representations on the notice of review.

In conclusion, the LRB considered that the Planning Officer's assessment was fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for formation of 2 openings in boundary wall at lane, erect 2 garages, form 2 crossovers from lane, at 11 Bellevue Crescent, Edinburgh (Application no.13/01202/FUL).

Reasons for Refusal

The proposal is contrary to the Edinburgh City Local Plan policies Env 3, Env 4, Env 6 and to the Council's non-statutory guidelines in respect of 'Listed Buildings and Conservation Areas' and 'Movement and Design' as the garages will prejudice the unique architectural and historic interest of the listed buildings and their setting, and adversely affect the special character and appearance of the New Town Conservation Area, and prejudice road safety.

(Reference - decision notice and report of handling by the Acting Head of Planning, notice of review submitted by applicants, and further representations on the notice of review, submitted)

5. Request For Review – 16 Queen Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for formation of front elevation dormer at 16 Queen Street, Edinburgh (application No: 13/02275//FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1, 2, 3b and 4, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following :

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), policy Des 11 (Alterations and Extensions), and policy Env 6 (Conservation Areas Development).
- 2) Non Statutory Guidelines on Listed Buildings and Conservation Areas.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicants' argument that the existing dormer was not original to the house and was not in keeping with the building. The proposed replacement was intended to be a well proportioned addition and more in keeping with the alterations made to the house over the years and acknowledging the generally Victorian style of the front elevation. The design was an attempt to conform to the same parameters as set out by other Victorian dormers along Queen Street and to seek to minimise any impact on the front elevation.

The Local Review Body accepted much of this argument in regard to the proposals being an attempt to improve on the existing dormer on the roof plane and they noted that the building had been heavily altered in relation to its original Georgian form, including the bay window on the lower three floors. However, and taking account of the situation of the B listed building within an A listed terrace of houses, the Local

Review Body considered that the material circumstances were not sufficient to outweigh the policy presumptions in policy ENV 4 on alterations or extensions to listed buildings. In this case, and against some finely balanced considerations, they came to a view that the proposals would constitute a further erosion of character to the roof plane of the house and that development plan policy considerations should prevail over some otherwise reasonable considerations put forward by the applicants.

In conclusion, the LRB considered that the Planning Officer's assessment had been fair and balanced and that other material considerations raised in the review were not of sufficient weight to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for front elevation dormer at 16 Queen Street, Edinburgh (application no. 13/02275/FUL).

Reasons for Refusal

- 1) The proposals are contrary to the Edinburgh City Local Plan policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the alteration would represent a further erosion of character to the roof plane of the listed building.
- 2) The proposals are contrary to the Council's non-statutory guidelines in respect of Listed Buildings and Conservation Areas, as the alteration would represent a further erosion of character to the roof plane of the listed building.

(Reference - decision notice and report of handling by the Acting Head of Planning, and notice of review submitted by applicants, submitted)

6. Request For Review – 207 High Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for installation of new ATM within existing glazed shop front at 207 High Street, Edinburgh (application no: 13/02152/FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents. The LRB had also been provided with copies

of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1-3, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), and policy Env 6 (Development in Conservation Areas.
- 2) Non Statutory Guidelines: 'Listed Buildings and Conservation Areas' and 'Guidance For Businesses'.

Conclusion

The Local Review Body considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicant's arguments that there would be no external alterations to the frontage; that there was no other place within the shop to locate the ATM and with a commercial need for an ATM for the business; and was within a street-scene with commercial properties where the modern design would not be viewed as out of character.

The Local Review Body, having considered the applicant's submission, was not persuaded of an over-riding need for an ATM in this location. The location on the High Street was considered to be sensitive and important in terms of the conservation area. There were other ATMs located in the High Street or close to the site. The ATM was likely to be intrusive in terms of appearance and have an adverse impact on the listed building and its setting within an important area in the Old Town Conservation Area. The proposal was contrary to the Guidance for Businesses on installation of ATMs.

They considered that the Planning Officer's assessment had been fair and balanced and that no material considerations of sufficient weight had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for installation of new ATM within existing glazed shop front at 207 High Street, Edinburgh (application no. 13/02152/FUL).

Reasons for Refusal

- 1) The proposals are contrary to the Edinburgh City Local Plan policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the proposed ATM would impact on the proportions of the shop-front to the detriment of the listed building.
- 2) The proposals are contrary to the Edinburgh City Local Plan policy Env 6 in respect of Conservation Areas - Development, as the proposed ATM would have an adverse impact on the character and appearance of the conservation area.
- 3) The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas, as the ATM would impact on the proportions of the frontage to the detriment of the area and the listed building.
- 4) The proposals are contrary to development plan policy as interpreted using the non-statutory Guidance for Businesses, as the proposed ATM would be intrusive and would have an adverse impact on the area and the listed building.

(Reference - decision notice and report of handling by Acting Head of Planning, and notice of review submitted by applicants, submitted)

7. Request For Review – 50 Wester Drylaw Place, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a review of the refusal of planning permission for elements of proposals in application and involving boundary treatments, including walls, fencing and access gates, area of hard standing and storage shed, at 50 Wester Drylaw Place (9 metres west of), Edinburgh (application No: 13/02125/FUL).

Assessment

The Local Review Body (LRB) had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-02, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services. The LRB, having considered the documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 1 (Design Quality and Context), policy Des 3 (Development Design) and policy Hou 8 (Inappropriate Uses in Residential Areas);
- 2) Non Statutory Guidelines: "Edinburgh Design Guidance".
- 3) The representations on the application.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicant's arguments that the boundary treatments were required in the interests of security of the garden and its tools and furniture and that attempts had been made in design to soften the effect and had had regard to use of similar finishes to adjoining houses in order to try to bring about a sympathetic development. It was noted that there were also a number of letters of support for the development from local residents.

The Local Review Body, having considered the information submitted, was not persuaded of any material circumstances to out-weigh the Planning Officer's assessment that the proposals were inappropriate in design, form and choice of materials. They considered that the proposals would have a detrimental impact on residential amenity and character of the area. Whilst the earlier approval of the subdivision of the garden ground was acceptable, the LRB remained concerned at the proposals for the operational development which was unacceptable in the residential area.

In conclusion, the LRB considered that the Planning Officer's assessment had been fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the boundary treatments, including walls, fencing and access gates, the area of hard standing and the storage shed, on ground adjacent to 50 Wester Drylaw Place, Edinburgh (application no. 13/02125/FUL).

Reasons for Refusal

The proposals were contrary to Local Plan policies Des 1 and Des 3 and if approved would have a detrimental impact on neighbourhood character and amenity.

(Note: The refusal of planning permission, as above, did not affect the earlier planning consent, dated 31 July 2013, which related only to the sub-division of the garden ground at 50 Wester Drylaw Place, creating a new planning unit and the use of the new unit as private outdoor amenity space, independent of any other property.)

(Reference - decision notice and report of handling by the Acting Head of Planning, and notice of review submitted by applicants, submitted)

Planning Committee

10.00am, Thursday 5 December 2013

Short Stay Commercial Leisure Apartments – Review of Non-Statutory Guidance

Item number	5.1
Report number	
Wards	All

Links

Coalition pledges	P28
Council outcomes	CO8 , CO16 , CO19
Single Outcome Agreement	SO1 , SO4

Mark Turley

Director of Services for Communities

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Executive summary

Short Stay Commercial Leisure Apartments – Review of Non-Statutory Guidance

Summary

The Planning Committee agreed to make changes to its non-statutory “Guidance for Businesses” in February 2013 in order to make specific reference to the issue of short stay commercial leisure apartments – so called “party flats”. In agreeing the changes, the Committee asked for a report back after 6 months. This report details events since that time and has been slightly delayed to allow for feedback to be included on the outcome of the service of the first two planning enforcement notices.

Recommendations

It is recommended that the Committee notes the current position in respect of action by the Planning enforcement service relating to short stay commercial leisure lets and that a further review will be carried out and reported on in six months time.

Measures of success

That the council’s performance in dealing with cases of short stay commercial leisure lets results in a decline in the particular problems associated with such uses; in a decline in the number of complaints about such activity; and in successful outcomes for the Council in any appeal or court proceedings.

Financial impact

This report has no financial implications.

Equalities impact

There is no relationship between the matters described in this report and the public sector general equality duty. There is no direct equalities impact arising from this report.

Sustainability impact

The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. Relevant Council sustainable development policies have been taken into account. This review of the operation of revised non-statutory guidance will have no adverse impacts on carbon emissions, the city’s resilience to climate change impacts, achieving a sustainable Edinburgh or in respect of social justice, economic wellbeing or good environmental stewardship.

Consultation and engagement

Consultation and community engagement have not been carried out in respect of this review of the operation of the guidelines. However, there is regular contact and communication with community groups and other interested parties through the work of the task group.

Background reading / external references

[Annual Review of Guidance, report to Planning Committee, 28 February 2013](#)

[Minutes of Planning Committee, 28 February 2013, item 3](#)

Short Stay Commercial Leisure Apartments – Review of Non-Statutory Guidance

1. Background

- 1.1 At its meeting on 28 February 2013, the Planning Committee received a deputation which made a number of points in regard to the use of residential flats for short stay commercial leisure use. The Committee had regard to those comments in considering the report on the Annual Review of Guidance which contained proposals for a change to the Guidance for Businesses in regard to such uses.
- 1.2 Since the Guidance for Businesses was approved in December 2012, the Council had considered whether short stay commercial leisure apartments, or 'party flats' can constitute a material change of use in planning terms. The Council considered that in certain cases they could. Accordingly, the following text was proposed to be added to the relevant section of the published version of the non-statutory Guidance for Businesses:

The change of use from a residential property to short stay commercial leisure apartments may require planning permission. In deciding whether this is the case, regard will be had to:

- *The character of the new use and of the wider area;*
- *The size of the property;*
- *The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and*
- *The nature and character of any services provided,*
and in the case of short stay commercial leisure apartments, the Council is unlikely to grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

- 1.3 In reaching a decision, the Committee resolved amongst other things that the wording of the text above should be amended to read "will not normally" instead of the proposed "is unlikely to". It also resolved that the amended guidance be reviewed in 6 months time.

2. Main report

- 2.1 The wording of the guidance was altered as requested by the Committee and has now been in effect since that time. The Planning service has also continued to make a contribution to the work of the special task group which had been set up the previous year to provide a co-ordinated approach to this problem and which involved officers from a range of service areas, including those who dealt with anti-social behaviour issues. Those officers have been pursuing the use of two flats in Grove Street under anti-social behaviour legislation which has resulted in the granting of the first Management Control Order in Scotland for both properties, in parallel with the action being taken by the Planning service. A Management Control Order gives responsibility for the management of the properties to the Council and is for a period of 12 months. There is regular liaison between the service areas and cases where a Planning input is required are referred to this service for action, by the task group manager.
- 2.2 Since the matter was before the Committee last, planning enforcement notices were served on 5 August 2013 in respect of the two flats in Grove Street referred to above and which had been causing persistent problems for some time. The owner however did not appeal those notices and they therefore took effect on 6 September 2013. The two month period for compliance ran until 5 November 2013. From information reported, the owner has ceased the use of the properties as short term commercial lets within the period specified and has therefore complied with the notices. This is likely to be due to the restrictions placed on the owner as part of the Anti Social Behaviour Notices and the Interim Interdict that the Council were successful in gaining.
- 2.3 In addition, the owner has submitted an application at the beginning of October for a certificate of lawfulness for one of the flats in Grove Street, seeking a certificate in respect of guest house/bed & breakfast type usage. The outcome of this application will have a significant impact on what enforcement action might be taken in respect of those premises.
- 2.4 In addition to the two flats in Grove Street, the Planning service is investigating the use of multiple units in Brandfield Street and at Western Harbour. Other properties under investigation are located at Featherhall Avenue, Holyrood Road, Lothian Road and Old Tolbooth Wynd. Consideration of the situation at Brandfield Street is at an advanced stage, with investigations having been completed. Otherwise, the remaining properties are still the subject of ongoing investigation, the collection of background information and evidence gathering to determine what action might be appropriate.

2.5 The fact that neither of the enforcement notices served so far has been appealed means that the Committee has no external assessment of the robustness of the policy approach being taken. It is not known why the property owner resolved not to appeal the notices, but to comply with them, although it should be noted that restrictions were imposed on the owner by the interim interdict which the Council obtained in the court. This limited the usage of the properties to 10 people in No 31 and 8 people in No 16 and specified that there were to be no stag or hen parties in these properties. Until more notices are served and appeal decisions are available, it is not possible at the present time to reach any definitive conclusions on whether or not the non-statutory guidance has made any difference to the situation with such uses. A further review will be carried out in six months time to assess the situation at that time.

3. Recommendations

3.1 It is recommended that the Committee notes the current position in respect of action by the Planning enforcement service relating to short stay commercial leisure lets and that a further review will be carried out and reported on in six months time.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P28 Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well managed neighbourhood CO 19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs, and opportunities for all. SO4 Edinburgh's communities are safer and have improved physical and social fabric.
Appendices	None

Planning Committee

10am, Thursday, 5 December 2013

Supplementary Guidance: Tollcross Town Centre

Item number	5.2
Report number	
Wards	9 - Fountainbridge/Craiglockhart 10 - Meadows/Morningside

Links

Coalition pledges	P15
Council outcomes	CO7 , CO8 , CO19 , CO21
Single Outcome Agreement	SO1 , SO4

Mark Turley

Director of Services for Communities

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Executive summary

Supplementary Guidance: Tollcross Town Centre

Summary

The purpose of this report is to seek Committee approval of finalised Supplementary Guidance (SG) for Tollcross Town Centre. The SG will guide the balance of uses in the town centre. It will be used to determine planning applications for the change of use of units in shop use to non-shop uses.

Recommendations

It is recommended that the Committee approves the finalised Supplementary Guidance for Tollcross Town Centre.

Measures of success

The vitality and viability of Tollcross Town Centre is preserved and enhanced.

Financial impact

There are no direct financial impacts arising from this report. The costs of publishing the SG will be met from existing budgets.

Equalities impact

The impacts of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights have been considered. The report has no significant direct impact on the Council's three equalities duties. The SG will have positive impacts on rights. The process of preparing the SG enhanced the rights to participation, influence and voice by allowing people to participate in the formation of policy. The Guidance will enhance the rights to health, physical security and standard of living.

Sustainability impact

The proposals in this report will:

- reduce carbon emissions because they supports town centres which provide local services in sustainable locations, reducing the need for travel;
- increase the city's resilience to climate change impacts because supporting town centres reduces the need to travel for services;
- help achieve a sustainable Edinburgh because town centres are places for social and economic interaction, and fostering their vitality and viability will protect their identity within our communities;
- help achieve a sustainable Edinburgh because it supports the town centres where many local businesses choose to locate; and
- help achieve a sustainable Edinburgh because they promote the continued use of shop units in beneficial use.

Consultation and engagement

Pre-draft consultation on the SG took place through two drop-in events in March 2013 in Tollcross. All residents and local businesses in Tollcross were invited by letter. The views collected informed the preparation of the draft SG.

Consultation on the draft SG took place from 17 June until 9 August this year with a public drop-in event held on Saturday 22 June for residents, local businesses and those responding to the pre-draft consultation. The draft SG was also available on-line and in public libraries.

Background reading / external references

- [Summary](#) note of the Tollcross consultation drop-in events March 2013.
- [Report to Planning Committee](#), Local Development Plan – [Proposed Local Development Plan](#) and Development Plan Scheme (19 March 2013).
- [Annual Review of Guidance report](#) to Planning Committee (28 February 2013).
- Edinburgh Local Development Plan [Main Issues Report](#) (October 2011).
- [Report to Planning Committee](#), Supplementary Guidance: City Centre Retail Core and Tollcross Town Centre – drafts for consultation (16 May 2013).

Supplementary Guidance: Tollcross Town Centre

1. Background

- 1.1 The Proposed Edinburgh Local Development Plan was approved on 19 March 2013. It requires supplementary guidance (SG) to be prepared for each town centre. This new approach was consulted on in the Main Issues Report and set out in the report on the Annual Review of Guidance to Planning Committee on 28 February 2013.
- 1.2 Statutory SG is prepared under Section 22 of the Planning, etc (Scotland) Act 2006.
- 1.3 Finalising the SG for Tollcross means it can be considered as a material consideration in the determination of planning applications for the change of use of shop units. The SG cannot be formally adopted and issued as part of the development plan until the related Local Development Plan has been adopted. The expected date for adoption is October 2015. It is intended to review the guidance every two years to take account of changes of use over time.
- 1.4 A programme for the remaining town centres SG has been prepared and is attached as Appendix 1.

2. Main report

Consultation on Draft supplementary Guidance

- 2.1 Consultation on the draft SG took place from 17 June until 9 August this year. The draft SG was available on-line and in local libraries for comment. Residents, local businesses and those responding to the pre-draft consultation were invited to a public drop-in event held on Saturday 22 June. A schedule of the responses received is attached at Appendix 2.

Finalised Supplementary Guidance

- 2.2 The finalised SG is attached at Appendix 3. As in the draft, it allows shops, financial, professional or other services and food and drink establishments in most of the town centre. This will allow shops to change to those uses that maximise the Town Centre's easily accessible location for the community. Restrictions to this are made in order to retain prime retail units in shop use on parts of Lothian Road and Earl Grey Street.

- 2.3 As a result of the consultation, one change has been made to the SG. The suggestion in the draft SG to allow the change of use of a shop unit on 1-11 Earl Grey Street to a pub or bar received strong opposition and has been removed. No further public houses or hot food shops are allowed, in line with the Council's Guidance for Business.
- 2.4 The SG once finalised can be used as a material consideration and be used day-to-day to decide applications. Once the SG is adopted in 2015 it will form part of the development plan and, as such, planning applications must be considered in accordance with it.

3. Recommendations

- 3.1 It is recommended that the Committee approves the finalised Supplementary Guidance for Tollcross Town Centre.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO7 Edinburgh draws in new investment in development and regeneration CO8 Edinburgh's economy creates and sustains job opportunities CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city.
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1: Supplementary Guidance for Town Centres: Outline Preparation Programme at October 2013 Appendix 2: Draft SG for Consultation – Schedule of Responses Appendix 3: Supplementary Guidance: Tollcross Town Centre

APPENDIX 1

Supplementary Guidance for Town Centres Outline Preparation Programme at October 2013

Title	Stage*	Indicative Date
<i>Early 'pilot' cases</i>		
Tollcross	Draft	May 2013
	Finalised	December 2013
City Centre Retail Core	Draft	May 2013
	Finalised	Spring 2013
<i>2nd Batch</i>		
Corstorphine	Draft	Spring 2014
	Finalised	End 2014
Gorgie/Dalry	Draft	Spring 2014
	Finalised	End 2014
Leith/Leith Walk	Draft	Spring 2014
	Finalised	End 2014
<i>3rd Batch</i>		
Morningside/Bruntsfield	Draft	Autumn 2014
	Finalised	Spring 2015
Nicolson St/Clerk St	Draft	Autumn 2014
	Finalised	Spring 2015
Portobello	Draft	Autumn 2014
	Finalised	Spring 2015
Stockbridge	Draft	Autumn 2014
	Finalised	Spring 2015

* Supplementary Guidance cannot be formally adopted and issued as part of the development plan until the related Local Development Plan (LDP) has been adopted. The expected date for adoption of LDP is October 2015.

Appendix 2: Tollcross Draft Supplementary Guidance for Consultation – Schedule of Responses Grouped Summary with Council Response

TC1 & TC2 - Some concern over allowing more food and drink. Some support for Class 3 in corner units.

Council Response: Class 3 will only be allowed where it meets the criteria in TC1 which aims to allow more mixed uses to support the town centre role while protecting key units in TC2. Clarification now in finalised SG that food and drink is not referring to pubs and hot food takeaways.

TC3 - Majority of respondents opposed to allowing the large shop unit in 1-11 Earl Grey Street change to a pub or bar use. A few suggest a restaurant use or keeping it retail but dividing it into smaller units.

Council Response: Remove proposal to change to a bar and keep as a retail unit.

Types of shops – number of comments on types of shop uses and encouraging local shops.

Council Response: Planning Legislation cannot distinguish between types of shops in a unit. SG aims to allow more mixed uses to support the town centre role

Boundary – A few respondents suggest expanding the town centre boundary to include Brougham Street, Morrison Street, Bread Street and Bruntsfield Place. While another states changes should be small.

Council Response: Recommend these expansions be considered in the context of the Local Development Plan as it involves altering the proposals map. This will also allow changes to policy in current town centre time to bed in.

Public Realm - Many comments about environmental and promotional issues.

Council Response: these are out with the realm of the SG to address and are being passed to the relevant sections of the council.

Individual Responses

Respondent	Summary of response
Respondent 1	<ul style="list-style-type: none">• No need to encourage more food and drink, need to develop creative ways of encouraging shops instead.• Need for change is small and should involve environmental improvements and nurturing retail by encouraging buying in local shops.• Opposed to a bar on east side of Earl Grey Street. Enliven it by splitting up the unit to make it easier to rent or convert into a retail arcade or allow a restaurant.

Respondent 2

- Guidance should include Brougham Street.
- Changes to use classes is not enough, needs a wider range of initiatives looking at the areas image, appearance of street frontages, uncontrolled signage, poor pavement surfaces, street clutter and prominence of traffic over pedestrians, improvements to the public realm, provision of community space, a shop frontage improvement scheme, reduced business rates to encourage incubator businesses, make better day time use of the Cameo, Kings etc.

Respondent 3

- TC3 would be inappropriate and of no benefit to locals in an overprovided sector
- Suggests Council consider improving the outdoor experience in favour of those on foot, a program of tree planting and more bike stands.

Respondent 4

- More food and drink is not future current residents are hoping for.
- Boundary should include Brougham Street, Morrison Street, Bread Street and Bruntsfield Place.
- Need to address management of the centre such as anti-social behaviour, cleanliness, pedestrian safety, pavement widths, speed of traffic and ease of crossing roads.

**Tollcross
Community Council**

- TC1 negates retail protection in an area already overprovided with food and drink. TC1 contradicts what the guidance says about “no new hot food shops, pubs and bars” being allowed.
- TC3 is not welcome, suggest breaking the unit up for shops or a restaurant but no more pubs.
- Wish shops on west side of Bruntsfield to be included in town centre or be included in Bruntsfield Town Centre. Also wish to see shops in Brougham Street, Morrison Street and Bread Street included.

Respondent 6

- Need to refurbish street furniture, improve pavement condition, attend to road conditions particularly outside the King’s Theatre.
 - TC3 is not supported as there is already an over provision of alcohol in the area. Would be good to see the premises in use perhaps by dividing into two units.
-

Respondent 7

- Guidance appears to reduce the number of retail units rather than protect them.
- TC3 is not supported as already too many licensed premises.
- Need to address pedestrian access as motorised traffic has absolute priority at the major junctions. Pedestrians need to be given genuine priority.

Respondent 8

- Strongly object to TC3 as another pub will not help current over provision.

Respondent 9

- Endorses Respondent 4's comments
- More pubs are not needed.

Respondent 10

- Objects to any part of Central Hall being licensed for sale of alcohol as already over provided for.

Respondent 11

- Object to TC3 as already over subscribed with pubs and fast food outlets.

Central Hall

- Support proposal to allow visually prominent corner shop units to be permitted class 3 use.
-



APPENDIX 3

Tollcross Town Centre

Supplementary Guidance

December 2013



Introduction

Tollcross Town Centre is one of Edinburgh's nine Town Centres. Within these Centres the Council is committed to ensuring they continue to serve those who live, work, visit and shop there. One way it does this is by guiding when a shop unit can change from a shop use to another use suited to a Town Centre. This document sets out when the Council will give planning permission for changing the use of a shop unit in Tollcross Town Centre.

Tollcross Town Centre

The Town Centre is defined as lying within the area shown on the map below. A mix of uses currently exists including shops, offices, cafes and bars. **Where a unit is used as a shop it is necessary to get planning permission from the Council to change to another use.**

The continued existence of a variety of shops is seen as critical to the health of Tollcross. However, there are also benefits in allowing shops to change to other uses that maximise the Town Centre's easily accessible location for the community. It is therefore felt that, in certain areas, permitting a change of use to a professional office or a cafe/ restaurant use would enhance the Centre.

To prevent non-shop uses that detract from the streets' liveliness, changes to uses such as residential and light industry are not acceptable. To prevent excessive concentration, no new hot food takeaways, pubs or bars will be allowed. New cafes and restaurants must not lead to an unacceptable impact on living conditions for nearby residents.

What is a shop unit? Premises opening directly onto the street and designed primarily for shop use. In some locations the shop unit can be above street level or at basement level but still have direct access and be visible from the street.

What is a shop use? A unit used for the sale of goods (not hot food), e.g. post office, sale of tickets, travel agency, cold food for consumption off the premises, hairdressing, funeral parlour, launderette or dry cleaners.

All where the sale, display or service is principally to visiting members of the public.

(These types of use are grouped together and collectively called Class 1 Shops)

Types of non-shop uses

Changing a shop to non-shop use is known as a “change of use” and will always require an application for planning permission.

The non-shop uses which the Council will consider a change to are:

Professional Offices - lawyers, accountants, estate agents, health centres, surgeries of dentists, doctors and vets.

(These types of use are grouped together and collectively called Class 2 Financial, professional and other services)

Food and Drink consumed on premises - restaurant, cafe, snack bar (not a public house or hot food take-away).

(These types of use are grouped together and collectively called Class 3 Food and Drink)

Policies

TC1 Within the defined boundary of Tollcross the change of use of a shop unit to a non-shop use will be permitted provided the proposal is:

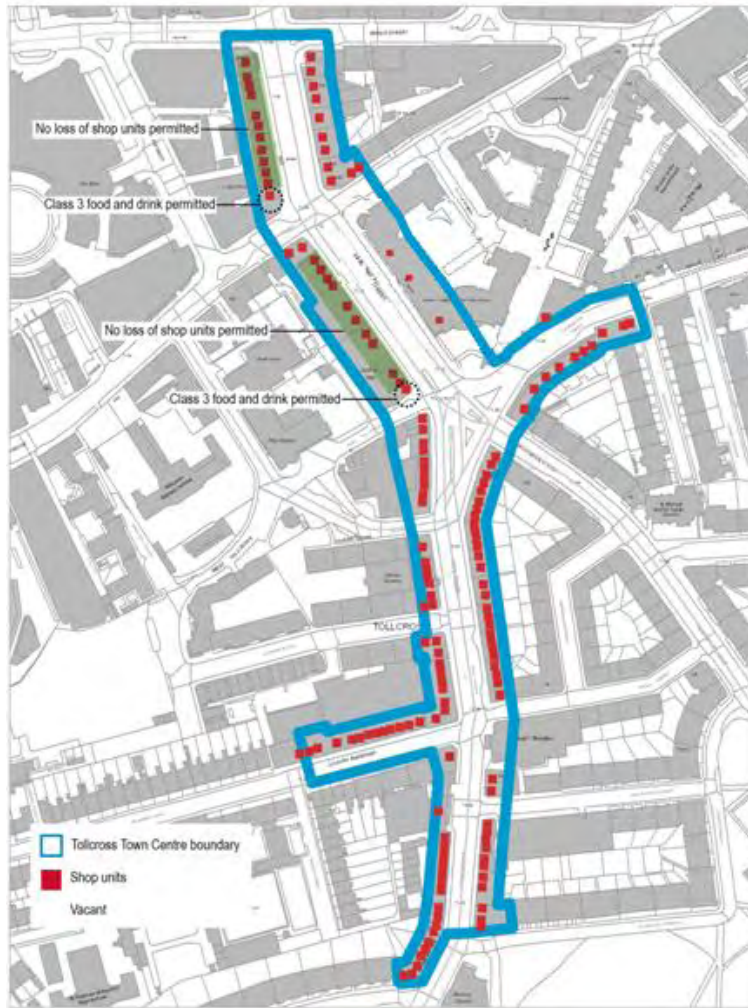
- a) Class 2 Financial, professional or other services
- b) Class 3 Food and Drink uses
- c) an appropriate commercial or community use which would complement the character of the centre and would not harm its vitality and viability
- d) subject to TC2 below.

TC2 The change of use of a shop unit to a non-shop use on 120 – 148 Lothian Road and 2 – 48 Earl Grey Street will not be permitted, with the exception of the corner units where Class 3 Food and Drink uses are considered appropriate.

Finalised Supplementary Guidance

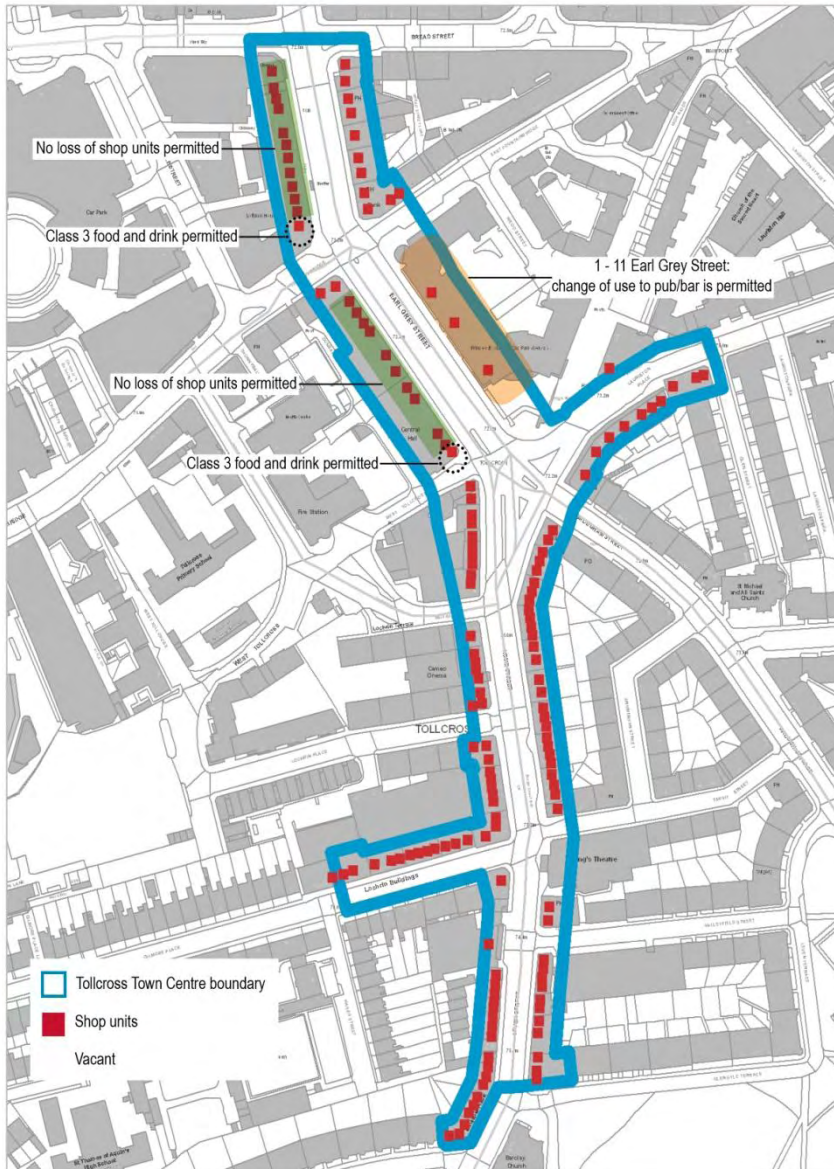
Tollcross Town Centre

Policies



Draft Supplementary Guidance

Planning Committee – 5 December 2013 v1.2



Planning Committee

10.00am, Thursday, 5 December 2013

Edinburgh BioQuarter and South East Wedge Parkland: Supplementary Guidance and Masterplan

Item number	5.3
Report number	
Wards	Ward 16 – Liberton / Gilmerton Ward 17 – Portobello / Craigmillar

Links

Coalition pledges	P8 , P15 , P17 , P18
Council outcomes	CO7 , CO8 , CO16 , CO18 , CO19 , CO22 , CO23
Single Outcome Agreement	SO1 , SO2 , SO3 , SO4

Mark Turley

Director of Services for Communities

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Executive summary

Edinburgh BioQuarter and South East Wedge Parkland: Supplementary Guidance and Masterplan

Summary

The purpose of this report is to seek the Committee's approval of the finalised statutory Supplementary Guidance (SG) for the Edinburgh BioQuarter and the South East Wedge (SEW) Parkland following consultation and to seek approval of the non-statutory Edinburgh BioQuarter Masterplan in draft for consultation.

The Proposed Local Development Plan identifies the Edinburgh BioQuarter as a 'Special Economic Area' as it offers a unique opportunity to establish a commercial life sciences centre in Edinburgh of a scale comparable with others globally. The Council has prepared the SG and the masterplan in consultation with the other BioQuarter partners.

Recommendations

It is recommended that the Committee:

1. Notes the responses received on the draft Supplementary Guidance for the Edinburgh BioQuarter and South East Wedge Parkland (Appendix 1);
2. Approves the finalised Supplementary Guidance (Appendix 2); and
3. Approves the non-statutory Edinburgh BioQuarter Masterplan in draft for consultation (Appendix 3).

Measures of success

The full life sciences potential of the Edinburgh BioQuarter is realised in a mixed use urban quarter, which protects and enhances the landscape setting of the city.

Financial impact

There are no direct financial impacts arising from this report. The costs of printing and publishing the finalised SG and draft non-statutory masterplan will be met from existing budgets.

Equalities impact

There are no negative impacts on equalities or rights resulting from this report. Further details on the assessment can be found in the Equalities and Rights Impact Assessment.

Sustainability impact

The finalised SG and masterplan will help achieve a sustainable Edinburgh. One of the stated aims of the Proposed LDP is to help create strong, sustainable communities, enabling all residents to enjoy a high quality of life. The principles set out within the SG and masterplan support this aim. In addition, the SG and masterplan specifically support the development of one of the LDP's identified 'Special Economic Areas'.

Consultation and engagement

Formal consultation on draft SG for the Edinburgh BioQuarter and SEW Parkland took place between 17 June and 9 August 2013. A summary of the responses to the consultation is provided in Appendix 1.

The draft masterplan will be published for a period in which interested parties can make comments. That period will run for eight weeks. The following groups will be consulted: the EBQ Partners and neighbouring developers, neighbouring authorities, the Key Agencies, universities, health care providers, city-wide amenity bodies, and local communities including Moredun and Craigmillar.

The draft masterplan will be the subject of a statutory Strategic Environmental Assessment process.

Background reading / external references

Supporting documents to be published with the Supplementary Guidance for the EBQ and SEW Parkland:

- Equalities and Rights Impact Assessment

Previous reports and other background reading:

- [Report to Planning Committee](#), Edinburgh BioQuarter and SEW Parkland (May 2013)
- [Report to Planning Committee](#), Local Development Plan – Proposed Plan and Development Plan Scheme (19 March 2013)
- Report to Planning Committee, Annual Review of Guidance (28 February 2013)
- Edinburgh Local Development Plan [Main Issues Report](#) (October 2011)
- [Summary of Responses to the Main Issues Report](#) (April 2012)
- [Proposed Strategic Development Plan](#) for South East Scotland (November 2011)
- [Planning Circular 1/20](#): Development Planning

Edinburgh BioQuarter and South East Wedge Parkland: Supplementary Guidance and Masterplan

1. Background

- 1.1 The Proposed Local Development Plan (LDP) was approved on the 19 March 2013. It requires Supplementary Guidance to be prepared for the Edinburgh BioQuarter (EBQ).
- 1.2 The Edinburgh BioQuarter (EBQ) aims to become a top 10 global centre of excellence for life sciences offering opportunities for academic, commercial and clinical research and development with health care, teaching facilities and appropriate support services and facilities. The LDP identifies the EBQ as a 'Special Economic Area', LDP Policy Emp 2: Edinburgh BioQuarter, as it offers a unique opportunity to establish a commercial life science centre in Edinburgh of a scale comparable with others globally.
- 1.3 The SEW Parkland is to be developed as a significant new strategic park linking with parallel developments in Midlothian. There is an opportunity within the SEW Parkland to create a new landscape that provides a setting for the EBQ and local communities such as Moredun and Craigmillar. The SEW Parkland is identified as Green Space Proposal GS 4 in the LDP.
- 1.4 Draft Supplementary Guidance (SG) for the EBQ & South East Wedge Parkland was approved by Planning Committee on 16 May 2013 for consultation.

2. Main report

Consultation on draft Supplementary Guidance for the Edinburgh BioQuarter and South East Wedge Parkland

- 2.1 Consultation on the draft SG was carried out between 17 June and 9 August 2013. As part of the consultation over 500 letters and emails were sent to members of the public, community councils and stakeholders, including neighbour notification of surrounding properties. Two public drop-in events were

held to discuss the proposals with the communities in Craigmillar (Monday 24 June) and Moredun (Wednesday 26 June).

- 2.2 14 responses were received during the consultation period from: the Coal Authority, the EBQ Partners (ScottHobbs), Great Liberton Heritage Project, Historic Scotland, Liberton & District Community Council, Persimmon Homes, Scottish Water, Scotways, SEPA, Scottish Natural Heritage, Transport Scotland and a local resident. Two late responses were received from Springfield Properties and Sheraton Ltd.
- 2.3 A summary of all the responses received is at Appendix 1. The responses have been taken into account when finalising the SG. The main changes are set out below. The finalised version of the SG is at Appendix 2 with the changes highlighted in red.

Main changes

Flooding and Drainage

- 2.4 Comments on the draft SG in relation to flooding and drainage have been received from the EBQ partners, SEPA and SNH. To address these comments, additional principles have been included in the finalised SG. These principles (1-b to k) now set out the requirements that will need to be met by the non-statutory EBQ masterplan and forthcoming planning applications within the EBQ site in respect of flooding and drainage.
- 2.5 SEPA has also requested that the finalised SG should include an overview of flood risk and surface water management for the EBQ site, including the Edinburgh Royal Infirmary and Niddrie Burn. However, at this stage, much of the information to complete this assessment is not available or is part of works currently under construction or being agreed. This overview cannot be provided within the current timescale for finalising the SG although will be considered for a future revision of the guidance.
- 2.6 The draft non-statutory masterplan (Appendix 3) provides additional detail in relating to flooding and drainage at a level appropriate to a masterplan.

Supporting Uses

- 2.7 The EBQ partners have requested that Class 8 (residential institutions), Class 9 (dwelling houses), flatted residential development, student accommodation, Class 10 (non-residential institutions) and Class 11 (leisure) be included as part of the mix of supporting uses within the EBQ. Whilst some uses that fall within these use classes may be appropriate in terms of place making, it is considered that it is not appropriate to include the full range, in order to support the primary life sciences purpose of the EBQ allocation and to ensure compliance with other LDP policies.

- 2.8 Principle 2d has been amended to include some additional uses such as crèche/day nursery and gymnasium which fall within the requested use classes 10 and 11. With regards to leisure developments, an additional principle has been added in order to assess the appropriateness and scale of leisure developments proposed within the EBQ.

Parking

- 2.9 In order to achieve the overall density desired for the BioQuarter, a number of multi-storey car parking structures will form an integral part of the development. An amendment to the SG has been included to require an overall parking strategy for the EBQ. This should be provided as part of the non-statutory masterplan, and individual applications should contain full details of their proposals accord with this strategy. Further details on parking are set out within the draft masterplan.

Next Steps

- 2.10 Once finalised, the SG will become a material consideration in the determination of planning applications within the EBQ. Following the adoption of the LDP the SG will be sent to Scottish Ministers for approval with a statement setting out the publicity measures undertaken, the comments received, and an explanation of how these comments were taken into account. It is intended to review this guidance in step with reviews of the LDP (i.e. every five years).

Non-statutory Edinburgh BioQuarter Masterplan

- 2.11 A draft non-statutory masterplan has been prepared for the Edinburgh BioQuarter which should be read in conjunction with the SG. The masterplan has been prepared in consultation with the Edinburgh BioQuarter partners, which, as well as the Council, include Scottish Enterprise, NHS Lothian, University of Edinburgh and a development partner.
- 2.12 The aim of the masterplan is to build on the principles set out within the finalised SG, to create a cohesive whole, connecting the various parts of the EBQ together and integrate the EBQ into its surroundings.
- 2.13 The masterplan provides additional detail to the SG in the form of a key masterplan diagram which defines the location of development, points of access, principal movement routes, main areas of public realm, lines of principal façades and activation, and key areas of landscape retention. In addition, the masterplan sets out further detail in regards to place making, density, building heights, landscape impact, flexibility, transport and connectivity and flooding and drainage.
- 2.14 Appendix 1 to the draft masterplan contains technical environmental information and Appendix 2 to the draft masterplan provides a report of pre-draft consultation.

Publicity and Engagement

- 2.15 Pre-draft consultation on the masterplan has been carried out by the EBQ Partners in 2012. However, in order for the Council to adopt a masterplan as non-statutory guidance, it must first be subject to a formal consultation process by the Council.
- 2.16 The following groups and organisations will be consulted: the EBQ Partners and neighbouring developers, neighbouring authorities, the Key Agencies, universities, health care providers, city-wide amenity bodies, and local communities including Moredun and Craigmillar.
- 2.17 The masterplan will also be the subject of a statutory Strategic Environmental Assessment process.

3. Recommendations

It is recommended that the Committee:

1. notes the responses received on the draft Supplementary Guidance for the Edinburgh BioQuarter and South East Wedge Parkland (Appendix 1);
2. approves the finalised Supplementary Guidance (Appendix 2); and
3. approves the non-statutory Edinburgh BioQuarter Masterplan in draft for consultation (Appendix 3).

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P8 Make sure the city's people are well-housed, including encouraging developers to built residential communities, starting with brownfield sites P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors P17 Continue efforts to develop the city's gap sites and encourage regeneration P18 Complete the tram project in accordance with current plans
Council outcomes	CO7 Edinburgh draws in new investment in development and regeneration

CO8 Edinburgh's economy creates and sustains job opportunities

CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well-managed neighbourhood

CO18 Green – We reduce the local environmental impact of our consumption and production

CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm

CO22 Moving efficiently – Edinburgh has transport system that improves connectivity and is green, healthy and accessible

CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community

Single Outcome Agreement

SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all

SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

SO3 Edinburgh's children and young people enjoy their childhood and fulfil their potential

SO4 Edinburgh's communities are safer and have improved physical and social fabric

Appendices

Appendix 1: Summary of Consultation Responses

Appendix 2: Supplementary Guidance: Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance: finalised

Appendix 3: Non-Statutory Masterplan: Draft for Consultation (Parts 1 & 2)

Respondent	Summary of response	CEC response
Coal Authority	<p>Comments relate to the wider parkland area.</p> <ul style="list-style-type: none"> • Noted that no built development will be proposed within these green areas, they are being promoted for encouraging greater public access, i.e. pedestrian/cycle access. • The eastern portion of the parkland falls within the Development High Risk Area. There are 5 recorded mine entries within the plan boundary. • It is recommended that the SG includes a requirement for intrusive site investigation works within the proposed line of the pedestrian/cycle access through the South East Parkland quarter. • This will therefore identify to developers that works should be undertaken to ensure that the route will not be adversely affected by past coal mining legacy and therefore create a public safety hazard. • Additional wording is suggested: <i>“The Parkland as a whole will:..... g. protect the function of the public transport link, the safeguarded tram route and complete strategic footpath and cycleway networks. Undertake appropriate site investigations and remediation of recorded coal mining legacy feature to ensure public safety.”</i> <i>“The Edmonstone Estate should: b. keep updated and implement an Estate Management Plan_which should also ensure that a visual inspection of the coal mining features is regularly undertaken and any noticeable changes in the ground reported The Coal Authority”</i> 	<p>Noted. Ground conditions within the SEW Parkland is dealt with in the draft non-statutory masterplan on page 29</p>
EBQ Partners (ScottHobbs)	<p>Introduction: Amend second paragraph as follows: <i>“This Supplementary Guidance supports the development of the EBQ for life sciences research and directly-related commercial developments.”</i></p>	<p>Not agreed. This statement relates to the main objective for the BioQuarter and hence the SG. Other commercial developments are allowed for within the 50,000 sqm gross of supporting uses,</p>

	<p>Background: Add the following as a last paragraph under this section: <i>“The SG has been directly informed by the EBQ Masterplan prepared by the EBQ Partners in consultation with CEC, in 2012. The Masterplan was the subject of widespread stakeholder and public consultation during the Summer of 2012. The Masterplan updates previous masterplans prepared for initial phases of development at EBQ and, for the first time, includes the whole of the EBQ. The Masterplan includes a number of illustrative options for the development of the EBQ, based on the Development Principles included in the SG”.</i></p> <p>Development Principle 1c: Amend as follows: <i>“SUDS should be provided using the existing ponds in the Parkland, extended as necessary to accommodate the EBQ development, up to their design capacity, in order to ensure delivery of useable green space within the Parkland. Beyond the capacity of the existing SUDS ponds, all other drainage and treatment should be provided within the EBQ site.”</i></p> <p>Development Principle 2: Amend as follows: <i>“Ancillary uses are supported to promote place making and provide local services and evening and weekend activity. However the type, and quantity and form of ancillary uses must support, not jeopardise, the overall life science purpose of the EBQ”.</i></p> <p>Development Principle 2b: Amend as follows: <i>“A basic assessment of floorspace capacity of the EBQ site south-east of Little France Drive has been undertaken based on the more urban approach set out in Principle 1 above”.</i></p> <p>Development Principle 2d: Amend as follows: <i>“Appropriately integrated ancillary uses are: retail (class 1), professional services (class 2) food and drink (class 3), business (class 4) hotel (class 7), Class 8 (residential institutions), Class 9 and (residential), student accommodation (class 9), Class 10 (non-residential</i></p>	<p>which are discussed in later sections.</p> <p>Agreed. The SG has been amended at Paragraph 2.4 to include: The SG has been informed by the preparation of a draft EBQ Masterplan by the EBQ Partners in consultation with CEC. Following formal consultation, the masterplan will comprise non-statutory guidance.</p> <p>Not agreed. Paragraph 4.1 has been amended to include additional principle (principle 1b-k) relating to drainage. This has been added to the SG in response to and in consultation with SEPA. Further information on drainage is provided within the draft non-statutory masterplan on page 13.</p> <p>Not agreed. The text referred to here is set within the proposed LDP and will need to be considered here.</p> <p>Agreed and amended.</p> <p>Noted. Principle 2d amended: Appropriate integrated supporting uses are: retail (class 1), professional services (class 2) food and drink (class 3), general</p>
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	<p><i>institutions) and Class 11 (leisure)."</i></p> <p>Development Principle 3d: Amend as follows: <i>"To accommodate plant for life science uses, building heights 5 metres above these levels will be supported provided they that they have regard to the positioning, scale, form, and detailing in respect of their impact on significant views and the sensitive Edmonstone ridge"</i>.</p> <p>Development Principle 4b amend as follows: <i>"keep updated and implement have an Estate Management Plan that is updated as consistent with the SG, and implemented in accordance with it".</i></p>	<p>business (class 4), hotel (class 7), housing and student accommodation. Additional acceptable uses which fall within a use class include: crèche / day nursery and gymnasium". This allows for these uses which fall within the requested use classes 10 and 11. Principle 2g has been added which refers to appropriateness and scale of leisure developments.</p> <p>Agreed and amended.</p> <p>Not agreed. Wording proposed does not improve the current wording in the SG.</p>
<p>Great Liberton Heritage Project</p>	<ul style="list-style-type: none"> Concerned when we hear of any proposal to build on any green space or parklands, and of course the conservation of any buildings or remains and write to formally voice our concerns on this project. On Page 4 item f, regarding "promote the interpretation and conserving of the area's historic sites", our Group would like to ask what these plans consist of and to drill into the details of this statement. For instance who is providing the historic research into the Edmonstone Estate, of which our Group have some knowledge? 	<p>Noted. The Historic Environment within the EBQ and SEW Parkland is dealt with in the draft non-statutory masterplan on page 30.</p>
<p>Historic Scotland</p>	<ul style="list-style-type: none"> Supports the SG's emphasis on careful management of building heights and development of the Edmonstone ridge, and are broadly content with the principles set out in relation to heights and the Sensitive Area. consider that management of heights in general, and development on the ridge in particular, will be central to minimising impacts on the setting of Craigmillar Castle, castle and gardens (Index No. 90129 and a Property in the Care of 	<p>Noted. The Historic Environment within the EBQ and SEW Parkland is further dealt with in the draft non-statutory masterplan on page 30.</p> <p>Not agreed. Section 3 specifically relates to the impact of development on Edmonstone Ridge</p>

	<p>Scottish Ministers), and associated Inventory GDL.</p> <ul style="list-style-type: none"> • Section 3 should also refer to the setting of Craigmillar Castle as a key consideration. • SEW Parkland – welcome inclusion of historic environment asset considerations within this section, particularly in relation to Craigmillar Castle, castle and gardens (Index No. 90129 and a Property in the Care of Scottish Ministers), and associated Inventory GDL, and Home Farm, enclosure 300m ENE of (Index No. 6038). • Recommend that the SG should specify that development of the South Woods should be appropriate to the setting of the scheduled monument at Home Farm. 	<p>when viewed from the north.</p> <p>Noted.</p> <p>Principle 4(m) amended “recognise the setting of and highlight the Scheduled Ancient Monument (Prehistoric Domestic and Defensive NE of Home Farm) by use of careful interpretation and a maintenance regime”</p>
<p>Liberton & District Community Council</p>	<ul style="list-style-type: none"> • No objection to the land identified for the BioQuarter in the Adopted Local Plan / Proposed Local Development being removed from the Green Belt to provide land for a global centre of excellence for life sciences. • Fully supports the area’s status as an Enterprise Area which recognises its potential for national economic benefits • Supports the new North Meadows and the South Woods park land proposals. • Opposed to any changes to the development plan status of the BioQuarter area from that in the Adopted Local Plan. <ul style="list-style-type: none"> ○ no other employment land site enjoys the locational advantages of the BioQuarter site ○ Scope for extending the BioQuarter in the future is seriously compromised by the proposals contained in the SPG. ○ Questionable as to how the type of alternative development proposed in the Draft SPG will “protect(s) and enhance(s) the landscape setting of the city.” ○ New development will effectively block and destroy any views which can be currently enjoyed from the edges and within the site and will do nothing to enhance the landscape (i.e. the natural undeveloped areas) of the city. 	<p>Noted. This is an LDP issue.</p> <p>Noted</p> <p>Noted</p> <p>Noted. The LDP and EBQ & SEW Parkland SG recognise the importance of the EBQ site for life sciences development in that it is recognised as a special economic area in the LDP. The SG proposes a target floorspace of 245,000 sqm gross for life sciences to support this aim. The SG also allows for supporting uses of 50,000sqm gross are acceptable to support place making within the BioQuarter development. The impact of development on identified views will be mitigated by principle 3b and the design code as set out within the draft masterplan on page 7. The draft</p>

	<ul style="list-style-type: none"> ○ The Draft SPG does not indicate the areas to the south of the BioQuarter site which currently have planning permission for institutional purposes and planning permission for housing. 	SG does not indicate development within the Edmonstone estate as these proposals have yet to be implemented and the estate remains in the greenbelt.
Ben Malcolm	<p>Overall strongly supportive of these proposals and we will ask our local representatives on the Council to support them.</p> <p>f) Multi-storey carparks are usually eyesores. I hope they can be designed so they do not stick out like Nine does.</p> <p>j) So far, the landscaping of the Bioquarter has been poor, both in design and implementation.</p> <p>k) Retaining as much of the wall along Dalkeith Road helps to retain the existing character of the road. Removal of trees should be an absolute minimum.</p> <p>Public Open Space - It is important to provide space where scientific staff of the BioQuarter can meet informally</p> <p>2. Floorspace - Specialist buildings can be over-specialised. Uses e. A hotel with reasonable charges is important to serve the needs of the ERI, the BioQuarter and visitors to them.</p> <p>Sensitive areas - The whole area should have a sense of cohesion with a careful choice of the surface treatment of the buildings and their architectural style.</p> <p>4. SE Wedge Parkland. We strongly support these Proposals.</p> <ul style="list-style-type: none"> ● note there is a major conflict between these proposals and various proposals for a Private Hospital and building developments on the Edmonstone Estate. ● maintain public access for walkers from the Gilmerton/Moredun area via the entrance at or near the traffic lights at the top of Dalkeith Road. ● area is protected by a TPO and it is recognised as important for its biodiversity. Access here is only permissible now as a result of right of access law. The Drive 	<p>Noted</p> <p>Noted</p> <p>Noted. The SG includes a pedestrian/cycle link from Moredun to the SEW Parkland. This is illustrated on the key diagram within the draft NS Masterplan on page 6.</p> <p>Noted. Biodiversity issues are dealt with in the draft NS Masterplan on page 27.</p>

	<p>from the lights has many fine trees.</p> <ul style="list-style-type: none"> • The area towards The Wisp Is unstable because of mining but I do not think there is much risk to public safety. Any particular weak areas can be fenced off, infilled and trees grown over. • The very limited traffic capacity of The Wisp is a serious problem which the proposals do not appear to address. It is dangerous for pedestrians, cyclists and motorists. 	<p>Noted. Advice has been sought from the Coal Authority and ground conditions within the SEW Parkland is dealt with in the draft non-statutory masterplan on page 29.</p> <p>Noted. The SG and draft NS masterplan do not include any access to the Wisp. The proposals within Craigmillar at new Greendykes address pedestrian access at this point.</p>
<p>Persimmon Homes</p>	<ul style="list-style-type: none"> • Supportive of the Council’s ongoing efforts to deliver a global centre for excellence at the BioQuarter. • Promotion of the site for residential is inappropriate and is contrary to the intentions of the BioQuarter as identified within the LDP. • Clear the LDP sets out the aim of the BioQuarter as an economic development site for life sciences with directly related commercial developments. Housing is not a directly related commercial development. The LDP did not envisage that the BioQuarter would include residential development. Mixed use urban quarter is not identified in the LDP • Residential development will have a negative impact on the regeneration of Craigmillar and will dilute the market within this area. Council must take a more strategic view when considering sites for development – and how these will impact on the delivery of existing sites 	<p>The LDP (page 64) sets out principles for the development of the EBQ. The LDP states that <i>Ancillary uses are supported to promote place making and provide local services and evening and weekend activity. However the type and quantity of ancillary uses must support, not jeopardise, the overall life science purpose of the EBQ.</i></p> <p>Not agreed. The inclusion of student accommodation and general residential development is seen as supporting the development of a place at the EBQ. The SG therefore allows housing to form part of the 50,000 sqm gross supporting uses floorspace. The SG requires housing development to contribute to the overall aims for density, mixed uses and urban form and should not take place on isolated sites.</p>
<p>Scottish Water</p>	<ul style="list-style-type: none"> • Protection of the water environment is a vital consideration for any development. Scottish Water therefore welcomes the inclusion of statements highlighting the protection of the water environment, reduction of flooding, the protection of flood plains and the use of Sustainable Urban Drainage Systems 	<p>Noted</p>

	(SUDs) within the guidance document	
Scotways	<ul style="list-style-type: none"> • Two rights of way (LC90 / LC91) • LC90 appears to require a diversion to accommodate the new housing in the Niddrie burn corridor. Procedure to be followed. Eastern exit to be established. 	Noted. Location of footpaths is dealt within with the draft NS Masterplan on the key diagram.
SEPA	<ul style="list-style-type: none"> • Cannot support the SG in its current format as it does not provide this strategy and it may not meet the requirements of SPP or relevant PAN. • The Edinburgh BioQuarter “aims to become a top 10 global centre of excellence for life sciences” (SG, page 3) and this should include being an exemplar of sustainable water management. • The current draft of the SG does not provide a sufficient framework for a strategic approach to water management for individual applicants applying for planning permission in the BioQuarter. • The SG should provide this strategic approach to water management in this area and be integrated with a strategic approach to adjacent development sites. • Specific advice on flood risk, current issues provided. 	<p>The Council has worked with SEPA to develop a strategic approach within SG and to work with the BioQuarter Partnership to ensure its effective implementation via the non-statutory masterplan. New principles 1b – k have been added to the SG.</p> <p>However, SEPA has also requested that the finalised SG should include an overview of flood risk and surface water management for the whole EBQ and ERI sites. At this stage, much of the information to complete this assessment is not available or is part of works currently is under construction or currently being agreed.</p>
Scottish Natural Heritage	<p>Feel that important messages should be strengthened:</p> <ul style="list-style-type: none"> • The careful design and development of the BioQuarter given the landscape sensitivities of the site; welcome clear guidance on building heights. • Potential to create a development that is well designed, walkable and has well integrated green infrastructure <p>AIM - Strongly recommend that the dual aims of the Guidance are set out and that the aspirations for the South East Wedge Parkland are integrated into the overall aim.</p>	<p>Noted</p> <p>Not agreed. The key aim of the SG is to deliver the EBQ. Whilst the SG does include principles which relate to the SEW Parkland, however, these are to ensure that the opportunity to create a new landscape that provides a setting for the EBQ and local communities such as Moredun and Craigmillar is considered whilst the EBQ is developed.</p>

	<p>Principle 1 - Reference to “a compact urban approach” may not set enough of a steer on the urban character or urban design quality that is intended.</p> <ul style="list-style-type: none"> • Query whether 1a) could be construed as seeking buildings which are beyond carbon neutral. • b) and c), which both refer to SUDS, could be merged • an additional bullet point could be added to emphasise that high quality landscape design will be an integral part of the place making approach • Unclear how provision of access will be co-ordinated and delivered throughout the site. e) could state that pedestrian and cycle linkages will be provided rather than should be provided, to clarify the requirement. • clarify whether the multi storey car parks will also be bound by the building height principles, clarify form of car parks • Welcome point j) to retain and strengthen the existing landscape along the Edmonstone Estate boundary. • support point k) referring to retention of the existing woodland belt adjoining Old Dalkeith Road <ul style="list-style-type: none"> ○ Consider there would be strong merit in extending this further down Old Dalkeith Road and to the north west of access point 3 in order to retain a green approach to the city ○ the large scale loss of this long established woodland would be regrettable. ○ Important to clearly demarcate what woodland would remain and also to protect this woodland during construction and enhance it thereafter <i>“as retained, protected during construction and strengthened by appropriate management and further planting...”</i> 	<p>Noted. The draft masterplan deals with density on page 7.</p> <p>Noted. Buildings will be required to comply with other policies on design with the LDP.</p> <p>Noted. SUDs are dealt with under new principle 1h.</p> <p>Noted. See above,</p> <p>Noted. The draft NSG masterplan deals with transport and access on page 12.</p> <p>All development within the EBQ is bound by the height parameters.</p> <p>Noted. The draft masterplan key diagram shows the extent of the removal of the wall and trees.</p> <p>Agreed and Principle 1 (k) amended: The existing woodland belt adjoining Old Dalkeith Road is important in terms of the wider landscape setting of the city and the non-Inventory designed landscape of the Edmonstone estate and the majority should be retained as illustrated on Map 2. Beyond Access Point 3 buildings should address the street, with parts of the existing boundary removed or reconfigured to create more open views to facilitate this.</p>
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	<ul style="list-style-type: none"> • Suggest that the existing boundary wall is also of wider importance and this issue could be drawn out as a separate bullet point. Guidance should seek its repair and retention. Where access is required, the wall could be repositioned or reused to provide appropriate entrance design (and possible protection of woodland at the entrances) rather than just removed. • Public open space - welcome this requirement and suggest that a good urban design principle for this issue could emphasise that a <i>hierarchy of well connected</i> and publically accessible open spaces is provided. <p>Principle 2: Lack of clarity on possible quantities or locations of residential development and this could pose problems for achieving aims set out elsewhere in the guidance.</p> <p><u>South East Wedge Parkland</u></p> <ul style="list-style-type: none"> • Development Principle 4 - should focus on the delivery of the Parkland rather than the BioQuarter (which could be put forward as a sub-principle). • The principles in the draft SPP section on green infrastructure are highly relevant and could be used. • The wider context and wider importance of the proposed park should be clearly set out in the guidance to allow a more robust rationale for the guidance to be set out: <ul style="list-style-type: none"> ○ Strategic role of the park, as a green network development opportunity identified as a priority in the City’s Open Space Strategy ○ highlighting the importance of connections to other green infrastructure assets and communities which bound the proposed park, 	<p>Agreed and amended. Principle 1(l) now states: Whilst the SEW Parkland will provide a significant new park for the EBQ and surrounding area, a hierarchy of well connected publicly accessible open space should be provided throughout the EBQ site including pocket parks, gardens and public squares.</p> <p>Not agreed. The SG allows for the quantity of residential development to be flexible based on an upper limit of 50,000sqm gross of all forms of supporting uses. Residential development is required to contribute to the overall aims for density, mixed uses and urban form and should not take place on isolated sites.</p> <p>Noted. This is in relation to the principles set out within the LDP and will be dealt with at this level.</p> <p>Noted. The draft SPP is out for consultation. The SG is designed to be reviewed on a regular cycle taking into account changes in national policy.</p> <p>Noted. The Spatial Strategy is set out with the LDP.</p> <p>SEW Parkland is within the OSS.</p>
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	<ul style="list-style-type: none"> • Potentially a tension between a) low maintenance, and e) provision of areas for target species and habitats, as the latter could imply that more specialist areas could need greater management. 	Agreed and amended.
Transport Scotland	<ul style="list-style-type: none"> • Wish to be involved in the area specific protocol to be taken forward • Position set out in response to LDP in respect of BioQuarter’s impact on A702 Sherriffhall Junction. • Requirement for developers to contribute to upgrades at this location. • The supplementary guidance should include reference to the need to contribute towards these upgrades. 	Noted. Sheriffhall upgrade is identified within SDP and relevant land in CEC area is safeguarded from development in LDP. Cross border mechanism to collect developer contributions is being progressed.

Late Representations

Springfield Properties	<ul style="list-style-type: none"> • Consultation on the SG is premature in light of the emerging revisions to the LDP a rising as a result of the SDP. The SG should not be finalised until a revised Proposed LDP is approved by committee. • The site at The Wisp can make a substantive contribution to the SDP requirements removed from the greenbelt and the SEW parkland proposal in the SG. 	Not agreed. The SG is to be finalised at this stage and if changes are made to the spatial strategy in this location then the SG will be updated to reflect this. The SG is required to comply with the adopted LDP.
Sheraton Ltd	<ul style="list-style-type: none"> • Consultation on the SG is premature in light of the emerging revisions to the LDP a rising as a result of the SDP. The SG should not be finalised until a revised Proposed LDP is approved by committee. • The site at Edmonstone can make a substantive contribution to the SDP requirements removed from the greenbelt and the SEW parkland proposal in the SG. It is proposed that ground stability within the Edmonstone Estate can be addressed by the proposals. 	Not agreed. The SG is to be finalised at this stage and if changes are made to the spatial strategy in this location then the SG will be updated to reflect this. The SG is required to comply with the adopted LDP.

APPENDIX 2

Finalised Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance

Changes from draft SG highlighted in red

Contents

- 1.0 Introduction
- 2.0 Background
- 3.0 Aim
- 4.0 Edinburgh BioQuarter Development Principles
- 5.0 South East Wedge Parkland Development Principles
- 6.0 Implementation and Delivery

Maps

- Map 1 – Boundary
- Map 2 – Development Principles
- Map 3 – Sensitive Area

Finalised Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance

1.0 Introduction

- 1.1 This document comprises Supplementary Guidance under Section 22 of the Planning etc. (Scotland) Act 2006 and, once adopted will form part of the development plan. This Supplementary Guidance covers the Edinburgh BioQuarter (the EBQ) the South East Wedge Parkland (the Parkland), surrounding land and the Edmonstone Estate.
- 1.2 This Supplementary Guidance supports the development of the EBQ for life sciences research and directly related commercial developments. Proposals within the EBQ will be assessed against the BioQuarter Development Principles set out in Part 1, Section 5 of the LDP, Policy Emp 2 Edinburgh BioQuarter, this Supplementary Guidance and other relevant local plan policies. This SG also sets out principles to support the development of the South East Wedge Parkland (Proposal GS4) in the LDP.
- 1.3 The extent of the area covered by this Supplementary Guidance is illustrated in Map 1, with development principles illustrated on Maps 2 and 3. It is intended to review this guidance in step with reviews of the LDP (i.e. every 5 years).

2.0 Background

- 2.1 The Edinburgh BioQuarter (EBQ) aims to become a top 10 global centre of excellence for life sciences offering opportunities for academic, commercial and clinical research and development with health care, teaching facilities and appropriate support services and facilities. In January 2012, the Scottish Government designated the EBQ as an Enterprise Area due to its potential for national economic benefit, its ability to stimulate improved and sustained business and job creation and its deliverability.
- 2.2 The EBQ is identified as a Special Economic Area in the LDP. Special Economic Areas are areas of strategic economic importance, providing or with the potential to provide a significant number of jobs. The growth of these areas, through new businesses and the expansion of existing businesses will make a significant contribution towards meeting the plan's economic development objectives.
- 2.3 The context for the South East Wedge Parkland was first established with the approval of the Craigmillar Urban Design Framework (CUDF) in 2005. The CUDF set out that the area should be developed as a significant new strategic park linking with parallel developments in Midlothian. There is an opportunity within the Parkland to create a new landscape that provides a setting for the EBQ and local communities such as Moredun and Craigmillar.
- 2.4 **This SG has been informed by the preparation of a Masterplan for the Edinburgh BioQuarter by the EBQ Partners in consultation with CEC. Following formal consultation, the Masterplan will comprise non-statutory guidance for the Edinburgh BioQuarter.**

3.0 Aim

- 3.1 The aim of this Supplementary Guidance is to realise the full life sciences potential of the Edinburgh BioQuarter; in a mixed use, urban quarter, which protects and enhances the landscape setting of the city.

4.0 Edinburgh BioQuarter Development Principles

4.1 Proposals for development within the EBQ will be supported which adhere to the following principles:

- 1. A higher density, more urban form of development than previously planned, with less land taken up by surface car parking is required to realise the EBQ's potential. A compact urban approach is also more likely to foster a sense of place, attractive to workers and visitors.**

Buildings and Layout

- a. Buildings should achieve the highest level of sustainable design, reduce carbon and greenhouse gas emissions and make efficient use of energy, resources and land.

Flooding and Drainage

- b. Development within the EBQ must not increase the risk of flooding elsewhere within the site, in particular with regard to the ERI. The EBQ masterplan and future planning applications should ensure coordination with flood defences within the ERI, the Niddrie Burn Restoration Project, and tramline 3.
- c. Phasing of development within the EBQ must not introduce secondary pluvial (i.e. rain-related) flood risk through the introduction of low lying areas or by obstructing existing pluvial flow routes.
- d. Any changes to landform (paths and soft landscaping) within the EBQ, the south East Wedge Parkland and as part of the Niddrie Burn Restoration Project should be designed to maintain existing surface water flow paths and avoiding low lying areas prone to pluvial flooding.
- e. Any mitigation works or areas used for flood risk management should be maintained and protected in perpetuity against any future development.
- f. The proposed foul and surface water drainage systems for the overall BioQuarter SG site should be designed in line with current guidance and best practice. This includes Sewers for Scotland 2nd Edition, relevant British Standards and CIRIA guidance and Designing Streets amongst others. Drainage systems are required to be designed to meet the requirements and stipulations of the approving bodies.
- g. The surface water system will need to limit discharge into the receiving watercourse/sewer to the agreed flow and quality.
- h. A 'treatment train' of SUDS measures should provide the required and agreed treatment and attenuation volumes and amenity and biodiversity enhancements. This 'treatment train' will include source control, site control and on-site regional control measures as appropriate.
- i. Source control measures, within the individual development plots, will include green roofs, filter blankets/trenches, permeable paving and bio-retention features. Site control measures could include swales and other linear SUDS features, and regional control measures, which will be provided by on-site SUDS ponds, detention basins or below ground containment. Innovative and creative features

and landforms will be encouraged and quality hard landscape details appropriate to the location.

- j. Planning applications should include a flood risk assessment and surface water management plan to show that development is not at risk of flooding in a 1:200 year (0.5% Annual Exceedence Probability (AEP)) flood from a watercourse and to ensure that flood risk elsewhere is not made worse by runoff from the development. An allowance should be made for climate change. An exception to this is for essential civil infrastructure, where 1:1000 year flood is required.
- k. Full details of drainage measures will be expected to be submitted with individual planning applications. Each application will be required to demonstrate that it has made adequate provision for the treatment of surface water in line with the SG's preferred treatment train or hierarchy (source control first) and preferred treatment methods.

Vehicular, Pedestrian and Cycle Access

- l. Vehicular access to the EBQ site is to be taken from Old Dalkeith Road and Little France Drive only. An additional access point from Old Dalkeith Road is supported and defined on **Map 2 as Access Point 3**. No vehicular access to the EBQ site should be taken from The Wisp due to the traffic impact and the visual impact on the greenbelt and the SEW Parkland.
- m. Pedestrian and cycle linkages should be provided within the EBQ site and from the EBQ and Craigmillar to the SEW Parkland. Pedestrian and cycle routes should connect to long range strategic cycle paths as identified on Map 2.

Parking

- n. In order to achieve the overall density of the new urban quarter, a number of multi-storey car parking structures will form an integral part of the development. **An overall parking strategy for the EBQ should be provided as part of the non-statutory masterplan, and individual applications should contain full details of their proposals accord with this strategy.**

Frontages

- o. Buildings should have active ground floor frontages addressing key vehicular, pedestrian and cycle routes and spaces to allow visual contact and pedestrian movement between inside and out.
- p. The building line along Little France Drive should be brought forward to allow building entrances to address the street. Sufficient space for pedestrian and cycle functions and the safeguarded off-road tram route should be retained.
- q. Building frontages should address the SEW Parkland and be integrated into the landscape, taking advantage of the parkland setting.
- r. The existing landscape along the Edmonstone Estate boundary should be retained and strengthened in accordance with the approved Estate Management Strategy **and informed as necessary by the 2010 Survey of Gardens and Designed Landscapes in Edinburgh.**
- s. The existing woodland belt adjoining Old Dalkeith Road is important in terms of the **wider landscape setting of the city and the non-Inventory designed landscape of**

the **Edmonstone Estate** and the majority should be retained as illustrated on Map 2. Beyond Access Point 3 buildings should address the street, with parts of the existing boundary removed or **reconfigured to create more open views**.

Public Open Space

- t. Whilst the SEW Parkland will provide a significant new park for the EBQ and surrounding area, **a hierarchy of well connected**, publicly accessible, open space should be provided throughout the EBQ site including pocket parks, gardens and public squares.

- 2. Ancillary uses are supported to promote place making and provide local services and evening and weekend activity. However the type and quantity of ancillary uses must support, not jeopardise, the overall life science purpose of the EBQ.**

Floorspace

- a. Floorspace within the EBQ should be predominantly specialist buildings for life sciences research and development, teaching, health care and clinical uses as well as directly related commercial life sciences developments.
- b. A basic assessment of floorspace capacity across the EBQ site has been undertaken based on the more urban approach set out in Principle 1 above. The maximum floorspace capacity of the site south of Little France Drive has been calculated to be 295,000 sqm gross. The target for life sciences floorspace is 245,000 sqm gross.
- c. Up to 50,000 sqm gross of ancillary uses will be supported in addition to the target level of life science use. These numbers are to be monitored at regular intervals by CEC and the EBQ partners, in line with the ongoing review of the SG, to demonstrate that the target life sciences capacity can still be achieved. There will only be spare land capacity for such uses if car parking is provided in multi-storey form.

Uses

- d. Appropriate **supporting** uses are: retail (class 1), professional services (class 2) food and drink (class 3), general business (class 4), hotel (class 7), **housing and student accommodation**. **Additional acceptable uses include: crèche / day nursery and gymnasium**.
- e. The scale of retail proposals will be assessed using LDP Policy Ret 5 (out of centre development). That policy recognises that there are benefits in providing small scale, convenience stores (up to 250 sqm gross floorspace) within the BioQuarter to provide local shopping facilities.
- f. The scale of new general office development will be assessed using LDP Policy Emp 1 criterion c.
- g. **The appropriateness and scale of leisure proposals, including a gymnasium, will be assessed using LDP Policy RET 7 (entertainment and leisure developments – other locations).**

- h. Student accommodation will be supported within the EBQ due to its proximity to university teaching and research facilities and in terms of access to public transport.
 - i. Residential accommodation is seen as being appropriate to help to develop the “mixed use, urban quarter”, an aim of the SG as articulated in Principle 1 above. Any residential development should contribute to the overall aims for density, mixed uses and urban form and should not take place on isolated sites.
- 3. Development at the BioQuarter must respect the site’s sensitive location within the wider landscape setting of the city. The extent of development and building heights, particularly on the upper slopes, must be carefully managed.**

Heights

- a. To accommodate life sciences uses, maximum heights across the site are expected to be 20 metres (including plant). There may be scope for buildings taller than 20m and if these are proposed they will require to be assessed by a further **landscape and visual impact assessment (LVIA)**.

Sensitive Area

- b. The Edmonstone ridge is an important part of the landscape setting of the city. Development on the upper slopes of the EBQ site will have an adverse effect on this. In order to mitigate this impact, part of the site has been identified as sensitive. The Sensitive Area is illustrated on Plan 3.
- c. Within the Sensitive Area, building heights up to the OSD heights shown on plan 3 will be supported.
- d. To **accommodate** plant for life science uses, building heights 5 metres above these levels will be supported provided they that they have regard to the positioning, scale, form, and detailing in respect of their impact on **recognised views** and the sensitive Edmonstone ridge. Such proposals will be required to comply with a design code prepared for the site.

5.0 South East Wedge Parkland Development Principles

5.1 The following development principles apply to the South East Wedge Parkland.

4. The BioQuarter should front onto and connect with the adjacent South East Wedge Parkland (Proposal GS 4), a key element of the Plan’s Spatial Strategy.

The Parkland as a whole will:

- a. have a **clearly defined** landscape structure which is designed with future use and low maintenance in mind,
- b. be a visually stimulating environment which provides **clear transition** between the urban area and Edinburgh’s rural hinterland,
- c. use a limited palette of parkland furniture including benches, signage and footpath surfacing – exceptions to this should be high quality public art,

- d. through its design, walkways and planting, protect views to Craigmillar Castle, Arthur's Seat and Edinburgh Castle,
- e. maximise biodiversity throughout the design,
- f. promote the interpretation and conservation of the area's important archaeological and historic sites and monuments, including the remains of the Edmonstone Estate, Niddrie Marischal and the scheduled ancient monument located **NE of Home Farm**; and,
- g. protect the function of the public transport link, the safeguarded tram route, and complete strategic footpath and cycleway networks (safeguards 37 and 9).

The North Meadows should:

- h. create an attractive setting for the new adjacent buildings at the Edinburgh Royal Infirmary and housing at Greendykes South,
- i. accommodate flood water storage, and,
- j. enhance the setting of Craigmillar Castle and its Designed Landscape.

The South Woods should:

- k. create a robust and defensible edge to the housing at New Greendykes, the EBQ and the edge of the built up area,
- l. frame views of Craigmillar Castle, Edinburgh Castle and Arthur's Seat from Edmonstone **ridge**,
- m. recognise **the setting of** and highlight the Scheduled Ancient Monument (Prehistoric Domestic and Defensive NE of Home Farm) by use of careful interpretation and a maintenance regime, and
- n. recognise and protect the Edmonstone estate boundary and remains of Home Farm.

The Edmonstone Estate should:

- o. conserve, enhance and maintain the surviving structure, and landscape elements of Edmonstone and Niddrie Marischal.**
- p. keep updated and implement an Estate Management Plan**

The Niddrie Burn Corridor should:

- q. provide space for the Niddrie Burn to flood safely,
- r. create a safe and informal recreational space for the local community, allowing those on both sides of the river to interact,
- s. create a highly valuable wildlife corridor with a variety of habitats, ensuring that the surveyed otter population and potential water vole population can move freely along the watercourse, and,
- t. conserve, interpret and enhance historic elements of the burn.

6.0 Implementation and Delivery

- 6.1 This document sets out Supplementary Guidance in connection with Edinburgh Local Development Plan Policy Emp 2: Edinburgh BioQuarter and Proposal GS4: South East Wedge Parkland. In order to comply with the development plan, development proposals are required to adhere to the principles set out within this guidance.
- 6.2 In addition, **other** Local Development Plan policies and **Action Programme requirements** also apply, in particular those relating to developer contributions, urban design, landscape and open space in new development.
- 6.2 **This Supplementary Guidance is accompanied by a non-statutory masterplan prepared by the EBQ Partners in conjunction with CEC. The masterplan includes a design code for the Sensitive Area.**
- 6.3 The Supplementary Guidance is also supported by an area specific protocol agreement which sets out how the Council, Edinburgh BioQuarter Partnership (EBQP) and subsequent developers can work together to ensure a speedy, responsive and efficient planning delivery. The protocol agreement relates to the stages subsequent to the approval of the LDP, the supplementary guidance and the EBQ Masterplan, In particular it relates to the submission of planning applications within the overall EBQ site.

**Edinburgh BioQuarter Non-Statutory Masterplan
Draft for Consultation, December 2013**

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Contents

Introduction.....	3
Background.....	4
Masterplan and Urban Design Principles.....	5
Key Diagram.....	6
Placemaking.....	7
Density	7
Flexibility	7
Design Code.....	7
Building Heights and Landscape Impact.....	7
Transport and Connectivity	12
Flooding and Drainage.....	13
Phases 2 to 4 - Drainage & SUDS Strategy Report.....	16
Site Drainage Strategy	17
SUDS Strategy	18
Appendix 1 - Technical Information	20
Air Quality	21
Noise	24
Ecology and Biodiversity	27
Ground Conditions	29
Archaeology and Cultural Heritage	30
Transport Appraisal	38
Appendix 2: Pre-Draft Consultation Reference Documents.....	50
Summary of Masterplan Consultation Process	51
Masterplan Consultation—Summary Schedule.....	52
Community Events—Summary Overview	52

Introduction

This masterplan will form Non-Statutory Guidance for the Edinburgh BioQuarter (EBQ). It should be read in conjunction with the Supplementary Guidance (SG) for the Edinburgh BioQuarter and South East Wedge Parkland.

The Supplementary Guidance (SG) supports the development of the EBQ for life sciences development and directly related commercial developments. The SG sets out development principles for Edinburgh BioQuarter including the location of development, quantum of floorspace, acceptable uses, heights and massing of development, site access points, and areas of landscape sensitivity.

This consultation draft, non-statutory masterplan provides additional detail in the form of a key masterplan diagram which defines in more detail the location of development, points of access, principal movement routes, main areas of public realm, lines of principal façades and activation, and key areas of landscape retention. In addition the masterplan sets out further detail in regards to placemaking, density, building heights, landscape impact, flexibility, transport and connectivity and flooding & drainage.

Appendix 1 to this guidance contains technical information on:

- Air Quality
- Noise
- Ecology and Biodiversity
- Ground Conditions
- Water Resources
- Archaeology and Cultural Heritage
- Transport Appraisal

Appendix 2 to this guidance provides a report of pre-draft consultation.

This non-statutory masterplan, in parallel with the SG, will provide the basis from which subsequent detailed planning applications and design proposals will be assessed.



Aerial Photograph of the Edinburgh BioQuarter Site

Background

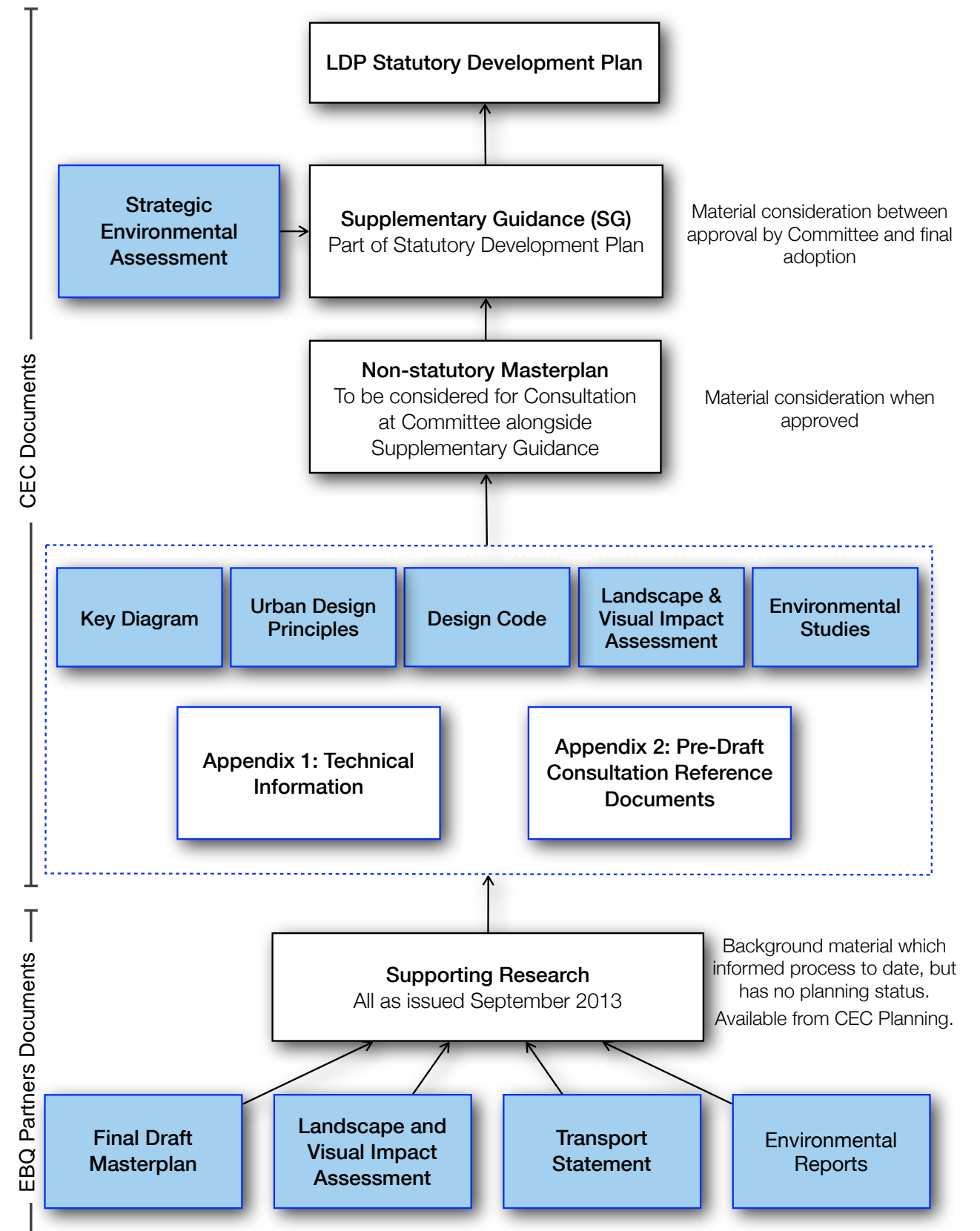
This Masterplan forms an important part of the Edinburgh BioQuarter Partner's (EBP) long term ambitions for the BioQuarter, a plan that will mature over the next 20-30 years as the requirements of Life Science buildings evolve.

The Royal Infirmary of Edinburgh has transformed the character of this 'edge of city' location into an area of significant built form. The hospital already attracts a large number of people and, coupled with the potential future developments on the BioQuarter, the character of the area will further transform from rural hinterland to a more urban character.

It is not only the BioQuarter site that is undergoing significant change. The 1998 South East Wedge Joint Development Study and the Craigmillar Urban Design Framework (approved in 2005 and updated in 2013) sets out the extent of new lands given over to housing, including the Greendykes edge to the north. These developments once completed will create a clear northern edge to the landscape strongly defining the open space as well as reinforcing the open space as amenity space for the BioQuarter and the wider community.

This draft Edinburgh BioQuarter (EBQ) Masterplan and supporting documents have been the subject of pre-draft consultation throughout its preparation in 2012. A report of this consultation is provided in Appendix 3. This pre-draft stage has informed the preparation of the EBQ SG, and this masterplan.

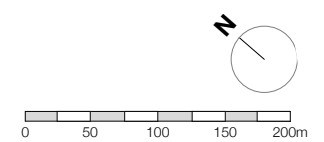
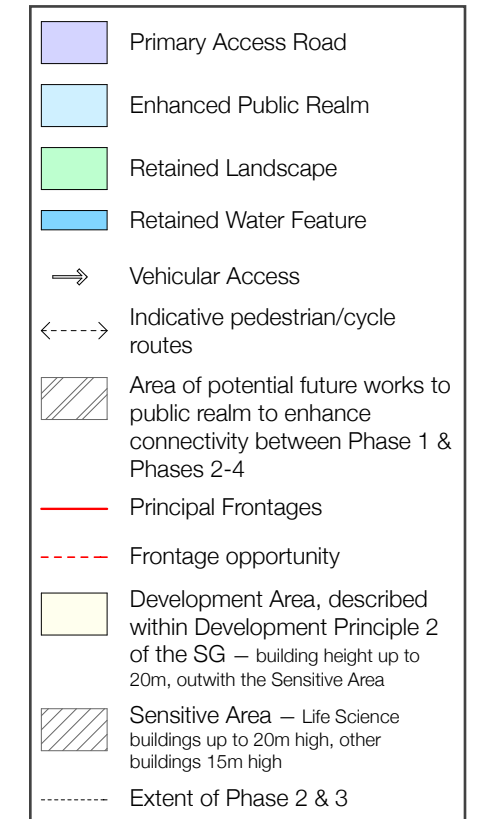
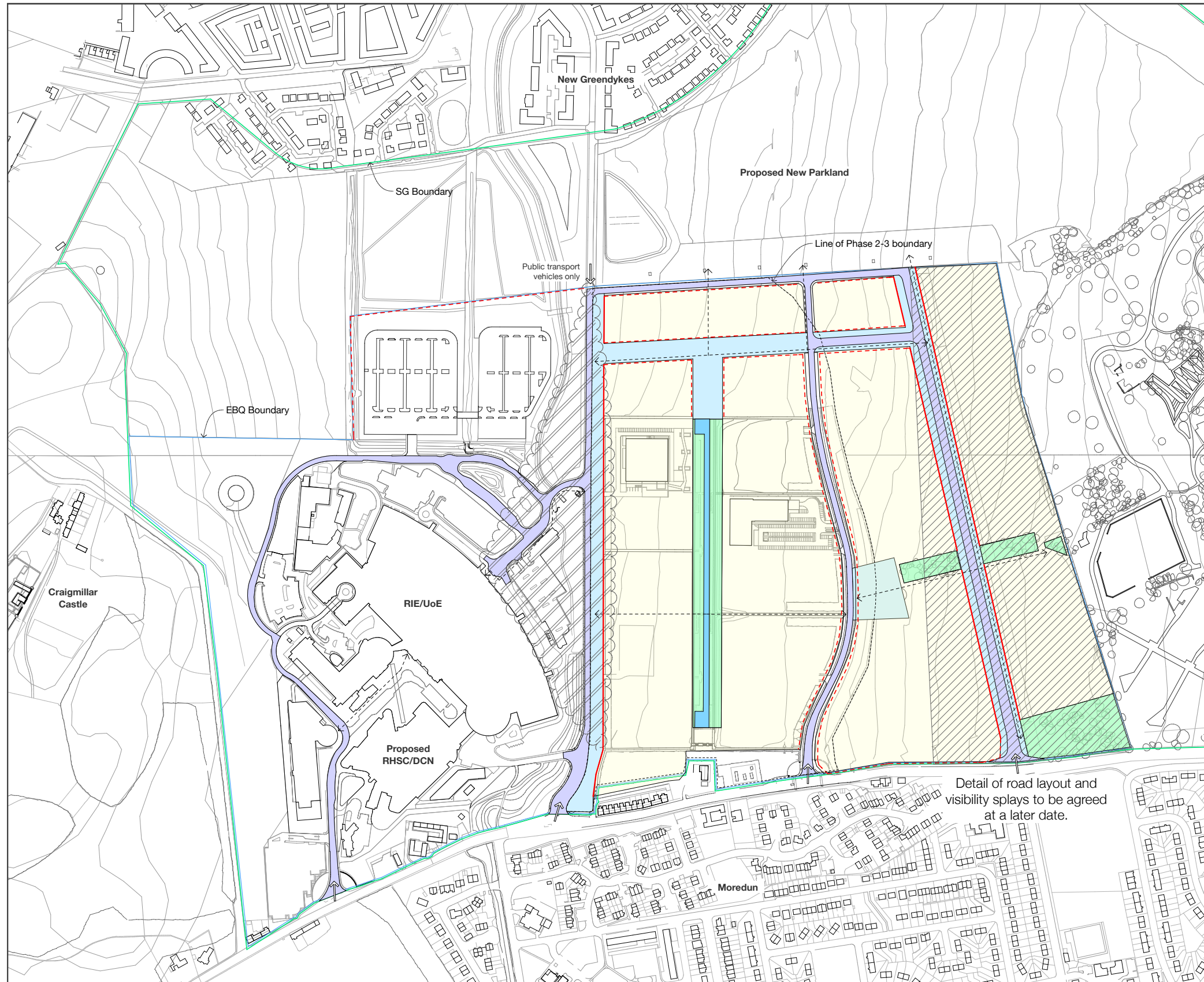
The consultation draft, non-statutory Masterplan has been informed by regular meetings with City of Edinburgh Council (CEC) key stakeholders and consultees and the surrounding communities to determine the best approach to the creation of a world class Life Sciences environment at the BioQuarter.



Organogram showing the relationship between the EBQ Partners' documents, the Supplementary Guidance & the Non-Statutory Masterplan

Masterplan and Urban Design Principles

Key Diagram



Placemaking

Like many of their competitors, the presence of a major hospital, together with University Medical School and clinical research organisations form the heart of the Edinburgh BioQuarter. However, successful examples of the Edinburgh BioQuarter’s global competitors illustrate that it is also the external environment that is a significant factor in attracting global investment, global institutions and importantly, retaining a highly skilled workforce. Global competitors are increasingly locating in more dense, urban environments where there is greater co-location between functions and a high degree of connectivity between buildings.

There is also a strong trend toward a more diverse range of functions and uses to support the Life Sciences facilities. This includes services such as cafes and restaurants, but also offices supporting services such as IP and legal professionals, marketing and venture capital, as well as hotels, and student and residential accommodation. These uses are very important to create a sense of place and support a more sustainable BioQuarter community. The Supplementary Guidance outlines the quantum and types of uses that would be considered appropriate to include in the BioQuarter.

The masterplan’s objective is to therefore create a physically integrated environment, with as a cohesive brand and identifiable sense of place that will be easy to use, easy to understand and that will promote a high level of interaction between users and co-location between BioQuarter businesses. The proximity of Life Science buildings, with a quality urban environment linking them together, enlivened by a balance of mixed supporting uses is therefore key to making the BioQuarter attractive to investors and the people who will work there.

Density

The masterplan seeks to create urban blocks that promote a number of buildings in proximity to each other. The overall strategy for the site recognises the need for integration of public transport and that in order to achieve the building development densities car parking will need to be in multi level structures.

Flexibility

Life Science buildings require very high levels of technology and servicing and the needs of the future buildings within a very dynamic and emerging research field are not fully known and therefore cannot be fully prescribed in terms of size, shape or form. A robust masterplan must be able to adapt and accommodate a very dynamic and changing business and therefore flexibility is fundamental to its usefulness and its ability to deliver buildings.

One of the most problematic issues with many masterplans which adopt the ‘business park’ approach is that they are overly prescriptive and plan for very similar models of built form. Therefore, this masterplan seeks to structure the main urban blocks only and not to subdivide these further into plots for development. In this manner the masterplan will be able to accommodate a number of future building sizes and forms.

Design Code

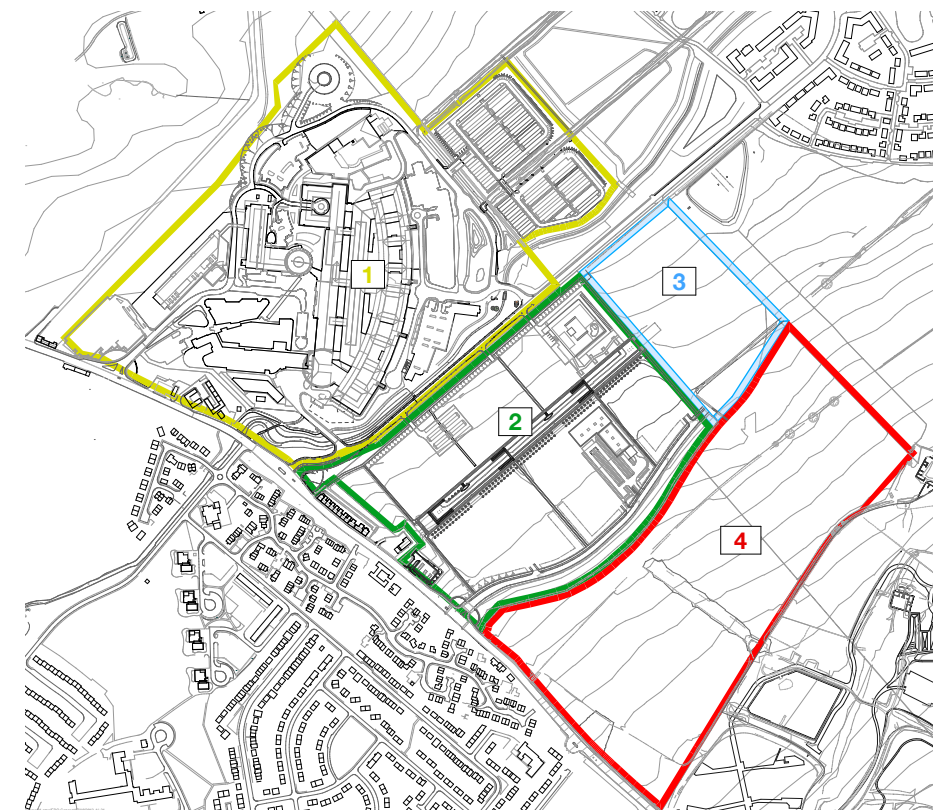
The SG identifies a Sensitive Area where building height is reduced to 15m with an additional 5m zone in which life sciences floorspace and plant will be allowed, subject to it complying with a design code for the area. The aim of the design code is to ensure that views to Edmonstone ridge are carefully considered in the design of the building form. Building form within the sensitive area should be designed to a high standard and avoid long visually unbroken horizontal lines with no single roof line element exceeding 20m in width viewed from Little France Drive or 40m in width when viewed from Old Dalkeith Road.

Building Heights and Landscape Impact

The SG sets maximum heights across the site. These are balanced between the functional requirements of the research buildings and the visual character of the site particularly the landscape ridge of Edmonstone estate to the south east. A visual assessment of the impact of the BioQuarter has been undertaken and key views from the massing model are included within the masterplan..



Extract from CEC Supplementary Guidance Map 3



Edinburgh BioQuarter Phasing Diagram



View from Craigmillar Castle





View from Old Dalkeith Road





View from Edge of Hawkhill Woods





View from near Meadowfield Drive



Transport and Connectivity

There are considerable physical barriers to greater integration of the site. The Niddrie Burn and flood prevention works, Little France Drive, reservation zone for the tram line, canals as water features and man-made bermed slopes all form physical barriers which make simple pedestrian connections across the site difficult, dislocating the buildings from one another.

The masterplan seeks to create network of roads, paths and pedestrian zones that will focus movement in a more coherent manner. A transport appraisal for the entire EBQ development site was carried 2012 and is provided in Appendix 1.

Walking and Cycling

The transport appraisal identifies the walking and cycling provision at and around the existing site area. It also identifies where improvements are required. These include pedestrian / cycle routes:

- from the BioQuarter to Moredun and the A772.
- connecting the EBQ with the RIE, aligned along a vista of Craigmillar Castle, with a new bridge over the existing canal, to improve connectivity.

- to the northeast, aligned on a vista of Arthur’s Seat.
- connecting Craigmillar Castle Road and Greendykes Road to the Wisp and beyond, potentially planted with trees to form a pleasant avenue which would be attractive to pedestrians and cyclists. The line of this route is set out within the SG.

Public Transport

The transport appraisal identifies that there is excellent bus provision to the area (up to 28 buses per hour in each direction), with high bus mode share for both the RIE and the University of Edinburgh (UoE). The transport appraisal predict that the EBQ development will result in an additional 900 public transport trips in both morning and evening peaks. The masterplan therefore proposes new bus hubs at the RIE and at the central part of the western site boundary of Phase 4 (on Little France Road). The masterplan also allows for a new tram stop to be incorporated near the RIE entrance should the proposed Tram Line 3 go ahead.

Vehicular Traffic

The transport appraisal also identifies the required mitigation to local roads and junctions, including minor mitigation to Little France Crescent and Little France Drive, as well as the design of the further two access points. The access to Phase 4 is proposed in the report as being at the southeast corner of the Phase 4 site, leading northeast onto the site from the A7. The

location of this access is identified on the key diagram. The route options as presented in the masterplan concept are flexible, to allow optimisation of design as future development of the site and wider area progresses.

Mitigation of the transport impact of the EBQ will need to be considered strategically for the overall development, and cumulatively with other committed and proposed development in the wider area. Policies DTS1 and DTS2 of the Proposed LDP, as well as the Council’s Action Programme and draft guidance on developer contributions set out the requirements for the Edinburgh BioQuarter.

Parking

Public transport provision and walking/cycling have been carefully considered in the evolution of the masterplan, with a view to minimising the need for car use to access the site. However, parking requirements have also been considered, for the site and with consideration of the wider area. In order to achieve the overall density of the EBQ and to deliver the quantum of floorspace required, a number of multi-storey car parks will form an integral part of the development over time.



Figure A.1 – Long term bus access strategy



Figure – site constraints

Flooding and Drainage

Site Overview

The proposed site is approximately 39.4 hectares in area, generally rectangular in shape.

The northern part of the site is partially developed as BioQuarter Phase 2, with earthworks platforming in place, along with perimeter roads, plot drainage/utility infrastructure and network connections installed. Only two of the development plots are currently developed and occupied.

To the east (Phase 3) and south (Phase 4) the site is currently open fields.

The site is bounded:

- To the south east by the grounds of Edmonstone Estate;
- To the south by a tree belt and beyond by Old Dalkeith Road (A7);
- To the north west by Little France Drive, the Niddrie Burn and the roads, car parks and buildings of the Edinburgh's Royal Infirmary (ERI) site beyond; and
- To the north east by open fields
-

An as-built topographical survey of BioQuarter Phases 2 & 3 was carried out which indicates levels ranging from 53.96m Above Ordnance Datum (AOD) to 51.90m along the north west boundary with Little France Drive. The survey shows the levels ranging from 71.21m to 75.14m along the defined boundary between BioQuarter Phase 2 and 4.

Ordnance Survey mapping indicates contours between 75.0m – 85.0m, north to south, across the Phase 4 site.

Phases 2 to 4 - Stage 1 Flood Risk Assessment

A Stage 1 Flood Risk Assessment has been carried out to identify and quantify flooding issues associated with the BioQuarter, a life science and commercial development located in south east Edinburgh.

The assessment focuses on the Phases 2, 3 and 4 development areas, south of Little France Drive, and does not include assessment of developed areas, or sites earmarked for future development within Phase 1, i.e. Edinburgh Royal Infirmary, Royal Hospital for Sick Children or other adjacent NHS and UoE buildings.

The report takes into account the recommendations of the Scottish Planning Policy (SPP), issued by the Scottish Executive in February 2010, Planning Advice Note PAN 61 Planning and Sustainable Urban Drainage Systems, issued by the Scottish Executive in July 2001, and the Guidance Note for

Sewers for Scotland 2nd Edition, issued by the Scottish Executive in November 2007.

SPP identifies flood risk as a specific consideration in the allocation and release of sites for new development. The Government's sustainable development strategy makes it a requirement to assess forms of development for areas at risk of flooding. This is to avoid an increase in the need for flood defences. A requirement of SPP is that developers who submit planning applications for sites potentially at risk from flooding, or whose proposals could materially increase the probability of flooding elsewhere, should consult with the local authority and, where appropriate, produce a Flood Risk Assessment for their proposals.

The flood risk assessment should show that the development is not at risk in a 1:200yr (0.5% AEP) flood from a watercourse, allowing for climate change, and assuming no land raising is introduced to protect the development within the functional flood plain.

Existing Watercourses – Niddrie Burn

The Niddrie Burn rises as the Lothian Burn in the Pentland Hills 7km south west of the proposed development site. From its origin the burn meanders in a generally easterly direction and is culverted beneath the A720 Edinburgh City Bypass.

The burn continues generally eastwards crossing beneath Burdiehouse Road, before turning to flow north between residential areas. Over this section, the burn is known as the Burdiehouse Burn.

The burn continues to flow northwards, turning to the north east, and is culverted beneath Gilmerton Road (A772). The burn thereafter routes through the Edinburgh Royal Infirmary (ERI) site at Little France. The burn is called the Niddrie Burn from this point.

As the burn routes north east from the ERI site the previous alignment of the burn, bifurcating into two separate channels, and routed to culverts laid under the Greendykes residential area, has been altered to realign the watercourse to its historical meandering routing across the flood plain. This is as part of a scheme known as the Niddrie Burn Restoration (NBR). The NBR has recently been completed by CEC and includes a 2km long, two-stage channel construction, flood management control/ storage elements and improvements to the existing ERI surface water outfalls.

The watercourse connects back to its previous alignment at a point adjacent to the Jack Kane Leisure Centre.

The burn then routes north eastwards, known as the Brunstane Burn, and reaches its outfall to the Firth of Forth at Joppa.

The section of burn immediately upstream of the NBR, within BioQuarter Phase 1, is known to have a flooding problem, and is currently being assessed for flood mitigation measures as part of Royal Hospital for Sick Children (RHSC) advanced works. A flood risk assessment and mitigation strategy is under development and it is understood the proposals require sections of the left bank to be raised in proximity to the ERI and the proposed RHSC buildings. The scheme, incorporating below-ground seepage piles, will defend the hospitals against a 1 in 1000 yr extreme flood event, appropriate for essential civil infrastructure.

No works are proposed on the right bank of the watercourse, the Little France Drive side of the burn corridor. It is however assumed that the RHSC advanced works land raising will have been designed / modelled to demonstrate no increase in flooding up/downstream, or in this case, on the opposite bank.

It is expected that the flood mitigation works to protect ERI/RHSC will be completed by Oct 2014, with further flood prevention measures completed upstream of the A7 at Nether Craigour, by April 2015

There is currently no relevant output from the RHSC flood model for review as part of this assessment. The available flood extent information is considered to be conservative due to an over estimation of the watercourse catchment during development of the flood model.

The plan provided shows the 1 in 200 yr plus climate change flooding extending to the CEC-owned verge (within the future tram corridor) on the south side of Little France Drive. The extent covers over half the length of BioQuarter Phase 2, the footprint suggest a minimal depth of flooding along the existing road and verge. There is also a channel of flood water spilling over the verge into Phase 2 land just downstream of the ERI footbridge over the Niddrie Burn. This flooding crosses the future tram corridor with ponding within the soft landscaped strip of Plot 4.

Our understanding is the future tram corridor is currently assumed to be aligned at-grade over the extent of its route through the BioQuarter. Levels may have to be reviewed at a future date if the assumed flood levels are confirmed as being accurate.

An area at the rear of the ERI, originally bounded by the bifurcation channels of the Niddrie Burn, and set within the function flood plain, has been developed by NHS Lothian as surface car parks to replace parking lost in developing the RHSC. As part of planning, flood risk assessment and mitigation options were agreed with SEPA which allowed the car parks to be raised 750mm above the flood plain subject to compensatory flood storage being provided within the adjacent flood management area of the NBR.

The NBR flood management proposals have subsequently re-worked to provide the additional storage required.

Existing Watercourses—Magdalene Burn

The Magdalene Burn is the only other named watercourse in proximity to the site. The burn has low flow and is sufficiently remote from the site not to cause flooding impact.

The burn is shown to originate to the north east of the BioQuarter at a location south of the Greendykes residential area. The burn flows along field boundaries, close to properties on The Wisp (A6106), and is routed to the north for a short distance before being culverted beneath this road.

During construction of NBR, an existing drain was re-connected to the Magdalene Burn by means of an overflow arrangement. This drain was believed to flow continuously and the assumption was that it was spring-fed.

Flows along the Magdalene Burn have reduced significantly in recent times, possibly as a result of development work. There may be scope to divert surface water flow to the burn from adjacent sites.

Further and detailed investigation may establish that there is an existing drainage system within, or immediately adjacent to, BioQuarter, which will allow conveyance of surface water to the burn. Without this opportunity, topography, land constraints and economic factors will dictate that a contributing flow from BioQuarter is unlikely as part of an emerging surface water management strategy.

From initial discussions, site walkovers and desktop studies, there is no evidence that natural catchment drainage patterns to the burn will be affected by the development of Phase 2, 3 and 4 of the BioQuarter.

Existing/Historical Flooding

There are no records of flooding within the proposed site.

Anticipated Fluvial Flooding

Pre- and post-development areas at risk from flooding have been considered and it can be confirmed that no flood mitigation will be required if external landscaped areas are maintained along the northern boundary of Phase 2.

An as-built topographical survey of BioQuarter Phases 2 & 3 was carried out by Balfour Beatty which indicates levels ranging from 53.96m Above Ordnance Datum (AOD) to 51.90m along the north west boundary with

Little France Drive. The survey shows the levels ranging from 71.21m to 75.14m along the defined boundary between BioQuarter Phase 2 and 4.

Ordnance Survey mapping indicates contours between 75.0m – 85.0m, north to south, across the Phase 4 site.

Given the BioQuarter slopes up fairly steeply from the north, with a lowest boundary level of around 52m, it is anticipated that the finished floor level of many buildings within Phase 2 will be several metres higher. Phase 3 boundaries will be protected as the realigned Niddrie Burn remains in bank and Phase 4 buildings will be at least 25m above the flood zone.

The Magdalene Burn is situated at a similar level to the Niddrie Burn. It is a much more minor watercourse.

It is therefore considered that fluvial flooding of the BioQuarter Phases 2 to 4 from the Niddrie Burn and the Magdalene Burn is unlikely to occur and consequently is a low to medium risk.

Anticipated Pluvial Flooding

Pre- and post-development areas at risk from flooding have been considered and we can confirm that there is no flood mitigation required other than as noted below.

As the land slopes down to the northern boundary the site is likely to be served by a series of land drainage networks that will ultimately connect to either the Niddrie or Magdalene Burn. Careful consideration will be required to the phasing of such works to ensure the maintenance of existing surface water flow paths, including from areas outwith the site. Attenuation will be provided on site if run-off is likely to increase flooding risk elsewhere and development platforms will be designed to avoid low-lying areas prone to secondary flooding.

The current proposals for the Edmonstone Estate south of the development site show a residential development of 150 houses located in the NW sector of the development area.

A flood risk assessment (FRA) undertaken on behalf of Sheratan Limited concludes that the site has little or no risk of flooding.

The South East Wedge Parkland is a north-to-south landscaped corridor located east of BioQuarter Phases 3 and 4. Landforming works in this area, undertaken as part of the NBR, have introduced changes to the local topography, as the fairly evenly-graded slope has been contoured and mounded to accommodate future paths and soft landscape features.

In terms of pluvial flooding it is assumed that the landformings being implemented have been designed with careful consideration of their possible impact to future works, with adequate provisions made to ensure existing flow paths are maintained.

During intense or prolonged rainfall it is important that overland flow is not concentrated into new channels which will then cause localised flooding issues, ponding or impact to infrastructure construction to the North. Further, it is assumed that landforming has been designed in a manner that does not introduce low-lying areas prone to secondary flooding.

Sustainable Urban Drainage Systems (SUDS) for plots within the development site should be appropriately sized to deal with the catchment area. Proper maintenance of any features and their outfalls will be required to prevent blockages and consequent problems. This is particularly important in a sloping site where features may be located on the upper slopes.

Flood Routing and Risk

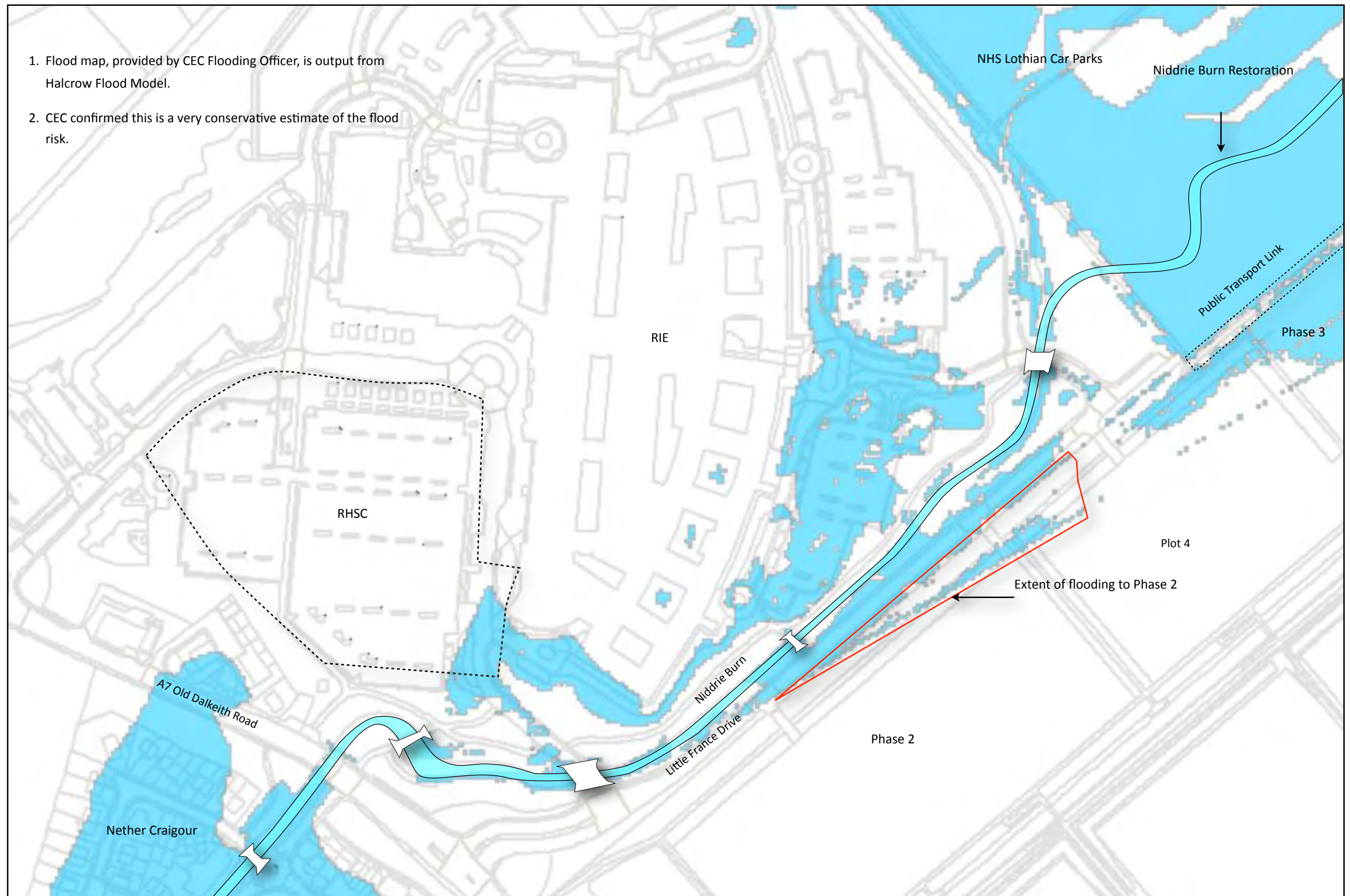
As noted previously, fluvial flooding from the Niddrie and Magdalene Burn is considered to be a low to medium risk. However, it is essential that appropriate protection to development buildings and overland sheet flow routes are adequately considered during planning and detailed design respectively.

Conclusions

In conclusion, fluvial flood risk from the Niddrie and Magdalene Burn is considered to be low to medium, given the difference in level between these watercourses and the lowest part of the site.

However, given the entire site generally slopes down to the north it is particularly important that the phasing of the development proposals do not introduce low-lying areas or obstruct existing pluvial flow routes, as this may cause a secondary pluvial flood risk.

1. Flood map, provided by CEC Flooding Officer, is output from Halcrow Flood Model.
2. CEC confirmed this is a very conservative estimate of the flood risk.



1:200 Year Flood Extents (NTS)

Phases 2 to 4 - Drainage & SUDS Strategy Report

WSP has completed an outline Drainage & SUDS Strategy for BioQuarter, located on the south eastern side of Edinburgh. The site is intended to incorporate life sciences and associated commercial development.

The strategy focuses on the Phases 2, 3 and 4 development areas, south of Little France Drive, and does not include assessment of developed areas, or sites earmarked for future development within Phase 1, i.e. Edinburgh Royal Infirmary, Royal Hospital for Sick Children or other adjacent NHS and UoE buildings.

The objective of this report is to inform the client of the key foul drainage, surface water drainage and Sustainable Urban Drainage Systems (SUDS) issues and constraints, which may influence the development / masterplanning process.

Existing Drainage/Sewerage Infrastructure

Scottish Water plans indicating location of existing sewerage in the vicinity of the proposed site were available for review. It should however be noted that sewerage systems in proximity to the proposed site have changed as part of the Niddrie Burn Restoration (NBR) scheme. WSP has had past involvement as designer of the scheme.

The Edinburgh Royal Infirmary (ERI), to the northwest of the BioQuarter Phase 2 site is served by three combined sewers that route generally north eastwards beyond its western boundary. These sewers are 375mm, 915mm and 840mm diameter as they leave the hospital curtilage.

The northern most combined sewer (375mm dia) routes directly north east into the Greendykes residential estate, running partially beneath Greendykes Drive, and collecting various branches connections on its route.

The two other combined sewers (915mm and 840mm diameter) are shown to route generally north east either side of the pre-existing line of the Niddrie Burn. The sewers skirt the southern side of the Greendykes / Niddrie residential area, progressively upsizing, and turning generally to the north to route adjacent to the Jack Kane Leisure Centre and beyond. This is what is shown on the Scottish Water plans we hold.

Impact of NBR has resulted in diversions to the existing sewerage. The 915mm diameter combined sewer, referred to previously, has been diverted to the south to run along the southern bank of the re-aligned Niddrie Burn.

As part of NBR, a new link road is being constructed connecting Little France Drive (on the southern side of the ERI site) to Greendykes Road.

On behalf of Scottish Enterprise, WSP designed a 375mm diameter foul drainage system that routes beneath the ERI Link Road and connects to the diverted 915mm diameter combined sewer adjacent to the Persimmon housing road bridge. The pipework is routed along the southern side of the ERI Link Road. This drain has been installed to service the BioQuarter Phase 4 development and Edmonstone Care Village.

In terms of surface water drainage features, the most prominent is the Niddrie Burn to the north of the site. This watercourse flows along the southern margins of the ERI site. Downstream of the ERI curtilage, the diverted burn, currently under construction, routes generally north eastwards skirting the Greendykes / Niddrie residential area. It thereafter turns to the north to tie-in to the pre-existing line of the burn, adjacent to the Jack Kane Leisure Centre.

Another watercourse, the Magdalene Burn is situated to the south of the re-aligned Niddrie Burn. This burn is located to the north east of the BioQuarter Phase 4 site and flows along field boundaries, in the form of a culvert or stone drain, to the north east. This drain connects to an open ditch on the southside of the tree belt bounding the Jack Kane Playing Fields. This burn diverts from this line, close to properties on The Wisp (A6106), routing to the north for a short distance and thereafter being culverted east beneath this road.

It is unclear whether the upper slopes of the hillside to the south of the existing BioQuarter site (proposed Phase 4 area) are currently served by land drainage systems or merely encourage overland flow northwards down the hill. A study of available Ordnance Survey mapping and aerial photography appears to indicate the presence of a drainage route that follows a wooded margin in the centre of the proposed site. This appears to route through the middle of the site north westwards towards the southern boundary of the existing BioQuarter site.

To the northern boundary of Phase 4, the as-built topographic survey shows filter drains at the toe and top of the cutting slope forming the earthworks interface with the southern access road of Phase 2. This survey appears to suggest these drains connect to the Magdalene Burn, although the NBR works included remedial drainage works to intercept flows which may have changed the previous arrangements. These systems will collect sheet runoff from the pre-existing BioQuarter Phase 4 site, and may also serve as an outfall for the drainage route referred to above.

The developed BioQuarter site, Phase 2 and 3, to the north is served by various SUDS water features. These include a linear water feature situated through the centre of the development area, which also manages the level difference, and is orientated south west to north east.

Surface water flows from the roofs and car park areas are generally shown to route north east from the site to outfall into two linked detention basins, located on the southern side of the new ERI Link Road. These basins are connected to the Niddrie Burn by piped outfall.

It is understood that foul discharge from Phase 2 (and Phase 3 when constructed) is routed generally to the north east, beneath the re-aligned Niddrie Burn, to the connect to one of the larger diameter combined sewers on the northern side of the burn, in the vicinity of the NHS Lothian car parks.

Site Drainage Strategy

Foul Drainage

The main infrastructure for Phase 2 and 3 of the BioQuarter site has been installed and routes flows to the sewer as noted in the previous section. This is as per separate agreement with Scottish Water.

It is anticipated that foul flows from Phase 4 of BioQuarter will be conveyed via a service corridor along the eastern boundary of phases 2 & 4 to connect into the new 375mm diameter foul drain laid to the south of the ERI Link Road.

Given a basic understanding of the topography of the proposed development site, it is considered possible to route a closed pipe system to fall by gravity to the north east and further to the proposed connection point.

If certain parts of the site prove difficult to drain by these means it may be possible to route drainage to connect through BioQuarter Phase 2. This is clearly dependent on capacity and condition and further discussion with Scottish Water.

During design of the 375mm diameter foul connection drain, assumptions were made on anticipated contributing flows. Assumptions were made in consideration of the future development of the BioQuarter Phase 4:

- 15 No. Lab/office units assumed;
- Developable Area = 12.5 ha;
- Domestic flows = 0.6 litres/second/ha (Sewers for Scotland 2nd edition); and
- Trade effluent for wet industry = 1.0 litres/second/ha (Sewers for Scotland 2nd Edition).

Using the above parameters, anticipated design foul flows from the BioQuarter Phase 4 site were calculated as 20 litres/second.

Development within an overall masterplan area (of which BioQuarter forms part) has been considered by Scottish Water through a Development Impact Assessment (DIA). The network modelling undertaken identified off-site network reinforcement works which have been implemented by Scottish Water. Provided the BioQuarter Phase 4 site foul flows remain within the above limit, no further external upgrading works will be required by Scottish Water.

Surface Water Drainage

It is generally anticipated that surface water flows from the proposed development would be routed to the north and discharge to the re-aligned Niddrie Burn. This is the current outfall for the drainage for Phase 2

In order to better understand the proposed site, surrounding environs, impact of adjacent potential developments and the surface water drainage design parameters required, a meeting was held with Alvin Barber, City of Edinburgh Council Flooding Officer, on 19 July 2012.

At this meeting it was confirmed that any proposed discharge into the Niddrie Burn would be limited to the lesser of the following:

- CEC's standard assumed 'greenfield' runoff rate of approximately 4.5 litres / second/ hectare; or
- An actual rural runoff calculation (Q2) for the site concerned.

A calculation has therefore been carried out, based on IH 124 Rural runoff method, for the proposed site using WinDes Micro-drainage. This calculation determined that the pre-existing 2 year discharge would be 4.2 litres / second/ hectare.

It should therefore be assumed, until further information is available on the site, that the discharge should be based on the lesser 4.2 litres / second/ hectare value. Considering an approximate development site area of 39.4 ha, a discharge limit of 165.5 litres/second is produced

Given a basic understanding of the existing topography of the proposed development site, it is considered possible to serve the site with closed pipe systems to fall by gravity to the existing detention basins.

Flows would be routed to proposed Sustainable Urban Drainage Systems (SUDS) providing attenuation and treatment within the site curtilage. Thereafter flows would pass through proposed SUDS features in public amenity areas prior to discharge either direct to the Niddrie Burn or via the existing basins serving BioQuarter Phase 2 and eventual discharge to the burn.

The existing BioQuarter basins are understood to be an unadopted private drainage system with maintenance remaining the responsibility of the developer (Scottish Enterprise). As a general rule, above ground SUDS features would be better vested with either the local authority or Scottish Water for maintenance purposes.

CEC have stated that they would consider the design criteria set out in 'Sewers for Scotland 2nd edition' (Scottish Water) as a starting point for any detailed discussions on adoption of SUDS measures. These criteria require

any proposed basin to incorporate various requirements including a 3.5 m wide access track, etc.

SUDS Strategy

Surface Water Treatment

Treatment is a SEPA requirement in accordance with Regulatory Method (WAT-RM-08) for the regulation of urban drainage:

'In terms of SEPA's remit, however, the main regulatory SEPA driver for SUDS is clearly to protect water quality, and through construction of retrofit SUDS, to begin to achieve improved water quality, and reduce the length of polluted waters downgraded as a result of urban drainage impacts. For new developments, SUDS aim to protect water quality, and that includes groundwater. Where groundwater pollution is identified as a risk, then appropriate SUDS such as lined SUDS to prevent groundwater pollution should be used.'

'In addition, the requirement under the Water Framework Directive for SEPA to achieve good ecological status means that SEPA has a stronger role in preventing hydrological impacts from runoff to watercourses as well as protecting water quality.'

SUDS should be designed in accordance with CIRIA C697 The SUDS Manual, providing the appropriate levels of treatment; two for road runoff and one for roof runoff, and follow the SUDS principles of treatment train surface water management.

SUDS features can be in the form of source control. Features such as filter drain/beds, swales, bio-retention zones and permeable surfaces, which provide the first level of treatment, should be developed and implemented for the development.

Site control features, which could include swales and other linear SUDS features, will provide the required second level of treatment where this is not provided in source control.

As noted previously, it is possible that thereafter flows may either be conveyed to direct outfall into the Niddrie Burn or via the existing basins serving BioQuarter Phase 2 and eventual discharge to the burn. In the former scenario a third level of treatment, if required, would be provided by underground storage (filter blanket).

Surface Water Attenuation

In general terms, attenuation should be designed to ensure that flows arising from all rainfall events, essentially up to the 200-year event, are attenuated on site and then released at a rate no greater than the agreed discharge limit.

The architect (Allan Murray Architects Ltd) has provided assumed areas for BioQuarter Phases 2-4 as follows:

- Overall Site Area: 393,939m²;
- Buildings (roofs): 118,277m²;
- Green roofs (assumed): 11,828m²;
- Main access roads: 23,690m²;
- Access road area: 5,770m²;
- Car parks/paving/hardstandings: 92,101m²;
- Soft landscape: 154,101m²

The hardstanding area within the site therefore totals 239,838m². The green roof figure has been discounted to allow robust attenuation calculations while the required volume may reduce as detail is confirmed.

An allowance of 10% has been assumed for the soft landscape contribution into the on-site drainage systems. The soft landscape area is 154,101m² and therefore the contribution of this area will be based on an effective hard area of 15,410m².

This produces an overall effective hard area of 255,248m² which has been used as the contributing area in attenuation calculations.

Attenuation design modelling has been completed for the 30 year and 200 year return period storms, including a 10% allowance for climate change, using the potential discharge limit, i.e. 165.5 l/s. Maximum storage volumes for both scenarios are presented in the table below:

Return Period (years)	Climate Change Allowance (%)	Discharge Limit (l/s)	Storage volume required (m ³)
30	10	165.5	7,981
200	10	165.5	13,356

Runoff from the upper slopes to the south is not quantifiable at this stage but will need to be taken account of in the final design. It may be possible to design a land drainage system that can tie-in to the existing BioQuarter land drainage system, assumed to outfall to either the Niddrie or Magdalene Burn. This will need to be checked and any issues addressed during the detailed design of a drainage scheme for the site.

Provision of this volume of attenuation by means of a series of SUDS and attenuation features, will ensure that the downstream flow is limited to the agreed rate of discharge. The concept of how this may be achieved is indicated on our sketch drawing number 1074-SK-002.

It is anticipated that permeable paving could be provided within surface car parks, paved areas and hardstandings. Swales, bio-retention zones and filter

trenches could be located adjacent to roads, and integrated within the landscape strategy. These would constitute source control SUDS.

Site control measures will also be utilised, providing further attenuation volume, and could include swales, other linear SUDS features or underground storage.

Drainage and SUDS proposals for development of the Edmonstone Estate site to the south of the BioQuarter Phase 4 site have been reviewed as part of this study. The preliminary design carried out by Fairhurst, on behalf of Sheratan Limited, indicates a surface water network draining to a single detention basin. The flow is shown as being attenuated to the 1 in 2 year pre-development greenfield runoff rate. It will be for the developer of this site to ensure that they drain to the natural catchment. Consequently attenuation calculations for the BioQuarter Phase 4 site have not included flows from this development.

Conclusions

In conclusion, it is considered that an appropriate and adequate drainage system can be designed to serve the proposed development site and that there are suitable outfalls routes for both foul and surface water.

Formal connection applications to Scottish Water and further discussions with City of Edinburgh Council



1074-SK-002 – SUDS Strategy

Planning Committee

10am, Thursday, 5 December 2013

Communications Infrastructure Guidance

Item number	5.4
Report number	
Wards	All

Links

Coalition pledges	P15 , P28 and P40
Council outcomes	CO7 , CO8 and CO19
Single Outcome Agreement	SO1 and SO4

Mark Turley

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Executive summary

Communications Infrastructure Guidance

Summary

The purpose of this report is to approve the appended Communications Infrastructure Guidance, which will supersede the existing Radio Telecommunications Guideline that was approved in May 2006.

The new Guidance has been updated to reflect minor changes in circumstance, and to improve layout and presentation. As there are no significant changes to the content of the guidance, it is not proposed to consult on this updated version.

Recommendations

It is recommended that the Committee approves the revised Communications Infrastructure Guidance in Appendix 1 for immediate use.

Measures of success

Success will be measured by monitoring the use of guidance in decisions on planning applications.

Financial impact

There is no financial impact arising from the report.

Equalities impact

There is no equalities impact arising as a result of this revised guidance. An Equality and Rights Impact Assessment was completed as part of the process of preparing the revised guidance.

Sustainability impact

The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are

summarised below. Relevant Council sustainable development policies have been taken into account.

- The need to reduce carbon emissions is not relevant to the proposals in this report because it relates to the minor revision of the existing Communications Infrastructure Guidance.
- The need to build resilience to climate change impacts is not relevant to the proposals in this report because it relates to the minor revision of the Communications Infrastructure Guidance.
- Social justice, Economic wellbeing and Environmental good stewardship is not considered to impact on the proposals in this report because it relates to the minor revision of the Communications Infrastructure Guidance.

Background reading / external references

Existing guidance:

https://www.edinburgh.gov.uk/downloads/file/1039/radio_telecommunications

Report to Planning Committee 28 February 2013:

[Annual Review of Guidance](#)

Communications Infrastructure Guidance

1. Background

- 1.1 The existing Radio Telecommunications Guideline was approved by the Planning Committee on 18 May 2006. The guideline was the consequence of a review of the previous guideline and represented a improvement in terms of content and advice. It was also subject to extensive consultation during its preparation and that included the involvement of the Telecommunications industry. However, since it was approved, other planning guidance has been streamlined, and significantly improved in terms of content and presentation. It was therefore considered appropriate to review this guidance in order to ensure it was up-to-date, and to improve its presentation to ensure it remains consistent with the other guidance. The review forms part of the programme considered by Committee at its meeting on 28 February 2013.

2. Main report

- 2.1 A review of the current Radio Telecommunications Guideline was instigated to establish whether the content and presentation of the current guideline was still fit for purpose.
- 2.2 The review covered changes to legislation, regulations and relevant case law, focusing on changes made since the original guidance was approved. There have been some minor changes to permitted development rights and, as a result, some small changes have been made to the guidance. However, relevant case law remains unchanged, and no recent cases have overturned previous decisions.
- 2.3 A review of planning appeals related to proposals for electronic communications infrastructure was also undertaken. However, there was no evidence to suggest that the content or presentation of advice within the guidance was inadequate or provided insufficient clarity to assist the consideration of planning applications.
- 2.4 Since the previous guideline was prepared, there has been a significant streamlining of planning guidance. Desktop publishing has also allowed improvements in terms of presentation/layout, and as a result the existing Radio Telecommunications guideline was found to be rather dated. The revised guidance has addressed this and now includes illustrations showing good and bad examples of the siting/design of electronic communications equipment. The title of the guidance has also been changed to modernise it and more closely reflect latest references to the technology in Scottish Planning Policy.

- 2.5 Overall, the content on the guidance remains largely the same. However, a number of minor changes have been made and these are set out in further detail in Appendix 2.

3. Recommendations

- 3.1 It is recommended that the Committee approves the revised Communications Infrastructure Guidance for implementation with immediate effect.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P15. Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors. P28. Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city. P40. Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage
Council outcomes	CO7. Edinburgh draws new investment in development and regeneration. CO8. Edinburgh's economy creates and sustains job opportunities. CO19. Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.
Single Outcome Agreement	SO1. Edinburgh's economy delivers increased investment, jobs and opportunities for all. SO4. Edinburgh's communities are safer and have improved physical and social fabric.
Appendices	Appendix 1: Communications Infrastructure Guidance Appendix 2 : Changes Made to Communications Infrastructure Guidance



Communications Infrastructure

December 2013

Contents

	Page
Communications Infrastructure	4
Introduction	4
Policy Context	4
Local Development Plan	4
Communications Infrastructure	5
Statutory and Other Requirements	5
Other Information Requirements	5
Policy Guidance	6
Palette of Colours	10
Glossary	10



Communications Infrastructure

Introduction

This guideline is supplementary to local plan policies on electronic communications equipment and provides additional guidance on electronic communications equipment installations within Edinburgh.



This document is part of a suite of Edinburgh Planning Guidance.

These supplementary guidelines apply to electronic communications related installations including masts, poles, equipment cabins etc (including fixed radio access aerials) on a city wide basis.

Policy Context

National Guidance

Scottish Planning Policy (SPP) expects planning authorities to support the expansion of the electronic communications network, including electronic communications equipment, broadband and digital infrastructure. The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. But in a way that keeps the environmental impact of communications infrastructure to a minimum.

(SPP Consultation draft: The planning system should support:

- development which helps to deliver the Scottish Government's commitment to world class digital connectivity; and
- the provision of digital communications infrastructure which is sited and designed to keep environmental impacts to a minimum.)

Planning Advice Note: PAN62 "Radio Telecommunications" provides advice and best practice on the siting and design of these developments, in particular with regard to the historic environment and areas of natural heritage, as well as technical background information.

Local Development Plan

The Local Development Plan Policy RS7 supports electronic communications equipment but seeks to minimise their impact on the surrounding environment and in particular ensure they will not harm the built or natural heritage of the city.



Further Information

Locations of masts can be found at

<http://sitefinder.ofcom.org.uk>

If you require any further information or clarification after reading this document, please visit our website at

www.edinburgh.gov.uk/planning

or contact the Planning Helpdesk on 0131 529 3571

Statutory and Other Requirements

Permitted Development Rights

Class 67 of the General Permitted Development (Scotland) Order 1992 (GDPO), as amended grants limited permitted development rights to electronic communications developments and sets out various conditions that apply to proposals that fall within Permitted Development. The Electronic Communications Code (Conditions and Restrictions) 2003 is designed to facilitate the installation and maintenance of electronic communications network. It confers rights on providers of such networks, and on providers of systems conduits, to install and maintain apparatus in, over and under land resulting in considerably simplified planning procedures.

Health Issues

It should be noted that National Planning Guidance (SPP) makes it clear that issues such as health in the context of telecommunications are matters that are controlled and regulated by other legislation, not the planning system. It is not necessary for planning authorities to treat radiofrequency radiation as a material consideration. Similarly the perception of health risk is not a matter that the planning system is expected to address.

Town and Country Planning (Development Management Procedure) (Scotland) regulations 2013 Regulation 3(f) states that planning applications for electronic communications developments involving installation of an antenna must be accompanied by a declaration that the development is designed to comply with public exposure guidelines of ICNIRP (International Commission on Non-Ionising Radiation). This declaration is required to meet the current government requirements and satisfactorily addresses the issues of potential or perceived health risk. The planning authority is not the statutory body responsible for dealing with the public health issues arising from these regulations.

It is recommended that individuals with concerns about the health issues should contact Ofcom.

<http://www.ofcom.org.uk>

Other Information Requirements

Pre - Application Information

PAN 62 encourages network operators to contact local authorities before submitting applications. The Council will require the following information to be provided with each proposal;

- The search area.
- A list of alternative sites.
- Details of any public consultation exercises.

In addition, network operators are also encouraged to discuss forthcoming network intentions well in advance of detailed site planning exercises.

Application Information

When an application is submitted, information on the following must be provided;

- The existing equipment in the vicinity of the required coverage area.
- The alternative sites and designs that have been explored, and the reasons for discounting these.
- Supporting information and details that have been explored, and the reasons for discounting these.
- A plan showing the coverage plot and photo montage of the proposed development.
- A certificate of ICNIRP.

Development Briefs and Masterplans

It is important that electronic communications development is taken into account when preparing development briefs and masterplans for new developments. Failure to take this into account can result in developments with poor network coverage and a lack of appropriate sites within them for subsequent installation of electronic communications equipment. Such an approach is short sighted and will result in poor quality installations. Therefore, it is important that the electronic communications issue is addressed at an early stage.

Policy Guidance

Site Options

All telecommunications proposals will be considered on their own merits with reference to relevant planning policies. The aim is that the equipment should become an accepted and unobtrusive feature of both urban and rural areas. The design should be the least visually intrusive solution for its immediate environment. Where possible Distributed Antenna Systems should be considered as an alternative to standard equipment as the majority of such equipment is either not development or permitted. In assessing planning applications proposals for new sites, the Council expects operators to demonstrate that they have considered the following options, in order of preference, before a new ground mast is considered.

1. The use of existing structures with the potential to disguise/camouflage equipment, for example floodlighting towers and electricity pylons.
2. The sharing of existing electronic communications sites on masts, structures and buildings provided the additional apparatus does not result in an adverse visual impact.
3. Electronic communications equipment on existing buildings and structures where there are no existing sites, and where it would have an adverse visual impact.

Where there are no opportunities to install apparatus on/within buildings or structures, the erection of ground based masts may be acceptable. In this case, it will be expected that operators will;

1. Share new masts where this represents the best environmental solution (Note, this will depend on the cumulative visual impact of the additional apparatus) or
2. Group installations together where this has a lesser environmental impact, or
3. Locate equipment near existing suitable structures and vertical elements, for example pylons, street lamps etc.

As required by permitted development rights or through conditions, operators will have to remove old electronic communications equipment when it is redundant.



Good example of equipment disguised within existing structures
Photographs courtesy of Dynamic Concepts

General Design Guidelines

Siting



Good example of disguised equipment

1. Electronic communications development and its associated equipment, for example, equipment housings, fencing etc, will be considered together to ensure they are all sited and designed to minimise visual impact. Planning permission will not be granted unless full details of all equipment is submitted.
2. Electronic communications development, that is likely to have an adverse impact on the city's skyline or views into/out of the city including views of landmark buildings should be avoided.
3. Where equipment is to be sited on a building or structure the Council encourages electronic communications companies to negotiate with the property owners to ensure equipment cabins are located within the building or adjacent to existing plant housings.
4. If sharing a site, equipment cabins should be grouped to ensure that they read as one element or a group feature, rather than a series of single elements.

Design

5. In all locations techniques to disguise or conceal equipment (discreet designs) will be encouraged.
6. Where vertical features are present, the design of a mast should reflect these. For example, a tapered lattice mast to fit with the existing pylons, or monopole to fit with the telegraph poles.



7. Subject to technical feasibility, the type and location of antenna should be the least visually intrusive. For example, omni directional antenna on a single lattice mast.
8. Electronic communications equipment should be painted an appropriate colour (matt finish) to relate to the background/surroundings or existing features (e.g. lampposts). Where a mast breaks the skyline it should be painted grey. A palette of colours can be found at the end of this guideline.
9. Equipment cabins should be kept to a minimum, preferably one, in the smallest size currently available. As new smaller sized cabins become available, the Council will expect them to be used as a first choice.
10. Electronic communications companies should liaise with the Council's relevant Local Area Roads

Manager to ensure that equipment meets the requirements of the Roads Scotland Act 1984. Where feasible masts and equipment should be located within the verge and off the footway. Where equipment is located on a footway, companies should aim to achieve the following standards:

- Equipment should be located to the back of footways.
- Equipment should avoid being within 20m of a pedestrian crossing or corner.
- Equipment with doors open should avoid reducing footpath width to less than 2m.
- Equipment should avoid being located on the approach side of bus stops if the view of buses is obstructed.
- Equipment should not be located within the visibility splays for pedestrians and vehicular traffic.



The design of fencing and gates for base stations should reflect the character of the surrounding area/landscape in which the station is located.

- Any security measures should not unnecessarily detract from the location/environment.
- Any form of lighting should not cause light pollution to neighbouring properties or have an adverse impact on the natural landscape.

- Where there is an existing power supply, cable runs should be unseen, including installations on existing buildings/structures and overhead poles; otherwise architectural detailing or area of shadow should be used to minimise visibility.

Detailed Design Guidelines

Comprehensive advice and best practice guidance on the design and location of electronic communications equipment is set out in PAN62. This guideline, in addition to the general design guidelines that should be applied to all proposals, sets out the following area specific advice.

Countryside

Siting

1. The siting of electronic communications developments should take advantage of existing topography and vegetation to help integrate the development with its surroundings.
2. Sites that are located on the skyline should be avoided. Where hilltop locations are unavoidable, the equipment should be located below the brow of the hill to create a backdrop for the development.

Design

3. Planting to integrate equipment with the surroundings will be encouraged and should reflect the existing landscape/native species. Information on its management during its establishment phase must be provided.



4. Where a mast is located against a landscape backdrop then an open mast design that would allow visual permeability would be preferred.
5. Where vertical features are present, the design of a mast should reflect these – for example, a tapered lattice mast to fit with pylons, or monopole to fit with telegraph poles.

Power supply

6. Where there is no existing power supply, the design of any supply will be considered in the context of its 'fit' with the surrounding character. Underground cabling will be the preferred option in most cases.
7. A generator may be acceptable where there is a lack of an underground supply subject to mitigation of its environmental affects including noise. The location and design of the equipment should be sympathetic to the site.

Access

8. New access tracks should be avoided and preferably new equipment should be located next to existing tracks.
9. Where a new access track is unavoidable, the track and ancillary features must be integrated into the landscape, responding to the existing landform by relating it to the field boundaries, boundaries of natural vegetation and other features. Appropriate surface material must be used e.g. green road.

Industrial/Commercial Areas

1. Where a mast is located against an industrial/commercial backdrop then an open lattice design that would allow visual permeability would normally be required.

Heritage/Conservation Areas

Listed Buildings

1. Consent will not be granted for electronic communications installations in, on or near a listed building where the proposal adversely affects the character or setting of the listed building.
2. The most appropriate location of any installations will be within buildings, preferably in areas of secondary importance such as basements and attics, as long as the internal character is not compromised and no associated external alterations are required. Where it is not possible to locate installations internally without external changes, consideration will be given to installations in or on buildings or structures where the following criteria can be met:



Good example of disguised equipment

- The installation (including all base station components and associated equipment) must be effectively hidden or disguised in an appropriate manner that respects the character and architectural detailing of the listed building, and
- There would be no physical damage to the building or structure; and

There would be no removal of important original or historical fabric; and



Louvre replaced on a listed building with radio transparent replica
Photographs courtesy of Dynamic Concepts

- No additional architectural features will be permitted, although like for like reinstatement of architectural features that have been lost maybe be acceptable through the use of discreet designs.
3. Where it is proposed to site installations near a listed building, such installations must be located in a manner that preserves or enhances the character of a listed building's setting. For example, it will be necessary to ensure that important views of and from the building are not interrupted by electronic communications equipment.

Conservation Areas

The following additional guidelines apply to proposals in these areas:

1. Any electronic communications development must preserve or enhance the particular character, appearance, setting and context of the area, and not adversely affect its integrity or the objectives underlying its designation.

2. Operators must give special consideration to the location and appearance of electronic communications equipment, to ensure minimum intrusiveness.
3. Whilst the Council is prepared to respond positively to electronic communications proposals and will examine any appropriate site and design, the importance of certain locations may preclude any form of installation from being acceptable.



A silicon mould was taken from the original pinnacle



Replica chimney housing equipment
Photographs courtesy of Dynamic Concepts

Other Sensitive Areas

The additional guidelines below apply to proposals in the following sensitive locations:

- Green Belt
- Pentland Hills Regional Park
- Special Protection Areas and Sites of Special Scientific Interest
- Designed Landscapes and Special Landscape Areas
- Local Nature Reserves or Local Nature Conservation Sites
- Schedules Ancient Monuments
- Sites of known or suspected Archaeological Importance.

1. Any electronic communications development must respect the particular character, appearance, setting and context of the area and not adversely affect its integrity or the objectives underlying its designation.
2. Operators must give special consideration to the location and appearance of electronic communications equipment, to ensure minimum intrusiveness.
3. In areas of importance for natural heritage, development should not contribute to loss or damage of habitats. In addition, construction should be timed to avoid disturbance to wildlife during sensitive periods e.g. breeding season.

Palette of Colours

Electronic communications equipment should normally be painted with a matt finish in one or more of the following approved colours:

Grey

RAL 7047 (Telegrey 4)

Brown

RAL 8008 (Olive Brown)

Green

RAL 6001 (Emerald Green)

RAL 6002 (Leafy Green)

RAL 6003 (Olive Green)

RAL 6004 (Blue Green)

RAL 6005 (Moss Green)

RAL 6009 (Fir Green)

Black

RAL 9004 (Signal Black)

RAL 9005 (Jet Black)

There may be circumstance where alternative colours are required to help blend equipment in with its surroundings. Alternative colours should only be used with the prior approval of the planning authority.



Reasoned Justification

The Telecommunications Act de-regulated the British telecommunications industry, opening up the market for other companies. Under the terms of their licence, the new companies had a legal obligation to provide extensive coverage of the UK. Each company requires a network of installations and, in the city centres, where there is a concentration of users, there is a need to provide more installations close together to cater for network demand. The installations generally consist of a microwave antenna, either face mounted to a building or supported on a pole/mast and are linked to an equipment cabin.

The telecommunications industry continues to expand, and new generations of mobile technology with improved network functionality continue to be brought forward. These are world-wide trends, and Scotland must be part of these changes in order to maintain and improve its position in the global economy. This also helps to reduce the disadvantage of a peripheral location in Europe.

The Council accepts the need for new electronic communications equipment in the Edinburgh area. However, as service provision grows, the potential impact is significant particularly within environmentally sensitive parts of Edinburgh and its surrounding area. Nevertheless, the companies have to provide coverage and there are significant advantages of mobile communications. Therefore, installations will be considered in sensitive area or on listed buildings. However, serious consideration must be given to visual impact and companies must aim to find the best solution. There will always be certain locations where installations are not acceptable.

Glossary

Antenna:

A passive electrical component which can transmit and receive radio waves.

ICNIRP:

International Commission on Non-Ionising Radiation Protection. Responsible for coordinating knowledge of protection against various non-ionising radiations. Work encompasses environmental health criteria on different aspects of non-ionising radiation.

Fixed Radio Access:

A low power radio system for connecting individual subscribers in buildings to a base station.

Non-ionising radiation:

Radiation that does not produce ionisation in matter e.g. light, ultraviolet and radio. When these radiations pass through the tissues of the body they do not have sufficient energy to damage DNA directly.

Radio Base Station:

A fixed radio transmitter/receiver which electronically relays signals to and from handsets and other data terminals.

Microconnect Distributed Antenna:

This system involves, in areas of high mobile usage, the use of small antennae located on existing lamp posts, street signs etc, connected by fibre optics to mobile base stations.



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APPENDIX 2

CHANGES MADE TO COMMUNICATIONS INFRASTRUCTURE GUIDANCE

- Title changed from “Radio Telecommunications” to “Communications Infrastructure”
- National guidance section. Updated to refer to aims of SPP which superseded NPPG19 Radio Telecommunications and a reference to SPP consultation draft added.
- Local Plans section. Updated to refer to new Local Development Plan Policy.
- Further Information section updated with new web links
- Permitted Development Rights section. Updated to refer to the Electronic Communications Code and the rights it gives to network providers.
- Health Issues section. Updated to refer to SPP which superseded NPPG19. Updated Ofcom web link.
- Pre-application section. Updated to drop reference to outdated Development Quality Charter.
- Application Information Section. Last bullet point reworded to require certificate of ICNIRP.
- Telecommunications Database section removed. Council database not as accurate and up to date as Ofcom site finder web site. Web link included
- Policy Guidance section. Updated with illustrations showing good and bad example of telecommunication equipment location.
- Drop reference to “World Heritage Site” as guidance applies to all conservation areas.
- The titles of some of the “Other Sensitive Areas” have been amended to bring them up to date.
- Reasoned Justification section. Various minor changes to bring it up to date, for example, the reference to the “industry going through a period of rapid expansion”, now refers to “the telecommunications industry continues to expand”.

Planning Committee

10am, Thursday 5 December 2013

Edinburgh Planning Guidance: Advertisements Sponsorship and City Dressing

Item number	5.5
Report number	
Wards	City wide

Links

Coalition pledges	P40
Council outcomes	CO19
Single Outcome Agreement	SO4

Mark Turley

Director of Services for Communities

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Executive summary

Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing

Summary

At its meeting of 8 August 2013 the Planning Committee agreed to minor amendments to guidance on Advertisements, Sponsorship and City Dressing to provide clarity on issues of interpretation and compliance and that these should be the subject of public consultation before being finalised. The amendments related specifically to adverts on scaffolding. The Committee also agreed that, through the consultation exercise, views on the appropriateness and acceptability of digital forms of advertising in the City should be sought. This report advises the Committee of the results of the consultation exercise and recommends the approval of the guidance in a revised form.

Recommendations

It is recommended that Committee approves the revised Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing.

Measures of success

The protection of areas of special architectural or historic interest.

Financial impact

There are no financial impacts arising from this report.

Equalities impact

The aim of the guideline is to increase the vitality and viability of the city centre. The changes to the existing guidance will not result in any infringement of rights.

Sustainability impact

The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.

- Conservation of the built environment has the potential to minimise the use of natural resources and reduce carbon emissions.
- The need to build resilience to climate change impacts is not relevant to the proposals in this report because the proposals are neither positively nor negatively affected by climate change.
- The proposals in this report will help achieve a sustainable Edinburgh because the conservation and management of the historic environment contributes directly to sustainability in a number of ways. These include the energy and materials invested in a building, the scope for adaptation and reuse, and the unique quality of historic environments which provide a sense of identity and continuity.

Consultation and engagement

The proposed amendments to the guidance were the subject of a targeted consultation exercise during September and October 2013. Key stakeholders, community councils, amenity groups and outdoor media companies were invited to respond to a number of set questions via an online survey. Six responses were received. These are discussed in the main body of this report.

Background reading / external references

Report to Planning Committee dated 5 August 2010 - Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing – Final Version.

Report to Planning Committee dated 8 August 2013 - Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing – Amended draft guidance for consultation purposes.

Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing

1. Background

- 1.1 At its meeting of August 2013 the Planning Committee agreed to minor amendments to guidance on Advertisements, Sponsorship and City Dressing to provide clarity on issues of interpretation and compliance and that these should be the subject of public consultation before being finalised. The amendments related specifically to adverts on scaffolding. The Committee also agreed that through the consultation exercise views on the appropriateness and acceptability of digital forms of advertising in the City should be sought.

2. Main report

- 2.1 Temporary advertising on scaffolding presents an opportunity to screen the appearance of buildings while they are under construction or refurbishment. It also presents an opportunity to accrue revenue that can make a useful contribution to the costs of development or repairs. As it stands, the guidance requires an advert to form part of a cover or netting on a building, including a 1:1 image of the completed building under construction or under refurbishment. Hitherto, the guidance has established a presumption against such adverts on building facades facing onto Princes Street, and throughout the Waverley Valley and Old Town. It also limits advertising space to no more than 15% or 120 sq.m. whichever is the greater, of an elevation of a building within the World Heritage Site and to 30% elsewhere. There is also a general requirement for adverts to respect the architectural form of a building.
- 2.2 In response to uncertainty and confusion as to where such adverts are acceptable and the form that they should take, it is proposed to simplify the guidance to provide clarity on such matters and to allow for more effective enforcement action to be taken where adverts are displayed that do not conform to the guidance.

Summary of Proposed Amendments

- 2.3 The adopted Edinburgh City Local Plan (2010) contains policies that seek to protect the unique qualities of the city, its built heritage and the character of its urban area. The existing guidance also exercises control over the size of advertising space on scaffolding within the World Heritage Site. As such the amenity of Princes Street and the wider city centre are adequately protected through the application and adherence of existing local plan policies and guidance.
- 2.4 Furthermore, within the context described above and in accordance with the guideline, it is considered that the benefits of advertising on scaffolding should be made available to buildings on Princes Street, the Waverley Valley and the Old Town and accordingly the sentence restricting such adverts in these locations has been removed. Also recommended for removal is the requirement for an advert to respect the architectural form of the building.
- 2.5 The proposed amended guideline continues to exercise control over the erection of adverts in streets that are of primary historic importance e.g. the Royal Mile / George Street, or where they would disturb important views or the setting of listed buildings.

Emerging Issues

- 2.6 Outdoor media companies are exploring the use of digital advertising in a variety of forms in a number of cities in the UK, principally London and Edinburgh. In time, the industry expects the use of static and moving digital images to promote goods, services and events to become the norm. The use of digital advertising allows adverts to be displayed that are relevant to their location, time specific and can be frequently changed and managed remotely. In Edinburgh, a trial of digital advertising is taking place in two locations on bus shelters in Princes Street and at a third location in Morningside. The trial is assessing the impact of frequently changing adverts, the use of moving images at a varying speeds and the promotion of public service information on visual amenity and road safety. The trial is due to run until autumn 2014.
- 2.7 The potential exists to use digital advertising in a variety of forms, large and small, including its incorporation within street furniture and on scaffolding.

The Consultation Exercise

2.8 The consultation exercise focussed on seeking the views of key stakeholders, including community councils, amenity groups and outdoor media companies, on the changes proposed and the extent to which digital advertising should be supported in the City. An email and questionnaire were sent to the following consultees:

- Community Councils;
- Essential Edinburgh;
- Edinburgh World Heritage (EWH);
- Chamber of Commerce;
- Cockburn Association;
- Marketing Edinburgh;
- Historic Scotland;
- Representatives of the city centre business community; and
- Outdoor media industry interests.

2.9 The consultation exercise took the form of a questionnaire to which six responses were received. The responses and the Council's comments are set out in Appendix 1 attached to this report. Three responses were received from outdoor media companies who supported the proposed amendments to the guidance and the introduction of digital forms of advertising; one of these responses did however note that digital adverts would not be financially viable on temporary structures such as scaffolding. The Cockburn Association and Historic Scotland also support the proposed amendments. However, the Cockburn Association expresses a general concern regarding exercising control over the content of adverts, in particular the use of coloured images in digital advertising and their location in relation to historic landmarks. EWH objects to the removal of restrictions on advertising on scaffolding on facades facing on to Princes Street, the Waverley Valley and the Old Town. It also notes that the juxtaposition of Edinburgh's Old and New Towns is central to the outstanding universal value of the World Heritage Site.

Conclusions

- 2.10 Notwithstanding the relatively few responses to the consultation exercise responses were received from the principal outdoor media companies and their representative industry body. Responses were also received from EWH and the Cockburn Association. As such those with an expertise in advertising and others with a keen interest in safeguarding the unique qualities of the city have had an opportunity to comment on the proposed amendments to the guidance. In summary, there is general support for the proposed amendments and the introduction of digital advertising throughout the City. Accordingly, guidance on the acceptability of digital advertising has been added to the guidance.
- 2.11 With regard to the concerns of EWH, planning regulations do not exercise control over the content of adverts. Outdoor media companies operate under a code of conduct and guidance issued by the Advertising Standards Agency (ASA). The code is frequently updated to address emerging issues e.g. the promotion of pay day loans. The authority of the ASA and the application of the code are considered to be the most appropriate means of controlling the content of adverts and it is not proposed to introduce additional controls through this guidance.
- 2.13 The final version of the amended guideline is attached as Appendix 2. It is recommended that the Committee approves the changes to the guidance as set out in the consultative draft version with the addition of a section on digital advertising (highlighted in bold italics).

3. Recommendations

- 3.1 It is recommended that Committee approves the revised Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P40 Work with Edinburgh World Heritage and other stakeholder to conserve the city's built heritage.
Council outcomes	CO19 Attractive places and well maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards in the maintenance of infrastructure and public realm.
Single Outcome Agreement	SO4: Edinburgh's communities are safer and have improved physical and social fabric.
Appendices	Appendix 1: Questionnaire Responses Appendix 2: Edinburgh Planning Guidance Advertisements, Sponsorship and City Dressing.

APPENDIX 1

EDINBURGH PLANNING GUIDANCE: ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING

CONSULTATION RESPONSES

<i>Do you support the removal of specific restrictions for Princes Street and the Waverley Valley?</i>		
<i>Respondent</i>	<i>Response</i>	<i>Comment</i>
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Yes. We support the removal of specific restrictions for Princes Street and Waverley valley as they are already protected by existing guidance which restricts the size of advertising space in the World Heritage Site.	Noted.
Robin Lippett, BiG Advert Ltd	Yes. Areas such as the Market Street "canyon" will benefit from this as there is going to be further building works there, plus the art galleries need to promote their activities as an essential part of Edinburgh's cultural scene. Certainly the galleries need to be more visible from all aspects of the City.	Noted.
Historic Scotland	Have considered the proposed change, in the context of our historic environment interests, and are content with the proposal.	Noted.
Cockburn Association	Yes. There appear to be sufficient controls to prevent excesses, provided they are adhered to.	Noted.

Edinburgh World Heritage	Object to the removal of the restriction on advertising on scaffolding of facades facing on to Princes Street, the Old Town and the Waverley Valley. Note that the juxtaposition of the Old and New Towns over the Waverley Valley is central to the outstanding universal value of the World Heritage Site.	It is considered that the amenity of Princes Street, the Waverley Valley and the Old Town are adequately protected by the standard requirements of the existing guidance which restricts the size of advertising space in the World Heritage Site. The adverts are also temporary and the number of buildings which are scaffolded at any one time will be limited.
JCDECAUX UK Limited	Yes. High traffic areas are by definition suited to advertising as they add vitality and vibrancy to the centre. Princes St and The Waverley Valley are the areas with most traffic and within such retail areas there is an expectation of seeing commercial messages without harm to visual amenity. It is unfortunate that retailer's communication should be limited to their window in some instances, and street communication also contributes to the overall retail experience. It is also a great opportunity for the Council to be able to capitalise on such locations.	Noted.

Do you consider that the restriction of advertising space to no more than 15% or 120 square metres, whichever is greater, of the elevation within the World Heritage Site and 30% elsewhere is appropriate or should this be a percentage of the elevation?

<i>Respondent</i>	<i>Response</i>	<i>Comment</i>
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Yes. We believe that there should be a maximum size permitted within the World Heritage Site, and 30% of the elevation elsewhere would seem appropriate.	Noted.
Robin Lippett, BiG Advert Ltd	Yes. The current 15% or 120 sqm whichever is greater is appropriate, 120 sqm is probably the smallest viable commercial size for banner advertising specifically. However there is an ambiguity regarding corner sites where the full available elevation needs to be taken into	Noted.

	account.	
Historic Scotland	Have considered the proposed change, in the context of our historic environment interests, and are content with the proposal.	Noted.
Cockburn Association	Yes.	Noted.
JCDECAUX UK Limited	No. This should be addressed on a case by case basis. Bigger advertising panels may suit some areas when smaller ones may be more suitable to other locations in the city. It also depends on the type of support and their visual impact.	Noted

<i>Do you consider digital advertising to be appropriate on Bus Shelters?</i>		
<i>Respondent</i>	<i>Response</i>	<i>Comment</i>
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Yes. Digital advertising is particularly suited to bus shelters, as well as other purpose designed street furniture. The introduction of digital affords the opportunity to reduce street clutter by the removal of other structures used to promote events. The flexibility it provides allows local business to access space at affordable prices in short term time related slots, rather than the standard industry two week	Noted.

	<p>packages. Currently this year Clear Channel has donated 15% of the space on its digital holding to charities and public announcements including missing persons. We believe as digital displays become more available the benefits will spread to a much wider group of users and the public in general.</p> <p>The introduction of digital benefits both the operational efficiency and the environment by the reduction in vehicle movements and on street visits required to change the traditional poster displays.</p>	
Robin Lippett, BiG Advert Ltd	Yes.	Noted.
Historic Scotland	On the basis that any such advertising would be subject to the revised guidance on Advertisements, Sponsorship and City Dressing, no specific comments to offer in relation to this issue.	Noted.
Cockburn Association	<p>Concerned that there will not be anyone to vet the images, there could be a lot of content to review. There would have to be a basis for vetting images. What would be OK and what wouldn't? Main concern is not the content but how the images will jump around to attract the eye. By day they will be fairly inane, because of sunlight. At night it is a different matter. A TV screen displaying a white page would be quite a powerful floodlight, for example. If magenta, all the buildings around about will be so coloured. If there are houses, that includes inside the rooms through the night.</p> <p>The issue for us is with regard to location, considering vistas and surroundings with each application using photo-montages. Nearly every route into the city features the Castle Rock to some extent</p>	<p>Planning regulations do not control the content of adverts. Outdoor media companies operate under a code of conduct and guidance issued by the Advertising Standards Agency. These are considered appropriate controls over content.</p> <p>The intensity of light will be controlled as a road safety issue.</p> <p>The guideline restricts adverts where the streets are of primary historic importance (e.g. Royal Mile or George Street) or where advertising would disturb important views or the setting of individual listed buildings (e.g. parts of the Second New Town).</p>

	and that must be protected. With bus shelters it is the backdrop that matters. Seen against Princes St window displays, no problem; but in a vista down the street encompassing the Royal Scottish Academy, St John's Church or the Scott Monument, a big problem. It is all about context. Digital displays are inevitably more powerful than a backlit poster and they are animated.	
JCDECAUX UK Limited	Yes.	

<i>Do you consider digital advertising to be appropriate on Billboards?</i>		
<i>Respondent</i>	<i>Response</i>	<i>Comment</i>
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Yes. In high quality and appropriate locations. Again this has benefits of affordable and flexible access to the advertising space for local business as well as the operational and environmental benefits of fewer on street visits to change copy and vehicle movements. As with our comments regarding digital on bus shelters space can be available for use by charities, and messages concerning missing persons	Noted.
Robin Lippett, BiG Advert Ltd	Yes.	Noted.
Historic Scotland	On the basis that any such advertising would be subject to the revised guidance on Advertisements, Sponsorship and City Dressing, no specific comments to offer in relation to this issue.	Noted.
Cockburn Association	See comments above on bus shelters.	See comments above on bus shelters.
JCDECAUX UK Limited	Yes. Digital advertising displays are a more sustainable form of roadside	Noted.

	<p>advertising through the ability to change images remotely; through the elimination of the printing and recycling processes and the need for operatives to visit the site each fortnight, which is the typical changeover period for printed displays. Digital also provides the functionality to tailor messages to particular times of the day, to interact with users and also to quickly issue public service or security warnings.</p>	
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<i>Do you consider digital advertising to be appropriate on Scaffolding?</i>		
<i>Respondent</i>	<i>Response</i>	<i>Comment</i>
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Yes. We see no reason why digital displays should not be mounted on scaffolding during the refurbishment of the building.	Noted.
Robin Lippett, BiG Advert Ltd	Yes. Albeit that it may not always be commercially or logistically viable, the option should be there.....we are in a digital age after all.	Noted.
Historic Scotland	On the basis that any such advertising would be subject to the revised guidance on Advertisements, Sponsorship and City Dressing, no specific comments to offer in relation to this issue.	Noted.
Cockburn Association	See comments above on bus shelters.	See comments above on bus shelters.
JCDECAUX UK Limited	No. It is not financially viable on a temporary structure. There would also be concerns in terms of health and safety with the weight of the digital screen and the power supply.	Noted.

Any other comments.		
Respondent	Response	Comment
Anthony Dunseath, National Planning Manager, Clear Channel UK Ltd	Free standing units purposely designed to incorporate advertising, particularly digital displays, can provide local businesses flexible access to space and the local community with a “notice board” opportunity for information and news which can be linked to mobile devices.	Noted.
Robin Lippett, BiG Advert Ltd	<p>Edinburgh CEC needs to appreciate the necessity for promotion and advertising and support appropriate proposals both 1st and 3rd party. If done correctly these can enhance the vibrancy and informational aspects of the City which is in danger of becoming very drab due to badly covered scaffolding and over protection of views and buildings.</p> <p>Following a dialogue with CEC planning in connection with the recent advertising banner site in Princes Street/West Register St. where no attempt was made to put the 1:1 image on the Princes Street elevation as per the planning permissions, I understand that the current policy of including a building cover and the %ages thereof aren't enforceable anyway!</p>	<p>Noted.</p> <p>The guideline continues to require a 1:1 image of the building elevation.</p>
Historic Scotland	None.	Noted.

Cockburn Association	None.	Noted.
JCDECAUX UK Limited	Embracing digital advertising will strengthen Edinburgh's image as a centre for innovation and quality excellence and as one of leading Cities in Europe, Culturally, technologically but also as a retail destination. The key to a successful implementation is quality, design and creativity.	Noted.

APPENDIX 2

EDINBURGH PLANNING GUIDANCE: ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING

OBJECTIVE

To provide guidance on proposals for advertisements, sponsorship, city dressing, and the location of flagpoles, flags and banners. Guidance on shop signage is included in the Guidance for Businesses.

POLICY CONTEXT

A core aim of the Edinburgh City Local Plan is the protection and enhancement of the built heritage of the city, having special regard to the impact of development on the World Heritage Site. Policies Des 3 and Des 5 refer to the need to contribute to improved public realm and to ensure that all external spaces are designed as an integral part of the scheme as a whole.

The Edinburgh Public Realm Strategy focuses on providing developers and practitioners with an understanding of the Council's aspirations and vision for a consistent, high quality approach to the City's streetscape and public spaces. It will be used to guide the preparation and determination of future planning applications and proposals for public realm improvements.

SCOPE OF GUIDANCE

This guidance applies city-wide to proposals involving the display of advertisements with the exception of shopfront signage.

City dressing is defined as a temporary process which promotes the enhancement by decoration of defined parts of the City in association with an event or celebration. The guidance on City Dressing therefore applies to temporary displays in key locations. Other guidance applies across the City, with that on advertising on scaffolding varying between the World Heritage Site and the rest of the City.

STATUTORY REQUIREMENTS

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended by the Planning and Compensation Act 1991) defines an advertisement as "any word, letter, model, sign, placard, board, notice, awning, blind, device, or representation whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction." The Regulations allow for some advertisements to be displayed with "deemed consent" i.e. without obtaining formal advertisement consent from the local Authority.

The display of any advertisements is subject to a number of standard conditions to ensure that they are displayed with the agreement of the owner

of the land, are maintained in reasonable and safe condition and are sited so as not to obscure road signs.

Advertisements and signs proposed for display on or within a statutorily listed building may require a separate application for listed building consent.

Flagpoles normally require planning permission, and on listed buildings, listed building consent. Flags used for advertising purposes, as opposed to national flags, are controlled under Advertisement Regulations and will normally require advertisement consent.

Banners on listed buildings will require listed building consent. The Advertisement Regulations also apply to banners. Permanent fixings for banners may also require planning permission and /or listed building consent.

GENERAL GUIDANCE

With regard to all advertisements, the following guidance will apply:

- Only the static illumination of signs will be permitted.
- In the interests of public safety, signs on principal traffic routes which could be confused with, or are in close proximity to traffic signals should not show red or green when illuminated.
- Advertisements should not adversely affect the settings of listed buildings.
- All fixings should be kept to a minimum, be discreetly located and should not damage historic fabric.

PERMANENT ADVERTISING

Hoardings and Roadside Advertisements

- Proposals for the erection of permanent advertisement hoardings will be considered on their individual merits, but will not normally be acceptable within conservation areas or where overlooked by residential properties.
- Roadside advertising by means of a pole mounted panel or display on a verge will only be considered in non-residential areas with a commercial backdrop.
- Advance directional signs outwith the curtilage of the premises to which they relate (including free standing 'A' boards) will be resisted unless particular circumstances justify a relaxation of this policy.
- There will be a general presumption against free standing advertising on pavements but, where permitted, they must be carefully located to avoid causing a hazard or obstruction to pedestrians. They should also comply with all other Council guidance on decluttering streets, design for buses and cycling and should not obstruct the view from any bus or tram stop.

Street Furniture

Advertising will not be supported on items of street furniture other than bus shelters (with the exception of scaffolding - see below). Advertising on bus shelters will not be allowed in the following visually sensitive locations:

- In certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. Royal Mile or George Street) or where advertising would disturb important views or the setting of individual listed buildings (e.g. parts of the Second New Town).
- Adjacent to parkland, countryside and open space.
- Within residential neighbourhoods.

Flags and Banners

- Advertising or event promotional banners will not be permitted on statutorily listed buildings or buildings within a conservation area, or on railings attached to such buildings. Exceptions may be considered for temporary displays on major public buildings such as museums and art galleries.
- In all cases, flagpoles and banners will only be permitted if they relate in an acceptable manner to the building's scale, proportions and architectural detailing. Where this is not possible, permission will not be granted.
- In all cases, new fixings for flagpoles should be kept to a minimum with existing fixings re-used wherever possible. All fixings should be non-ferrous to avoid potential damage to structures.
- No more than one flagpole will normally be permitted on main facades of statutorily listed buildings or buildings within conservation areas. However, an exception may be made for major public buildings or buildings with wide frontages, such as chain stores or hotels. The exact number allowed will always depend on the size, proportions and architectural detailing of the building in question.
- Flags on listed buildings and within conservation areas will be restricted to the following: national flags; institutional logos; heraldic flags; City flags; and festival flags.
- Flagpoles will not be permitted at ground floor level or on single storey shop fronts on either statutorily listed buildings or buildings within conservation areas.
- Flagpoles and banners should also comply with other Council guidance on decluttering streets, design for buses and cycling, and should not obstruct the view from any bus stop.

SPONSORSHIP

Sponsorship of certain publicly owned or maintained pieces of infrastructure, e.g. roundabouts can bring benefits to the Council and may be acceptable where it does not create an adverse impact on the amenity of an area.

Recognition of the sponsor should:

- Be located on or adjacent to what is sponsored
- Be constructed of high quality materials
- Relate well to its surroundings
- Be discreet in size and location. The size should be the minimum necessary to identify the sponsor, bearing in mind the object that is being sponsored and whether it is located within the pedestrian or vehicle environment.

In normal circumstances, no more than one sign will be acceptable for any sponsored item.

Recognition of a sponsor should be achieved, where possible, without the addition of new elements into the environment. Where possible it should be carried out in association with existing signage in order to minimise street signage and clutter.

Local sponsorship of single day events such as school sports days will not be subject to planning control.

TEMPORARY ADVERTISING

City Dressing

A City Dressing Strategy has been developed for Edinburgh. A key principle is that dressing is temporary thereby having a greater impact. It appears in relation to an event and is removed after the event ends.

City dressing has two complementary strands:

- Place enhancement relates to the promotion of Edinburgh and its capital city status.
- Event enhancement relates to the promotion of particular events which take place within the city.

Key components of the Council's strategy are the use of:

- International Arts Initiatives (e.g. cow parade).
- Flags and Heraldry (extension of display on the Royal Mile and establish Edinburgh flag days).

- Lighting projects (image projection, building illumination, Christmas lighting).
- Banners (promoting events, in limited, key locations).
- Performance arts (establish Performance Arts Listing where artists can be hired to support events).
- Street media (using advertisement space and temporary video screens).

The location and form of these components will be carefully controlled to allow maximum effect while ensuring that there are no adverse impacts.

- The positioning of banners, flagpoles and other means of city dressing associated with an event or festival, should complement the prevailing townscape of their location.
- Where flagpole sockets have been provided, these should be used.
- High quality materials, either modern or traditional, should be used.
- The use of temporary large (e.g. concrete bases) will be discouraged.
- City dressing should comply with other Council guidance on decluttering streets, design for buses and cycling and should not obstruct the view from any bus stop.
- Sponsorship of events and festivals will be encouraged. However, city dressing displays should not act as a mechanism for advertising. The use of a sponsor's name or logo should be restricted and should cover no more than 15% of any display.
- All materials should be taken down within 10 working days after the end of the event or festival ending. 8.6

The use of banners will be controlled reflecting the significance of the event being promoted. Locations for banners include:

- Princes Street.
- City Centre Nodes: Haymarket Terrace, Grassmarket, Fraser's Corner, Picardy Place and Chambers Street.
- Approach Roads: Haymarket Terrace, Lothian Road, Leith Walk and Eastfield Road. Gateways: Gogar Roundabout, Ocean Terminal and Newcraighall, Drylaw junction.
- Venues with a range of sites, publicly and privately owned either in the city centre or wider city environs (including the Royal Highland Showground, Lauriston Castle, Murrayfield, Leith Docks, Meadowbank Stadium, and Holyrood Park).
- Town Centres (Corstorphine, Gorgie/Dalry, Leith Central, Leith Walk, Morningside/Bruntfield, Nicolson Street/Clerk Street, Portobello, Stockbridge and Tollcross).

Use of Banner Locations

BANNER LOCATION	CATEGORY A EVENT*	CATEGORY B EVENT*	CATEGORY C EVENT*
Princes St	✓		
City Centre Nodes	✓	✓	
Approach Roads	✓		
Gateways	✓		
Venues	✓	✓	✓
Town centres			✓

*Category A events are those of international significance

*Category B events are those of national significance

*Category C events are those of local significance

NB The Royal Mile is a ceremonial route and will continue to be used primarily for the display of flags and heraldic banners

Advertising on Scaffolding

Adverts on scaffolding will be acceptable providing they form part of a net on the building including a 1:1 image of the completed building under construction or under refurbishment. This is subject to the following criteria:

- The building should be located in the city centre, a designated town centre or business and industry area.
- The netting should enclose the entire facade and the advertising space should cover no more than 15% or 120 square metres, whichever is greater, of the elevation within the World Heritage Site and 30% elsewhere and should not be fragmented.
- On corner sites, advertising will only be acceptable on one elevation, with both elevations being covered with a 1:1 building image. In these cases the advert can be up to double the size normally permitted on a single elevation.
- The scaffolding must cover an entire elevation of the building, must be erected only for the purposes of active repair and construction work, and be removed as soon as the work is completed. Adverts proposed for scaffolding around empty or vacant buildings are not acceptable. The advert should last no longer than the agreed building programme or one year (after which it may be renewed), whichever is the shorter.

- The fabric used for the image should be of a consistently high quality to ensure a sharpness of image and the colours should closely reflect the building being covered. All shop, contractor and other signage must be appropriately incorporated onto the overall image, to avoid separate signage.
- The use of 1:1 netting images of the building, with no advertising, will be encouraged on scaffolding in all areas of the city, and in particular buildings of special architectural merit or forming part of a key vista.
- Income from advertising should contribute to restoration and repair of the building. Text which indicates that income from the advertisement is contributing to the restoration and repair of the building should be clearly displayed on the advertisement.

DIGITAL ADVERTISING

Digital advertising will be acceptable in principle in all its forms in defined town centres, other commercial and established advertising locations provided that there will be no adverse impacts on amenity and road safety. However, within the World Heritage Site, digital advertising will normally only be acceptable as an integral part of bus shelters.

REASONED JUSTIFICATION

Advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is required in the case of conservation areas and proposals affecting listed buildings to ensure that any advertising is not detrimental to the special character of the area or building.

Sponsorship acts as a form of recognition. It is also accepted that sponsorship is an increasing activity for the Council and on many occasions provides support to enable desirable projects and activities to go ahead.

Recognition of the sponsors' contribution can be achieved through use of flags and banners that also enliven the urban environment. However, care should be taken to ensure that they recognise the special quality of the city and work with the townscape.

Special conditions apply to advertising and sponsorship within the World Heritage Site to protect its character and appearance.

Flags can be a colourful and attractive addition to the city's streetscape, particularly during the Festival. Care should be taken with regard to their number and positioning.

City dressing is about celebrating the city, reinforcing its brand values, enhancing the experience of the city and promoting it as a world class location for national, international and civic events.

Planning Committee

10am - Thursday 5 December 2013

Planning & Building Standards Service Plan 2013/14 - Six Monthly Performance Update

Item number	6.1
Report number	
Wards	City Wide

Links

Coalition pledges	P15, P27, P28, P40
Council outcomes	CO7, CO19, CO24, CO25, CO26, CO27
Single Outcome Agreement	SO1, SO4

Mark Turley

Director of Services for Communities

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Executive summary

Planning & Building Standards Service Plan 2013/14 - Six Monthly Performance Update

Summary

The purpose of the report is to update Committee on progress relative to the performance framework indicators set out in the Planning and Building Standards Service Plan 2013-14. The Service Plan was approved at Planning Committee on the 16 May 2013. This update details progress to the end of September 2013.

Recommendations

It is recommended that the Committee note the progress made in the delivery of the performance framework indicators and actions in the Service Plan 2013-14.

Measures of success

The Service Plan 2013-14 sets out the actions Planning and Building Standards aim to deliver for the continuous improvement of our services. Whilst pursuing more effective and efficient systems, the focus is increasingly on outcomes and performance. A key aspect of the Planning and Building Standards Service Plan is to show how we will meet the requirements of the Scottish Government Performance Frameworks for Planning and Building Standards, the Edinburgh Single Outcome Agreement and the Council's Performance Framework.

Financial impact

There are no direct financial implications arising from this report.

Equalities impact

There is no relationship between the matters described in this report and the public sector general equality duty.

Sustainability impact

This report has no adverse sustainability impacts. There is no effect on carbon emissions, there are no climate change impacts and the actions in the Service Plan promote environmental good stewardship.

Consultation and engagement

Internal and external consultation took place in the preparation of the Service Plan 2013-14. This report provides a progress update of the performance framework indicators and actions in the Service Plan 2013-14. No consultation has been undertaken on this interim statement.

Background reading / external references

- Planning & Building Standards Service Plan 2013-14

Planning & Building Standards Service Plan 2013/14 - Six Monthly Performance Update

1. Background

1.1 The Planning and Building Standards Service Plan 2013-14 was approved at Planning Committee on the 16 May 2013. The Service Plan detailed the performance framework indicators and actions under 4 key headings.

- Key Performance Results
- Customer Results
- Community Results
- People Results

The report in Appendix 1 details progress of the performance framework indicators and actions as at the end of September 2013.

2. Main report

2.1 Progress on each performance framework indicator and action in the Service Plan is detailed in Appendix 1 of this report.

2.2 The quarterly monitoring of the performance framework indicators and actions in the Service Plan allows us to measure progress. Significant progress has been achieved in the six months April 2013 to September 2013 which includes:

- Completion of the One Door Approach charter. The charter has now been uploaded onto the Council website.
- Implementation of a joint working agreement between Planning, Building Standards, Estates and Economic Development. The protocol establishes responsibilities for joint working on development plans and development proposals. Workshops have been held with all staff in all services to promote this.
- Extending the use of Social Media as a communication tool. Two-way Twitter has been implemented from September 2013 with a soft launch. Enquiries are now starting to come in via Twitter and the next stage will be to widen the promotion of this service.

- The Royal Mile Action Plan has been approved. A new governance structure has been put in place to address the implementation and the project is now linking with the wider City Centre work.
- Progress is continuing with the Planning and Building Standards Management Review. The timescale for this has been revised to 31 March 2014 to align with other service reviews in Services for Communities.

Key Performance Indicators

2.3 Some performance indicator targets were recently revised in line with the Services for Communities Service Plan 2013-16. This review of targets was undertaken to align with the approach in other service areas in Services for Communities.

- Major Applications – The target has been increased from 75% to 80% of applications meeting the determination date. This is measured by either the four month default target or by the timescale negotiated with the applicant through a Planning Processing Agreement. In the April to September period 21 major applications were decided in the six month period. 18 had process agreements. 16 met the PPA target date. Two out of the three applications without a PPA met the four month target. This means 18 out of 21 met target which is 85.7%.
- Non Householder – The target was increased from 70% to 75% of applications meeting the two month determination date. The first quarter performance was above target at 78.1% but the second quarter performance failed to reach target at 71.6%. Both quarters would have met the initial target of 70% but the second quarter fails to meet the revised target of 75%. Resources in the Development Management teams are currently being realigned to seek improvement in performance.
- Householder Applications – The target has been held at 90% of applications meeting the two month determination date. This is consistent with national expectations. In the April to September period 88.69% of these applications met the target which was a result of competing pressures. Performance is expected to improve in the current quarter.
- Listed Buildings – The target has been held at 70% of applications meeting the two month determination date, because of the relatively new use of increased delegation powers under the national scheme. Performance is good, with 82.9% of such applications determined within two months during the April to September period.
- Building Warrant Applications – The targets have been held at 80% of the first reports being issued within 15 days and 90% within 20 days. In the first quarter, 74.8% met the target of 15 days and 93.3% met the target of 20 days. In the second quarter, the results were 60% and 84.1% respectively. This was a consequence of increased volume and complexity of warrant applications during these periods.

Growth in Development Pressures

- 2.4 Since the start of the financial year, the number of planning and building warrant applications has increased substantially. As noted above, this has adversely affected performance and increased the average time taken to process applications. Currently, overtime is being used on a limited and strictly controlled basis to manage the increase in workload in both divisions. When performance has been restored to target levels, a detailed review of staff resources and workload will be undertaken.
- 2.5 Building Warrant applications received for the six months April 2013 to September 2013 are 2,486 which is an increase from 2,348 received for the same six months April 2012 – September 2012. The increase is 138 applications (5.9%) on the same period last year.
- 2.6 Planning applications received for the six months April 2013 to September 2013 are 2,777 which is an increase from 2,290 received for the same six months April 2012 – September 2012. The increase is 487 applications (21.3%) on the same period last year.

3. Recommendations

It is recommended that the Committee note the progress made in the delivery of the performance framework indicators and actions in the Service Plan 2013-14.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	<p>P15 – Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors</p> <p>P27 – Seek to work in full partnership with Council staff and their representatives</p> <p>P28 – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city</p> <p>P40 – Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage</p>
Council outcomes	<p>CO7 – Edinburgh draws new investment in development and regeneration</p> <p>CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm</p>

CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care

CO25 – The Council has efficient and effective services that deliver objectives

CO26 – The Council engages with stakeholders and works in partnership to improve services and deliver agreed objectives

CO27 – The Council supports, invest in and develops our people

Single Outcome Agreement

SO1 - Edinburgh's economy delivers increased investment, jobs and opportunities for all

SO4 – Edinburgh's communities are safer and have improved physical and social fabric

Appendices

Appendix 1 – Planning and Building Standards Service Plan 2013-14 – Six monthly performance as at September 2013

Planning and Building Standards Service Plan 2013-14

Generated on: 28 October 2013

Priority	Status
1 Key Performance Results	

PERFORMANCE FRAMEWORK INDICATOR	INDICATOR	Q1 2013/14	Q2 2013/14	Q3 2013/14	Q4 2013/14	2013/14	Target	Status	Latest Note & improvement actions
		Value	Value	Value	Value	Value			
Increased quality of assessment and compliance during the construction process	% of Construction Compliance and Notification Plans (CCNP) issued with Building Warrants	100%	100%			200%	95%		Fully achieved. A plan was sent with every issued Building Warrant
High Quality Development on the Ground	% of approved major developments within the year to show added value quality improvements	100%	85.7%			92.85%	80%		7 major applications determined in the 2nd quarter of which 6 had added value. Performance above target for 2nd quarter.
Efficient and Effective Decision making	% of non-householder planning applications dealt with within 2 months	78.1%	71.6%			74.85%	75%		Non householder performance this quarter was 71.6% which met the old 70% target but does not meet the new 75% target. Resources in Development Management are being re-aligned to seek improvement in performance.
Efficient and Effective Decision making	% of Listed Building Consent applications determined within 2 months	83.9%	82%			82.95%	70%		At 82% Listed Building consent performance was above target for the 2nd quarter.
Efficient and Effective Decision making	% enforcement cases where statutory action taken notice served within 4 months of receipt of complaint	90.9%	100%			95.45%	80%		2nd Quarter Performance above Target.








PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
Financial Governance	Submit the required financial data (verification costs and revenue) to BSD	Submit Quarterly		The required data for the current quarter is presently being collected and will be submitted to Scottish Government by their 30 October deadline. It is confirmed that the previous quarters information was submitted on time.
Development of and adherence to objectives outlined in balanced scorecard	Submit the balanced scorecard on an annual basis for acceptance by the BSD and thereafter report achievement against the outlined objectives	Submit the proposed scorecard and report on achievement by the deadlines imposed by the BSD at the start and close of the financial year		This action has been fully completed.

PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
National Headline Indicators	Report on representations to the proposed Local Development Plan by December 2013	By December 2013		On track. More than 2,000 submissions received. Collating & redacting underway. Headlines reported to 3 October Planning Committee. Redacted and indexed representations likely to be in public domain by end October.
25% reduction by March 2014 in undetermined cases over 3 years old at April 2013.	Removal of planning and building standards legacy cases from the system	25% reduction by March 2014 in undetermined cases over 3 years old at April 2013.		<p>Stage 1 - Desk Study has been completed and this identified a total of 222 cases. 96 (43%) require data to be entered on Uniform to remove the Legacy Cases. 24 (11%) need to be withdrawn because they are either ancient, been superseded by developments on the ground or withdrawal letters have already been sent. 25 (11%) require further investigation as documentation is incomplete. 77 (35%) are subject to legal agreements and therefore planning permission has not been issued.</p> <p>Stage 2 - Data entry on Uniform to remove the 96 and 24 cases as detailed in Stage 1 (54%). Further investigation of incomplete cases and categorisation of legal agreement cases to be pursued, withdrawn or left due to political sensitivities.</p> <p>Stage 3 - Withdrawal and activation letters to be sent, complete investigations on incomplete cases and update data on Uniform.</p> <p>Overall on target and achievable within the timescale.</p>









Priority	Status
2 Customer Results	

PERFORMANCE FRAMEWORK INDICATOR	INDICATOR	Q1 2013/14	Q2 2013/14	Q3 2013/14	Q4 2013/14	2013/14	Target	Status	Latest Note & improvement actions
		Value	Value	Value	Value	Value			
Achieve targets for processing Building Warrant applications	Building Warrant Applications - % first report issued in 15 days	78.4%	60%			69.2%	80%		The target was not met due to a substantially increased workload since April 2013.
Increased Commitment to meeting customer expectations	Building Warrant Applications - % first report issued within 20 days	93.3%	84.1%			88.7%	90%		The target was not met due a substantially increased workload since April 2013.
Increased Commitment to meeting customer expectations	Building Warrant Applications - % first report issued within 35 days	99.1%	99.1%			99.1%	97%		The target was exceeded.


PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
Adherence to service commitments of a National Customer Charter	Publish the Customer Charter on the Council website	Review Quarterly		The Building Standards Customer Charter was reviewed in October and has recently been republished on a revised web-page.



PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
Open for Business	Review of pre-application advice service including resources and recording	Review current pre application service by October 2013 and implement new service by March 2014		Internal and external workshops completed. Project boards held in July and October. Options are currently being analysed with a view to a further report to the Board in November with a new service proposal. On target.
Certainty	Major applications service - Provide a guidance publication	Provide a guidance publication on the major development service in Edinburgh by March 2014		A guidance publication has been drafted on Major Developments. On Target
Customer Service	Deliver an up-to-date One Door Approach customer charter	Completion of One Door Approach charter by October 2013.		The Charter is now complete and has been uploaded onto the Council web page and the Orb. An internal message will be issued by Mark Turley to raise awareness. Action Completed.
Communication and Engagement	Implement joint working agreements with Building Standards, Economic Development and Corporate Property to ensure linkage of development consents	Implement joint working agreements by October 2013.		The protocol with Economic Development and Estates is now complete and workshops have been held with all services areas to promote it. It will now be placed in the procedures manual on the Orb. The joint working agreement between Planning and Building Standards was agreed by PBSLT on 15/10/13 and will now be desk top published, communicated through the November core brief and training will be set up. Alan Moonie will attend team meetings to promote it. Action Completed.
Communications, Engagement and Customer Service	Demonstrate how customer feedback on engagement is used to improve policy and processes	Report on outcomes by September 2013		Ongoing. Feedback routinely sought at public-facing Planning events - eg at all LDP engagement events in May 2013 information from feedback forms shaped how subsequent sessions were run. Town Centre guidance exercises - public drop-in events held. Due date amended to 31 March 2014.
Communications, Engagement and Customer Service	Raise awareness of Planning among young people	Identify opportunities to involve young people in major projects by March 2014		Firhill School placement visit at end May for 3 days - involved in Royal Mile project. Local primary school children from two schools also involved in Royal Mile project in mind mapping exercise and graffiti art project. The other major project where schoolchildren involved is the Forth Rail Bridge WHS. Secondary school children from Queensferry and Inverkeithing schools will have The Bridge (Iain Banks) as part of their curriculum next year. A writing competition will follow. Inverkeithing also introducing the bridge into their design and technology classes. This has now been agreed by the Forth Bridge Steering Group and is being taken forward by a sub group. The competition will be launched in the schools in November. Another project where the involvement of school children is being assessed is with the Quality Indicators. This will be developed by the end of 2013.
Communications, Engagement and Customer Service	Extend the use of Social Media as a communication tool	Implement two-way Twitter by September 2013		Soft launch has taken place. Enquiries starting to come in via Twitter. The next stage is to widen the promotion of this service. There will be a review after 6 months. Action Completed.

Priority	Status
3 Community Results	

PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
High Quality Development on the Ground	Development of 'Added Value' framework to improve quality of planning applications	Implement an 'Added Value Assessment Framework' by December 2013		Work has progressed well on added value. An access report has now been created and a report will be taken to PBSLT in November on the framework. On target.
Communication and Engagement	Edinburgh Planning Concordat	Complete version 2 by October 2013 and launch by December 2013 to embrace Community Councils in a tripartite process.		Edinburgh Planning Concordat now complete. It will be issued to community councils in November 2013 along with details of how to apply for grant funding. On target.
Improved partnership working underpinned by engagement with a National Forum	Attend meetings of the National Forum and implement the assigned actions	Attend all meetings of the National Forum. Record implementation of actions arising.		This initiative was to be taken forward by Scottish Government but the inaugural meeting has not yet been organised. Building Standards has confirmed its willingness to participate in the Forum when it is introduced by Scottish Government.
High Quality Development on the Ground	Develop indicators of environmental quality	Prepare a list of measures to inform planning policy and processes by December 2013		The update of the Character Appraisals is now underway using the QI process as part of the review. Other opportunities will be assessed by the end of December as per target.
High Quality Development on the Ground	Maintain and enhance the vitality and viability of Shopping Centres	Finalise Town Centre guidance pilots by December 2013. Publish 2nd batch in draft by March 2014.		On track. 5 Dec 2013 Planning Committee targeted for finalised town centre guidelines. Project planning underway to identify next centres and prepare draft guidelines.
High Quality Development on the Ground	Improve the environment of the Royal Mile	Finalise Royal Mile Action Plan by September 2013		Finalised Action Plan has been approved. New governance structure has been put in place to address implementation. Project now linked into wider City Centre work. Action Completed.
High Quality Development on the Ground	Improve the environment of the City Centre	Contribute to City Centre Vision initiatives by March 2014		Participation with Working Group. George Street proposals have been firmed up and will be included in a report to the Transport and Environment Committee on the 29 October 2013. This covers the consultation on City Centre vision and the summer pilot projects in George Street.
Efficient and Effective Decision Making	Exploit information from the 2011 Census	Analyse and disseminate output by March 2014		On track. City-level tranches published and being analysed by Planning Information. First small-area tranches expected in November and early 2014. Internal project group set up.

Priority	Status
4 People Results	

PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
Effective Management Structures	Review of Planning and Building Standards Management Structure	Review and implement new management structure by December 2013.		To align with other service reviews in SFC, the implementation target date has been revised to 31/03/14. Progress to end of September has been completed on target for data gathering, comparative studies and benefits dependency mapping.

PERFORMANCE FRAMEWORK INDICATOR	ACTION	TARGET	Status	Latest Note
Continuous Improvement	Improved staff training	<ul style="list-style-type: none"> • 5 hours IT training per staff member • 31 hours additional training 		On Target. Staff Development Group are coordinating a series of IT training events for staff. Regular updates from the Staff Development Group provided in the monthly Core Brief and E-Mail communications to staff.
Continuous Improvement	Engage staff in progressing organisational improvements	Action Plan to be approved by end of June 2013 Implement Staff Engagement Action Plan by March 2014		Actions are being progressed by the Staff Engagement Group. Next event will be a feedback session to all staff.

Planning Committee

10.00 am, 5 December 2013

St James Quarter: Proposed Compulsory Purchase Order

Item number	6.2
Report number	
Wards	Ward 11 – City Centre

Links

Coalition pledges	P8 , P15 , P17
Council outcomes	CO7 , CO8 , CO9 , CO19
Single Outcome Agreement	SO1 and SO4

Mark Turley

Director of Services for Communities

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Executive summary

St James Quarter – Proposed Compulsory Purchase Order

Summary

The purpose of this report is to seek authority to proceed with a Compulsory Purchase Order (CPO) and draft an Agency Agreement with Henderson Global in respect of the St James Quarter. Henderson Global is ready to proceed with the development of the St James Quarter in accordance with planning permission 08/03361/OUT. In order to enable the site to come forward a CPO is required to assemble all the interested land into single ownership.

To assist in bringing forward a CPO it is necessary to enter into an agency agreement (back to back) to cover the terms of the agreement between the Council and the Developer.

Planning Committee previously agreed to proceed with a CPO and Agency Agreement on 6 August 2009. This agreement has now lapsed and it is necessary to start the process again.

Recommendations

It is recommended that the Planning Committee agrees to:

1. instruct the Council Solicitor to proceed with a Compulsory Purchase Order for the St James Quarter;
2. instruct the Council Solicitor to negotiate a draft Agency Agreement between the Council and the Developer;
3. note that the Agency Agreement will cover arrangements for the reimbursement of all costs and compensation incurred by the Council in relation to the promotion and implementation of the CPO and for the transfer of property compulsorily acquired by the Council to the Developer;
4. note that the Council will continue to seek a negotiated purchase of the properties and interests in parallel with pursuing the CPO;
5. note that the finalised agency agreement will be referred to the full Council for authority; and
6. note that the CPO in its finalised terms will be subject to the approval of the full Council.

Measures of success

The pursuance of this CPO and the continued negotiations will allow the progression of the regeneration of the St James Quarter and the wider city centre retail area. Success will be measured by the quality and sustainability of the new retail led mixed use development and the regeneration of the wider city centre. The delivery of new residential development will also be a measure of success. The improved performance of Edinburgh as a retail destination reinforcing its role as the regional centre for SE Scotland will be a key measure of success.

Financial impact

Redevelopment of the St James Quarter has the potential to secure £850m of new private sector investment to the City. In the current economic climate, raising investment capital remains difficult and is not without its risks. For the developer, funding the essential upfront infrastructure requirements would lead to uneconomic rates of return. As a result, there is a real risk that the city could lose this major investment opportunity. The Council will assist to unlock the development potential of this site through CPO.

The financial implications of progressing with the CPO will be considered within the agency agreement to be drafted between the developer and the Council. The final details of this agreement will be considered by the full Council at the same time as the authority to proceed with the CPO is requested.

Equalities impact

The proposed redevelopment of the St James Quarter has been considered in terms of impact on Equalities. The redeveloped centre will improve connections across the site with improved at grade access to the centre and within the shopping centre.

There will be a negative impact on the human rights of the leasees who will no longer have premises to trade from. However, as detailed above the public benefits of the scheme are considered to outweigh any individual rights. The use of CPO is considered to be a legitimate interference in the human rights of the individual businesses.

Sustainability impact

The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below. The sustainability impacts of the redevelopment of the St James Centre have been assessed in the determination of the application for planning permission in principle. The proposals are considered to have no significant environmental impacts and comply with the requirements of the Planning Service

Sustainability Assessment. The applications for approval of matters specified in condition will be required to submit updated sustainability appraisal information.

Consultation and engagement

Community consultation on the redevelopment plans took place in the lead up to the submission of the application for planning permission in principle. This was a developer led consultation which was hosted within the St James Centre and included a model of the proposed redevelopment.

Since the planning approval in June 2009 the developers have been negotiating with the tenants within the St James Centre to extinguish the outstanding lease agreements. This process has been extended to work with the occupiers of the units. However, it is now necessary to pursue a CPO in order to extinguish the outstanding leases on the site. This will proceed in parallel with continuing negotiations with the occupiers.

Background reading / external references

Planning Application 08/03361/OUT - Report to Development Management Sub Committee of 25 February 2009

Report to Planning Committee 6 August 2009 – Compulsory Purchase Order St James Edinburgh City Local Plan

St James Centre Development Brief

Proposed Local Development Plan

St James Quarter – Proposed Compulsory Purchase Order

1. Background

- 1.1 On 4 June 2009, the Council approved planning permission in principle (08/03361/OUT) for the redevelopment, refurbishment and demolition works to provide a major mixed use scheme on the site of the existing St James Centre. The permission comprises retail (class 1), leisure and culture (class 10 and 11), hotel (class 7), offices (class 4), food and drink (class 3), residential (class 9), financial, professional and other services (class 2) and other ancillary uses, car parking, servicing, new public realm and the refurbishments of the existing department store. The planning permission approved the detailed siting maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes.
- 1.2 A report was previously presented to the Planning Committee on 6 August 2009 seeking authority to initiate under an agency agreement, compulsory purchase procedures to acquire the various property interests to facilitate the redevelopment of the St James Centre. The Committee agreed to:
 - a) instruct the Council Solicitor to negotiate an Agency Agreement between the Council and the developer;
 - b) note that the developer will cover arrangements for the reimbursement of all costs and compensation incurred by the Council in relation to the promotion and implementation of the CPO and for the transfer of property compulsory acquired by the Council to the developer; and
 - c) approve, in principle, the making of the CPO to be contained within the area of application (08/03361/OUT) subject to the approval by Council of the CPO in its finalised terms.
- 1.3 The previously prepared agency agreement has now lapsed. The Agreement set out how the CPO procedure would be managed and the obligations on the Council and the developer throughout the process; how the CPO would be implemented, including how the interests acquired would be transferred to the developer and how the compensation process would be managed. The agency agreement also included an indemnity from the developer to the Council in relation to all compensation and other costs. This included the costs associated with any blight notices incurred as a consequence of the Council promoting and making the CPO and acquiring the necessary interests and set out how these costs would be reimbursed to the Council. The agency agreement also contained termination provisions.

- 1.4 During challenging financial times the developer has been working on solutions to bring forward the development. The developer has now approached the Council to proceed with the development of the St James Quarter and to work towards assembling all the required interests.

2. Main report

- 2.1 This report seeks the Council's authorisation to proceed with the preparation of a CPO and a new draft agency agreement with the developer in respect of the St James Quarter and the properties/ land interests located within. The agency agreement will allow the preparation of a draft CPO which will then be considered by the full Council for authority to proceed. The majority of the interest properties are subject to different lease options with Henderson Global.

Purpose of the CPO

- 2.2 The Strategic Development Plan (SDP) recognises Edinburgh City Centre as the area to be prioritised as a regional centre. The continued development of the Regional Core over the next 20 years is one of the crucial elements of the SDP Strategy.
- 2.3 The Edinburgh City Local Plan (ECLP) identifies that the focus of regeneration within the city centre is around the retail core of Princes Street and the St James Centre. It is essential that redevelopment includes a significant element of retailing which will enable Edinburgh City centre to secure and enhance the quality and breadth of its retail offer. The proposals for the redevelopment of the St James Centre have the potential to make a significant contribution to this aim. Proposal CA 1 further strengthens the role of the St James Centre in the redevelopment of the city centre.
- 2.4 The approval of planning permission in principle provides a strong basis for the progression of the redevelopment of this site. However, in order to bring forward the redevelopment of this large site, the acquisition of a number of outstanding leases is required to bring overall control of the site into one party within a reasonable timescale rather than long, protracted discussions. The use of CPO in this case is a positive and proactive measure to help deliver the scheme.

Appropriate Powers

- 2.5 The CPO is being pursued under sections 188- 191 of the Town and Country Planning (Scotland) Act 1997. This is the appropriate legislative approach to assemble the land package at St James. The proposals are for a mixed use development and there is no other legislative powers that can address such a mix of uses. Scottish Government Circular 6/2011 on Compulsory Purchase Orders provides further guidance for local authorities on CPO powers.
- 2.6 In particular the circular advises that early engagement with those affected is important and where possible agreement should be reached prior to progressing

with a CPO. It is advised that the Authority should be satisfied that all the land that is being acquired is needed for the development. In carrying out an assessment the authority can consider the development plan, supplementary guidance and its single outcome agreement priorities.

- 2.7 The redevelopment of the land as detailed in planning permission 08/03361/OUT is determined to be the most appropriate use of the land as it will delivery key priorities of the City of Edinburgh Council in achieving a key aspiration of the City in delivering a high quality retail offer. The redevelopment of the site is further strengthened with the proposed Local Development Plan incorporating the St James Quarter as a key development proposal.
- 2.8 The area covered by the CPO is required to allow the reintegration of this fragmented part of the city centre into the core area. It will allow a development which responds more appropriately to its context, will integrate into the historic environment, reinstate key street frontages and increase areas of high quality public realm.
- 2.9 The land interest is currently fragmented and is frustrating the delivery of the scheme. By using CPO powers, the Council can act to bring together the outstanding leases and assist in the delivery of a complex development. The assembly of the land will facilitate the regeneration of a key area of the Edinburgh City Centre Retail Core a key strategy identified within the Edinburgh City Local Plan.
- 2.10 The redevelopment of the St James Centre will align with the following Single Outcome Agreement commitments:

SO1 - Edinburgh's economy delivers increased investment, jobs and opportunities for all.

SO4- Edinburgh's communities are safer and have improved physical and social fabric.

In developing the St James Centre there will be a direct link with the creation of new employment, opportunities for new and increased investment and strengthening of the City Centre economy to the benefit of all. The physical fabric of the city centre will be improved with the removal of a building which does not relate well to its context. The new development will improve access, permeability and physical integration with the wider city centre core.

- 2.11 Section 191 of the Act states:

“(1)Where a planning authority— .(a)has acquired or appropriated any land for planning purposes, and (b)holds that land for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient for the purposes mentioned in subsection (2).

(2)Those purposes are to secure— .(a)the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it, whether by themselves or by any other person, or (b)the erection, construction

or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of their area.”

- 2.12 In this case, the Council will dispose of the land and rights it acquires to the developer to facilitate the re-development of the St James Quarter. This is subject to the developer meeting certain terms and conditions which are set out in an agency agreement which will be prepared between the two parties. The Council is satisfied that this complies with section 191 of the 1997 Act and that it represents the best terms on which the land could be acquired and developed. The preparation of the back to back agreement will ensure that there is no cost to the public purse
- 2.13 The use of CPO powers is necessary and proportionate to enable the delivery of a key objective of the Development Plan, Single Outcome Agreement commitments and a scheme with the benefit of planning permission. There are no other more specific powers to use to secure the necessary rights for the development. Having regard to the factors set out Section 189(2) of the 1997 Act, it is considered that the making of the CPO complies with the terms of its enabling powers.

Land and Rights to be Acquired

- 2.14 There is existing land within the site boundary which is already within the control of the developer or the Council. Within this, there are a number of sub- leases and other occupational leases. There are just over 100 retail units in the St James Shopping Centre and a number of other leased interests (such as advertising hoardings etc) which may need to be acquired/ surrendered/ extinguished. The majority of the leases will expire prior to intended commencement of development in March 2015.
- 2.15 There are other interests within the area of the outline planning application, but outwith the St James Centre and St James House, which may need to be acquired in order to allow the development to be delivered. These areas include parts of streets adjoining the building, St Andrew’s Hall and car park, variation of access rights to the Omni Leisure Development via the Nottingham Terminal and service access to Multrees Walk.
- 2.16 Outwith the planning permission in principle there are other land interests to be acquired to deliver the public realm improvements associated with the wider St James Quarter within Picardy Place. The Council owns the majority of the land within this area but there are a small number of property interests within this area to be acquired.

Negotiations

- 2.17 The developer has been carrying out negotiations with affected proprietors over the last four years. While the developer owns the heritable interest of both the St James Centre and St James House, as well as the long ground lease interests in both, there are a number of other parties who have ownership or leasehold interests in parts of the St James Centre and St James House.

2.18 Negotiations are ongoing and it is anticipated that agreements will be reached with a number of these parties without the requirement to enact the CPO. There are businesses whose leases will be terminated and which will not be returning to the new centre. It is recognised that there will be some disbenefits to these businesses as a result of the CPO but the overall public benefit outweighs these individual interests.

Public Benefit

2.19 The public benefits of the scheme have been examined in the preparation of the Development Plan. The public benefits are on a city region scale. The development will deliver additional retailing, housing, office space, leisure and ancillary uses. The development as a whole will support the local economy and increase the prospects of additional employment opportunities within the city.

2.20 The public benefits of the scheme are considered to outweigh the private rights of the leasees due to the overall benefits to the city as a whole. There will be a negative impact on human rights of these leases but this is outweighed by the public benefit coming forward from the proposed development.

2.21 Those affected by the CPO may be entitled to compensation under the Land Compensation (Scotland) Act 1963 and the Land Compensation (Scotland) Act 1973. Compensation will be payable in accordance with the Compulsory Purchase Code.

Impediments

2.22 While the following consents may be required to facilitate the re-development, there are no exceptional impediments that are likely to prevent the proposals being fully implemented.

- Approval of Matters Specified in Condition - further applications require to be submitted to address the matters specified on condition on the application for planning permission. The planning permission in principle application provides significant details including setting parameters for building height and positioning thus reducing elements of risk with the final approval;
- Building Warrants;
- Traffic Regulation Orders and Stopping Up Orders;
- Any consents from statutory undertakers.

It is considered that any outstanding consents can be obtained within the development timescale and will not result in delays to the delivery of the scheme.

Alternatives

2.23 A transformed St James Quarter would create a significant new retail quarter for the City. The alternative is a retail sector that fails to realise its potential together with the ongoing deterioration of the existing buildings in the area. In the context of the adjoining developments at Multrees Walk and John Lewis, the development would create a major retail destination within this quarter of the City.

2.24 The site is promoted for development within the Edinburgh City Local Plan and the proposed Local Development Plan. It is considered that there are no reasonable alternatives that would provide the same role in unlocking the potential of the city centre as a key retail destination and attracting the inward investment that this scheme will deliver. Without the progression of the CPO the delivery of the redeveloped St James Quarter would be in doubt and would add significant time delays to its delivery.

3. Recommendations

- 3.1 It is recommended that the Planning Committee agrees to:
1. instruct the Council Solicitor to proceed with a Compulsory Purchase Order for the St James Quarter;
 2. instruct the Council Solicitor to negotiate a draft Agency Agreement between the Council and the Developer;
 3. note that the Agency Agreement will cover arrangements for the reimbursement of all costs and compensation incurred by the Council in relation to the promotion and implementation of the CPO and for the transfer of property compulsorily acquired by the Council to the Developer;
 4. note that the Council will continue to seek a negotiated purchase of the properties and interests in parallel with pursuing the CPO;
 5. note that the finalised agency agreement will be referred to the full Council for authority; and
 6. note that the CPO in its finalised terms will be subject to the approval of the full Council.

Mark Turley

Director of Services for Communities

Links

Coalition pledges

- P8 Make sure the city's people are well housed including encouraging developers to build residential communities, starting with brownfield sites**
- P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors**
- P17 Continue efforts to develop the city's gap sites and encourage regeneration**

Council outcomes	<p>CO7 Edinburgh draws in new investment in development and regeneration</p> <p>CO8 Edinburgh's economy creates and sustains job</p> <p>CO9 Edinburgh residents are able to access job opportunities</p> <p>CO19 Attractive Places and Well maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p>
Single Outcome Agreement	<p>SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all.</p> <p>SO4 Edinburgh's communities are a safer and have improved physical and social fabric.</p>

Planning Committee

10am, Thursday 5 December 2013

Planning Scotland's Seas consultations by Marine Scotland

Item number	7.1
Report number	
Wards	All

Links

Coalition pledges	P15 , P50
Council outcomes CO7,CO8	CO7 , CO8 , CO18 , CO19
Single Outcome Agreement	SO1

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Executive summary

Planning Scotland's Seas: Consultations by Marine Scotland

Summary

On 25 July 2013, Marine Scotland, a Directorate of the Scottish Government, published a number of documents for consultation purposes aimed at delivering an integrated system of marine planning for Scotland's seas. Under the collective title of 'Planning Scotland's Seas', these include the National Marine Plan and Planning Circular which explains the relationship between the marine and terrestrial planning and systems.

This report summarises proposals contained in the documents and invites the Committee to approve the Council's responses. Most of the comments concern land use planning, though the Council's response also includes input from other services within the Council.

While generally supportive of the guidance, this response raises concerns about the lack of clarity regarding the role of local authorities in the new marine planning system. The dearth of information on the regional marine planning process, the Council's main interface with the process, is a particular concern. The Council suggests that the regional marine plan for the Forth be prepared through a partnership working arrangement similar to those operated by the Forth Estuary Forum and SESplan.

The deadline for responding to the consultation was 13 November. Because of the timescale for consultation, it has not been possible to bring it to Committee before responding. Therefore, the proposed response was submitted by the Acting Head of Planning and Building Standards, explaining in the covering letter that the response may be amended following Committee's consideration.

The Draft National Marine Plan will be revised in the light of comments received during the consultation. Scottish Ministers propose to issue the plan and the circular in final form in the early part of 2014.

Recommendations

It is recommended that the Committee approves the Council's responses to the consultation documents referred to as 'Planning Scotland's Seas'.

Measures of success

Integration of the existing land use planning system with the emerging marine planning system.

Financial impact

There are no direct financial impacts arising from this report.

Equalities impact

The Scottish Government published an Equalities Impact Assessment for the Draft National Marine Plan. There are no equalities impacts associated with the Council's responses to 'Planning Scotland's Seas.'

Sustainability Impact

The Scottish Government published a Sustainability Appraisal for the Draft National Marine Plan.

Consultation and engagement

The Scottish Government organised a number of public consultation events throughout Scotland, one of which was held in Edinburgh in August.

Background reading / external references

- 1 Scotland's National Marine Plan Consultation Draft and accompanying documents
- 2 Planning Circular: The relationship between the statutory land use planning system and marine planning and licensing
- 3 Possible Nature Conservation Marine Protected Areas Consultation
- 4 Consultation on Marine Priority Features
- 5 Draft Sectoral Marine plans for Offshore Renewable Energy in Scottish Waters: Consultation Paper

The above documents are available for viewing on The Scottish Government's website using the following link:

<http://www.scotland.gov.uk/Consultations/Current>

Report to Planning Committee 4 December 2008: Sustainable Seas for All: A Consultation on Scotland's First Marine Bill.

Planning Scotland's Seas Consultations by Marine Scotland

1. Background

- 1.1 **The Marine Scotland Act**, which came into force on 10 March 2010, provides the legislative and management framework for marine planning in Scotland. The Council responded to the relevant consultation document entitled 'Sustainable Seas for All' in 2008. The Act introduced a duty to protect and enhance the marine environment and includes measures to help boost economic investment and growth in areas such as marine renewables. The marine planning system will therefore interact with other planning and consenting regimes within the Scottish marine area.
- 1.2 The Act created a simpler more effective legislative regime, replacing the previous system of reserved and devolved regulatory powers. At present, Scotland's inshore waters (up to 12 nautical miles) are governed by the Marine (Scotland) Act 2010, while the UK Government legislates for Scotland's offshore waters (12 to 200 nautical miles) through the Marine and Coastal Access Act 2009. However, the UK and Scottish governments have agreed that both inshore and offshore matters should be covered by the **National Marine Plan** in Scotland.
- 1.3 The higher level policy context for the marine planning system is the **Marine Policy Statement (MPS)** which was agreed between the UK Government and the three devolved governments in March 2011. It presents a shared UK vision of "clean, healthy, safe, productive and biologically diverse oceans and seas".
- 1.4 The National Marine Plan, once approved, will form the basis for a network of local or **regional marine plans** extending out to 12 nautical miles. It is the Minister's intention to devolve marine planning powers to a regional planning partnership for each region. The Scottish Marine Regions Order 2013, which will identify and establish their boundaries, is expected to come in to force later this year.
- 1.5 Therefore, the marine plan for an area will consist of the National Marine Plan and a regional plan. Both plans are adopted by Scottish Ministers and in so far as it relates to Scotland's offshore waters, adoption of the Scottish National Marine Plan must be with the agreement of the Secretary of State. Plans must

be prepared at least every five years after which Ministers must decide whether these need to be amended or replaced.

- 1.6 The National Marine Plan, once approved by Scottish Ministers, will sit alongside and interact with existing planning regimes, including the National Planning Framework.
- 1.7 Marine Planning also falls within an international regulatory framework which governs a number of aspects of marine management. This includes EU Directives such as the Marine Strategy Directive and the Water Framework Directive.

2. Main report

Draft National Marine Plan

- 2.1 The National Marine Plan has been published in draft form and follows the publication of a **pre-consultation draft** and **Scotland's Marine Atlas**, the evidence base, in 2011.
- 2.2 The draft plan contains nineteen general policies which are designed to ensure that all future decisions lead to sustainable economic growth which is sensitive to the environment, other users and the long-term health of Scotland's seas.
- 2.3 Specific policies for certain activities, relating to economic productivity, environmental limits, interactions with other users and climate change are also included in the plan. Activities covered include: Fisheries, Aquaculture, Wild Salmon, Oil and Gas, Carbon Capture and Storage, Renewables, Recreation and Tourism, Transport, Telecommunications, Defence and Aggregates.
- 2.4 The plan encourages integration between the **marine and terrestrial planning systems**. To this end, The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 requires terrestrial planning authorities to give consideration to marine plans which apply to inshore waters, when developing strategic and local development plans.
- 2.5 The plan also refers to the wide range of marine decisions and consents, including licences issued by public bodies, including local authorities.
- 2.6 Finally, marine planning will also provide one delivery mechanism for **River Basin Management Plans**.

Draft Planning Circular (Terrestrial/Marine Planning)

- 2.7 The Scottish Government has also produced a new planning circular in draft form which accompanies the consultation on the draft National Marine Plan. The circular explains the relationship between the marine and terrestrial planning systems, including related regimes such as marine licensing and consenting for

offshore energy generation, ports and harbour development and aquaculture. It also provides guidance on joint working.

- 2.8 The Circular suggests a number of ways in which effective working can be achieved, including ensuring consistency between policies in the terrestrial and marine plans and developing an integrated coastal management approach.

Marine Protected Areas and Marine Priority Features

- 2.9 One of the main aims of the Marine (Scotland) Act 2010 was to improve marine nature and historic conservation including the protection and management of areas of importance for marine wildlife, habitats and historic monuments.
- 2.10 The new powers afforded by the Act extend to selecting and managing Marine Protected Areas (MPAs). In the consultation document, the Scottish Government is proposing that 33 new nature conservation Marine Protected Areas (MPAs) be identified for species, habitats and geology that require more protection than is offered by existing protected areas.
- 2.11 The Scottish Government is also proposing a list of Priority Marine Features (PMFs) representing 80 habitats and species of marine conservation importance for which it would be appropriate to use either area-based measures such as Marine Protected Areas, or non-area based mechanisms or a mixture of both to achieve better protection.

Draft Marine Plans for Offshore Renewable Energy in Scottish Waters

- 2.12 The Scottish Government has also published A 'Sectoral Marine Plan for Offshore Wind, Wave and Tidal Energy in Scottish Waters –Consultation Draft' to complement the national marine plan (and regional plans at a later date). This identifies options for offshore wind, wave and tidal energy developments throughout Scotland. However, the East Region, which is nearest to Edinburgh includes no additional options for offshore, wind, wave and tidal energy. The plan notes that the Forth Array scheme which was identified previously has since been withdrawn by The Crown Estate Commissioners.

Summary of Response

Draft Marine Plan

- While economic development is a primary objective of the Plan, the Council is pleased to see that this is underlain by sustainable principles.
- Under the new marine planning system, it is not clear what duties and powers the Council will have to carry out and what level of knowledge/expertise/training will be required. The additional demands placed on planning authorities, particularly at a time of budget constraint, is a further issue to be addressed.
- No reference is made in the plan to the Port of Leith's enterprise area status and its national role in relation to the manufacture and servicing of equipment to support the off-shore renewables industry.

- Limited mention is made of the future pressures the Firth of Forth (FOF) is likely to face from the growing number of commercial and recreational users. The FOF is a sensitive environment, requiring careful management of development to avoid impacting on internationally protected habitats and species
- No reference is made to the proposed expansion of Grangemouth aimed at improving freight capacity on the Forth which is identified as a 'National Development' in Draft National Planning Framework 3.

Circular

- The opportunity to align the marine and terrestrial planning systems as suggested by the Circular is unlikely to arise for some time in Edinburgh. Furthermore, the different timescales identified for preparing plans under each system may make synchronisation difficult.
- The Council's main interface with the new system is likely to be through participation as a key partner in the relevant Scottish Marine Region (SMR), though little reference is made to this in the Circular. The document is also vague on what the proposed relationship between the SMRs and Marine Scotland is likely to be.
- In relation to the preparation of the Forth SMR, the Council would wish to see the establishment of a partnership working arrangement, for which the existing Forth Estuary Forum and SESPlan are considered useful models.

3. Recommendations

- 3.1 It is recommended that Committee approves the Council's responses to the consultation documents referred to as 'Planning Scotland's Seas'.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors P50 Meet greenhouse gas targets, including the national target of 42% by 2020
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Council outcomes	<p>CO7 Edinburgh draws new investment in development and regeneration</p> <p>CO8 Edinburgh's economy creates and sustains job opportunities</p> <p>CO18 Green - We reduce the local environmental impact of our consumption and production</p> <p>CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm</p>
Single Outcome Agreement	<p>SO1 Edinburgh's Economy Delivers increased investment, jobs and opportunities for all</p>
Appendices	<p>Appendix 1: Text of letter from Acting Head of Planning to The Scottish Government in response to the documents forming part of the 'Planning Scotland's Seas' consultation</p>

APPENDIX 1

Scotland's National Marine Plan – Consultation Draft

Comments on Chapter 4: General Policies

Generally, the Council supports the plan's strategy which includes general and specific objectives aimed at mitigating and adapting to climate change.

When the Council previously submitted comments to Scottish Government on Scotland's first Marine Bill in 2008 it raised concerns regarding the emphasis placed on developing the economic potential of the marine environment over its conservation. While economic development is still a primary objective of the Draft National Marine Plan, the Council is pleased to see that this is underlain by sustainable principles. The fact that the first three of its general policies (GEN1-GEN3) concern sustainable development reaffirms Scottish Government's commitment towards that objective. Furthermore, two of the documents published for consultation purposes alongside the Draft National Marine Plan (on marine protected areas and marine priority areas) relate to marine conservation. In that respect the plan should sit well with existing and emerging terrestrial planning documents prepared by the Council.

Policy GEN 6 is particularly relevant to the Council as planning authority since it is concerned with the interaction between the terrestrial and marine planning systems. The area where the two systems converge in the inshore area will be administered by the regional level of marine planning which has yet to be established. This is the level at which the Council is expected to have greatest involvement in the marine planning system. (Further comments are provided regarding the relationship between these two systems in relation to the draft circular below.)

While the Council is supportive of this policy and its aim within the context of the national plan, it does have a number of concerns about the lack of detail set out here in relation to its new role in the marine planning system. As commented previously, it is not clear what duties and powers planning authorities are likely to have to carry out and what level of knowledge/expertise/training will be required.

Previously, the Council also raised concerns about the likely resource implications of the new marine planning system when commenting on the draft marine bill. The additional demands placed on planning authorities, particularly at a time of budget constraint remains a concern. Policy GEN6 would require the Council to work with a wide range of agencies and organisations in implementing proposals which straddle the marine and terrestrial planning systems. As this is likely to require partnership working, there should be a reference to this in the final plan.

Using Sound Evidence

Policy GEN 10 says that decision making in the marine environment should be based on a sound evidence base as far as possible. In the paragraph immediately below the policy the Council suggests that the second sentence should read '*New social, economic, environmental and historic information.....*'

Historic Environment

The paragraph of page 32 should read '*.....Monuments of Scotland and/or the adjacent Local Authority Archaeology Service.*'

Nature Conservation, Biodiversity and Geodiversity

When considering planning applications, as a competent authority, the Council already takes account of Special Protection Areas (SPAs) and protected species in its development plan policies. The Council is a member of the Forth Estuary Forum and the Firth of Forth Collaboration Group (FCG), both of which play a co-ordinating role in relation to the Firth of Forth SPA.

Coastal Processes and Flooding

In relation to Policy GEN 17, reference should be made to the overlap between the marine and river (fluvial) systems in inter-tidal locations such as Leith.

Policy GEN 17 says that developments and activities in the marine environment should be resilient to coastal change and flooding and not adversely impact on coastal processes. In the Council's view, built developments can only be made 'resilient to coastal change and flooding' by the construction of heavy defences, engineering structures and/or raising of land. Such infrastructure will inevitably have an impact on coastal processes.

No definition of 'coastal infrastructure' (referred to in the second paragraph of page 36) is provided. It is unclear which locations are considered less vulnerable to flooding and erosion on the coast. This section should also include guidance on the reclamation of coastal land for development (including within harbours), and on the type of development that is acceptable

The guidance in the third paragraph of page 36 understates the significance of geomorphological changes resulting from activities or developments in coastal locations.

The fourth paragraph of page 36 reads satisfactorily though this only applies to flood management issues rather than to developments in coastal locations.

Comments on Chapter 5: Sector Chapters

Of the eleven specific chapters in the National Marine Plan, the three considered most relevant to Edinburgh are offshore renewable energy, transport and recreation and tourism.

Renewable Energy

In relation to renewable energy, page 86 of the plan refers to the potential for Scotland's supply chain companies to benefit '*directly in development manufacturing, assembly, deployment, operations and maintenance*'. Though identified in Map 19 of the 'Transport' chapter, no reference is made here to the Port of Leith's enterprise area status and its national role in relation to the manufacture and servicing of equipment to support the off-shore renewables industry. The Port of Leith, which is identified in the National Renewables Infrastructure Plan, is expected to develop strong ties with the first round of offshore wind energy developments located off the east coast of Scotland.

Transport

On the subject of transport, the reference made to the importance of ports and marine transport to the economy of eastern Scotland on page 106 of the plan is acknowledged.

However, as a shipping channel, the Firth of Forth is likely to come under increasing pressure from a wide range of commercial and recreational users in the future. While the potential conflict between some competing uses is referred to on page 112, no mention is made as to how this might be managed. The Firth of Forth is also a sensitive environment, requiring careful management of development to avoid impacting on internationally protected habitats and species.

The plan supports the growth in capacity of ports and harbours in the section on Transport. However, no reference is made to the expansion of port capacity at Grangemouth as part of the Forth Estuary infrastructure improvements referred to in Draft NPF3. This is also identified as a 'National Development' aimed at ensuring future demand for freight handling facilities is met and realising the potential of the location as Scotland's largest container port, main freight distribution centre and a centre for low carbon energy and chemical sciences. It is also one of a number of proposals included in the Firth of Forth 'Area for Co-ordinated Action' (Area 4).

Recreation and Tourism

In relation to recreation and tourism, the table on page 97 identifies some of the most popular recreational pursuits. The Council suggests that under 'Cruising', Rosyth and South Queensferry be included in the table since both can accommodate larger vessels.

The second paragraph on page 98 includes a typographic error. The sentence beginning 'A integrated' should read 'An integrated.'

Under the heading 'Sailing', the third bullet point underestimates the importance of the East Coast market.

Under 'Sporting events' on pages 98 and 99, reference could be made to the Clipper Race which Scotland/Edinburgh has participated in previously. This could also help to raise awareness of the event.

The cruise industry is referred to on page 100. The Council's Business Partnerships are currently focusing on the Edinburgh cruise market.

The plan makes limited reference to passenger ferries in the recreation and tourism chapter despite these also being required to support tourism (though they are referred to in the transport chapter). Additionally, no mention of organised boat tours is made.

This section does not recognise the contribution of local commercial boats to tourism i.e. boat trips, as opposed to ferries.

Marine Historic Environment

The Council would like to see a separate subject chapter on the Historic Marine Environment included in the Plan. Chapter 7 of the Pre-Consultation Draft Plan included a section on this topic along with Marine Environment and Nature Conservation. Though referred to under 'General Policies' (GEN 13), the plan does not go into sufficient detail regarding how the full potential of the marine historic environment as a cultural, educational, economic and social resource might be realised.

Other

The Council notes that the additional regulations proposed in the plan could make it more difficult to secure funding in coastal and marine areas. There may also be economic implications for areas having to adapt existing plans to the new regulations.

The plan should perhaps include some system of cross-referencing with the relevant sections of Draft NPF3 since the two documents are meant to sit alongside each other. Draft NPF3 is also more up to date than the plan in terms of key subject areas, in particular, renewable energy and transport.

Comments on Draft Planning Circular - 'The relationship between the statutory land use planning system and marine planning and licensing'

Marine Planning

On page 5, the possibility of programming marine and terrestrial plans so that key stages are aligned is discussed. The Circular also suggests that the aim should be to achieve consistency between policies and proposals in both plans. The first wave of 'new style' development plans covering Edinburgh are now at an advanced stage of preparation. The Strategic Development Plan for Edinburgh and South East Scotland was approved by Scottish Ministers in June and work on SDP2 is already underway. Work on the Local Development Plan (LDP) for Edinburgh is also at a fairly advanced stage; the Proposed LDP was published in March 2013. Therefore, the opportunity to align key stages in the two systems is unlikely to arise for some time. Furthermore, the different timescales identified for preparing plans under each system may make synchronisation difficult.

Little reference is made in the Circular to the regional system of marine planning, the groundwork for which will be laid later this year. The Council's main interface with the new system is likely to be through participation as a partner in the relevant Scottish Marine Region (SMR). It is also expected to be a member of the SMR Board which is tasked with making decisions at regional level regarding the SMR. The consultation document is also vague on what the proposed relationship between the SMRs and Marine Scotland is likely to be.

In the absence of any guidance in the circular on the proposed geographic areas at a Scotland wide level, the work and relationships already established through the Forth Estuary Forum (FEF) might be a useful basis for the establishment of a potential Forth Estuary SMR. The FEF, of which the Council is a member, is overseen by a core group of members from a wide range of private, public and bodies, its aim being to promote the wise and sustainable use of the Forth. It operates under Integrated Coastal Zone Management principles and is a useful model for successful partnership working.

An alternative example of successful partnership working which might be used as a basis for the establishment of an SMR in the Forth is the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan). SESplan is the statutory authority responsible for preparing and maintaining a strategic development plan (SDP) for the SESplan and involves six local authorities working together collaboratively.

Comments on Possible Nature Conservation Marine Protected areas

Though located in offshore waters to the east of Scotland, geographically the Firth of Forth Banks Complex is the closest proposed Marine Protected Area (MPA) to Edinburgh. This includes the Berwick, Scalp and Montrose Banks and the Wee Bankie. However, there are no direct consequences of this designation to the functions of the Council.

Comments on Priority Marine Features

The Edinburgh Biodiversity Action Plan includes a Coastal Habitat Action Plan and associated species action plans, including for otters and seagrass beds. Both species are designated Priority Marine Features. Otters are given due consideration during the planning process, through the application of appropriate local development plan policies. The EBAP has an action to survey and map the extent and condition of seagrass beds (a UK Priority Habitat) in the Edinburgh area. This action is subject to funds becoming available.

Planning Committee

10am, Thursday, 5 December 2013

Scottish Planning Policy Further Consultation: Sustainability and Planning

Item number 7.2

Report number

Wards

Links

Coalition pledges [P8](#), [P50](#)

Council outcomes [CO9](#), [CO16](#), [CO17](#), [CO18](#), [CO19](#), [CO22](#)

Single Outcome Agreement [SO1](#), [SO2](#), [SO4](#)

Mark Turley

Director of Services for Communities

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Executive summary

Scottish Planning Policy Further Consultation: Sustainability and Planning

Summary

The purpose of this report is to approve the Council's response to the draft Scottish Planning Policy (SPP): Sustainability and Planning consultation. The consultation proposes further change to the principal policies contained within the Draft SPP issued in April 2013. It is proposed that previously separate policies for sustainable economic growth and sustainable development are replaced with a single policy for 'Sustainability and Planning' and that a presumption in favour of sustainable development is introduced.

The response is generally supportive of the combined policy but expresses concern about the presumption in favour of development and what this may mean in practice. It also proposes some changes to the detail of the policy.

Recommendations

It is recommended that the Committee approves the response set out in Appendix 1 of this report as the Council's response to the consultation Draft Scottish Planning Policy: 'Sustainability and Planning'.

Measures of success

The Council's views are taken account of in the review of these two national planning documents.

Financial impact

There are no direct financial implications for the Council arising from this report.

Equalities impact

This report is a response to a Scottish Government consultation. The Scottish Government have carried out a Partial Equalities Impact Assessment (EQIA) of SPP. A more comprehensive final EQIA will be developed using the partial EQIA and taking into account the views of a wide range of stakeholders following the public consultation period.

Sustainability impact

The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.

- The proposals in this report will reduce carbon emissions because it supports national policy to create sustainable places.
- The proposals in this report will increase the city's resilience to climate change impacts because it supports national policy to support climate change and mitigation.
- The proposals in this report will help achieve a sustainable Edinburgh because it supports national policy which creates sustainable places.

The SPP is the subject of a statutory Strategic Environmental Assessment process (SEA). The SEA identifies that SPP make a significant contribution to reducing greenhouse gas emissions and climate change adaptation.

Consultation and engagement

The Council's response has been prepared following engagement with relevant Council services.

Background reading / external references

[Draft Scottish Planning Policy: 'Sustainability and Planning Consultation'](#)

[Draft Scottish Planning Policy](#)

National Planning Framework 3 and Scottish Planning Policy, Report to Planning Committee, [8 August 2013](#)

Review of Scottish Planning Policy, Report to Planning Committee, [28 February 2013](#)

National Planning Framework Review, Report to Planning Committee, [6 December 2012](#).

Scottish Planning Policy Further Consultation: Sustainability and Planning

1. Background

- 1.1 Scottish Planning Policy (SPP) is a non-statutory statement of Scottish Government Policy on nationally important land use planning matters. A review of the policy is currently underway and a revised draft SPP was published for consultation in April 2013. A Council response was agreed by Planning Committee in August 2013.
- 1.2 The Draft SPP set out six principal policies along with a number of subject policies. Among the principal policies were policies for Sustainable Economic Growth and Sustainable Development. Having reflected on the responses to the draft SPP consultation, the Scottish Government is now considering replacing those policies with a principal policy for 'Sustainability and Planning', and introducing a presumption in favour of sustainable development.
- 1.3 A consultation paper was published on 28 October 2013 setting out the proposed text to replace that set out in the Draft SPP. Consultation responses are sought in relation to this text only and are required to be submitted in writing by 16 December 2013. The expected date of publication of the finalised SPP is June 2014.
- 1.4 The CEC response to the draft SPP raised concerns about the principal policies for Sustainable Development and Sustainable Economic Growth. The concerns related to:
 - requirement that the planning system should attach significant weight to economic benefit of proposed development;
 - principles appearing more focussed on economic growth than sustainable development;
 - the need for guidance on economic benefit and how this should be balanced with environmental impact and other considerations;
 - the potential for the two policies to compete against each other;
 - omission of quality as a key element of sustainable growth; and
 - the potential for requirement on applicants to demonstrate economic benefit to be onerous.

2. Main report

Consultation Document

- 2.1 The consultation paper sets out proposed text for a single policy 'Sustainability and Planning'. It begins by setting out a policy presumption in favour of development that contributes to sustainable development. This means that the planning system should contribute to economically, environmentally and socially sustainable places by enabling development that balances costs and benefits of the proposal over the longer term.
- 2.2 The context for sustainability and planning is set out. This refers to the Government's central purpose, the Government Economic Strategy, the National Planning Framework, the UK's shared framework for sustainable development and the requirement of the Planning etc (Scotland) Act 2006 that functions relating to plan preparation must be exercised with the objective of contributing to sustainable development.
- 2.3 Twelve policy principles are set out:
- to give due weight to net economic benefit;
 - to respond to economic and financial conditions, as outlined in local economic strategies;
 - to make efficient use of existing capacities of land, buildings and infrastructure;
 - to support delivery of housing, business, retailing and leisure development;
 - to support delivery of infrastructure, for example transport, education, digital and water;
 - to support climate change mitigation and adaptation;
 - to protect and enhance cultural heritage, including the historic environment;
 - to protect, enhance and promote access to natural heritage; including water, air, soil, green infrastructure, landscape and the wider environment;
 - to reduce waste and facilitate its management;
 - to have regard to the principles for sustainable land use set out in the Land Use Strategy;
 - to avoid over-development and protect the amenity of new and existing development; and
 - to improve health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.
- 2.4 Development plans should reflect the presumption in favour of development that contributes to sustainable development. Where plans are out-of-date or do not contain policy relevant to the proposal then the policy presumption in favour of development that contributes to sustainable development will apply subject to there being no adverse impacts which would clearly outweigh the benefits when assessed against the policies in SPP. Applicants will be required to provide

good quality information describing economic, social and environmental implications of the proposal, however this should be proportionate to the scale of the application.

- 2.5 Definitions of sustainable development and sustainable economic growth have been included and are as follows:
- Sustainable Development – Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
 - Sustainable Economic Growth – Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.

Response to Consultation Paper

- 2.6 The Council's response to the consultation is attached at Appendix 1.
- 2.7 The consolidation of the sections on sustainable development and sustainable economic growth is welcome and consistent with the Council's comments on the main draft SPP submitted earlier this year. It removes the potential for two policies to compete against each other and allows a more balanced approach between economic and environmental considerations.
- 2.8 However it is questionable whether the presumption in favour of development that contributes to sustainable development is necessary as planning legislation already requires development plans to contribute to sustainable development and applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In other words, there is already a presumption in favour of sustainable development contained in the legislation. It would be more helpful if the SPP were drafted to guide planning authorities in preparing development plans on how ministers expect them to comply with their legal duties on sustainable development.
- 2.9 The language used is similar to the presumption against the demolition of a listed building in Scottish Historic Environment Policy. However this has proved straightforward to apply as there is no confusion here with the listed buildings legislation.
- 2.10 For the presumption to operate, it would be important to define sustainable development more precisely as the Brundtland definition is far too broad to be used in planning policy that aims to manage development. In addition, it is not clear what it means for a plan to be out-of-date and this would need to be defined.
- 2.11 The Scottish Government has agreed UK principles which form the basis of sustainable development policy. It is important that there is a shared understanding of what these principles mean for the planning system. The relationship between the SPP and these principles should be detailed and

interpreted in the context of the SPP to avoid any possibilities of misunderstanding.

- 2.12 The policy principles in the draft document do not adequately address what should be achieved in terms of sustainable development by the planning system and could be improved, for example by reference to the need for compact urban form, mixed uses, reducing the need to travel and access by sustainable transport modes.
- 2.13 It is helpful to provide definitions of sustainable development and sustainable economic growth. While there is no longer a principal policy for sustainable economic growth there are a number of references throughout Draft SPP to the concept. There will continue to be debate about what it might mean and if it is possible to achieve, however it is helpful to have the Scottish Government set out what it means in relation to planning.

3. Recommendations

- 3.1 It is recommended that the Committee approves the attached Consultation Questionnaire as the Council's response to the consultation Draft Scottish Planning Policy: 'Sustainability and Planning'.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P8 Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites P50 Meet greenhouse gas targets, including the national target of 42% by 2020.
Council outcomes	CO9 Edinburgh residents are able to access job opportunities. CO16 Edinburgh draws new investment in development and regeneration. CO17 Edinburgh's economy creates and sustains job opportunities. CO18 Green – We reduce the local environmental impact of our consumption and production. CO19 Attractive places and well maintained – Edinburgh

remains an attractive city through the development of high quality buildings and places and the delivery of high standards in the maintenance of infrastructure and public realm.
CO22 Moving Efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible.

Single Outcome Agreement

SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all
SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health
SO4 Edinburgh's communities are safer and have improved physical and social fabric

Appendices

Appendix 1: Draft Scottish Planning Policy: 'Sustainability and Planning' Consultation Questionnaire response by City of Edinburgh Council

Appendix 1

Draft Scottish Planning Policy: Sustainability and Planning Consultation Questionnaire response by the City of Edinburgh Council

Please answer the questions relevant to you and provide further comment, including evidence or justification in the box provided

Responses should focus on the content of the consultation paper. There is no need to repeat comments on other sections of the Draft SPP that was consulted on previously.

Consultation Question 1

Y **N**

Do you think the SPP should include a presumption in favour of development that contributes to sustainable development?

 x

The Council is concerned about the introduction of this presumption. In relation to development plans such a presumption is unnecessary as Section 3E the Town and Country Planning (Scotland) Act 1997 as amended by the Planning, etc. (Scotland) Act 2006 already creates a legal requirement to contribute to sustainable development which has considerably greater force than a policy presumption. The existence of such a presumption in SPP in addition to this legal duty would lead to confusion. It would be more helpful if this section of the SPP were drafted to guide planning authorities in preparing development plans on how ministers expect them to comply with Section 3E.

In relation to development management, the presumption is also unnecessary as there is already such a presumption effectively written into the legislation. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise, and Section 3E requires that development plans are prepared with the objective of contributing to sustainable development. Again, the existence of such a presumption in SPP would lead to confusion.

It is noted that the concept of a presumption is used in the Scottish Historic Environment Policy (para 3.40) with regard to listed buildings but this has proved straightforward to apply as there is no confusion here with the listed buildings legislation.

When applying the presumption in development management it is not clear when a plan should be considered to be out-of-date. This could be interpreted as more 5 years from adoption or it could be when the context of the plan has changed. Where a plan is more than 5 years old it does not necessarily mean that the content is no longer relevant, it will depend on how much change has taken place.

The application of the presumption would depend critically on the definition of sustainable development. The Brundtland definition is far too broad to be used in planning policy that aims to manage development. It would be difficult to determine if a proposal contributes to sustainable development as defined and this would be open to much interpretation. Without a stricter definition, the presumption in favour of development that contributes to sustainable development would quickly be seen as a presumption in favour of almost all development.

The development plan should be succinct. The presumption may lead to lengthier development plans which try to cover all eventualities to ensure that the presumption in favour of sustainable development does not undermine the strategy in the plan.

The presumption could lead to proposals which are not identified in the plan being given consent which may undermine the overall strategy of the plan.

Consultation Question 2

Y

N

Do you think the proposed approach to sustainability and planning is appropriate?

The overall approach which brings together sustainable development and sustainable economic growth addresses concerns expressed in the CEC response to the draft SPP and is welcomed. It removes the potential for two policies to compete against each other and allows a more balanced approach between economic and environmental considerations. Within the principles, the change in the weight to be given to economic benefit and inclusion of the word 'net' is supported. This should allow appropriate weight to be given to all relevant factors. However, the text on Context – Sustainability and Planning, together with the list of policy principles seems to place an emphasis on economic development over other, more usual, interpretations of sustainability.

The five guiding principles of the UK's shared framework for sustainable development are referred to within the policy context. It is important that there is a shared understanding of what these principles mean for the planning system. For policy to be sustainable it must reflect all five principles. The relationship between the SPP and these principles should be detailed and interpreted in the context of the SPP to avoid any opportunities of misunderstanding.

The policy principles do not adequately address what should be achieved in terms of sustainable development by the planning system and could be improved:

- The overall principle set out is that planning should enable development that creates sustainable places across Scotland. The policy principles then set out are to guide decisions to achieve this. This terminology is different to that used elsewhere in draft SPP which sets principles for the 'planning system'. The policy principles which are set out should crucially apply to development plans as well as decisions. This is particularly important given that the system should be plan-led.
- Two of the principles included require decisions to support delivery of housing, business, retailing and leisure development and infrastructure. These principles are too open and general and may not be sustainable. For example retailing in certain forms and locations could be highly unsustainable.
- Draft SPP is clear that it should not restate policy set out elsewhere. However, the principles for sustainability and planning should be consistent with Designing Streets and Creating Places which sit alongside SPP as well as reflecting Designing Places which will be replaced by the revised SPP. The principles for sustainability should encourage compact urban form and reducing the need to travel through creation of mix of uses and should

include reference to the promotion of development that encourages sustainable transport modes and avoids reliance on private cars. This should link to the principles contained within the Principal Policy of Place-making.

- Principles relating to improving health and well-being should include reference to the need for facilities to be provided locally and for there to be a mix of uses to create places for social interaction.
- In terms of transport it would be beneficial to have a clearer transfer of policy principles from Movement, Page 44, Section 189. To accord with Section 189, it would be desirable to combine two principles into:
 - to support the efficient use of existing capacities of land, buildings and infrastructure, e.g. transport, education, digital and water and, if necessary, to consider the delivery of additional facilities.

Within the section on delivery it is stated that development plans should reflect the presumption in favour of sustainable development but it does not define what sustainable development means for development plans.

It is helpful to provide definitions of sustainable development and sustainable economic growth. While there is no longer a principal policy for sustainable economic growth there are a number of references throughout draft SPP to the concept. There will continue to be debate about what it might mean and if it is possible to achieve, however it is helpful to have the Scottish Government set out what it means in relation to planning.

As indicated in the response to Question 1 the definition of sustainable development needs to be more detailed if it is to be used in determining applications.

The 'Outcomes' for planning set out in draft SPP relate specifically to the principal policies and will need to be altered to reflect the new Principal Policy.

Consultation Question 3

In relation to the Equalities Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on any particular groups of people.

No comments

Consultation Question 4

In relation to the Equalities Impact Assessment, please tell us about what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

No comments

Consultation Question 5

In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, positive or negative, you think the proposals in this consultation document may have on business.

No comments