

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 31st July, 2019

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

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

Contacts

Email: veronica.macmillan@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk

Tel: 0131 529 4283 / 0131 529 4237

1. Order of Business

1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 29 July 2019** (see contact details in the further information section at the end of this agenda).

- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

2.1 Declarations of interest

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

3. Minutes

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| 3.1 | Minutes of the Development Management Subcommittee of 6 February 2019 | To Follow |
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| 3.2 | Minutes of the Development Management Sub-Committee of 20 February 2019 | To Follow |
| 3.3 | Minutes of the Development Management Sub-Committee of 6 March 2019 | To Follow |
| 3.4 | Minutes of the Development Management Sub-Committee of 20 March 2019 | To Follow |

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

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

Pre- Applications

- | | | |
|------------|---|---------|
| 4.1 | Lochside Way, Edinburgh (Land Adjacent To) - Forthcoming application by Parabola Edinburgh Limited for the development of the Southern Phase of Edinburgh Park to comprise a mix of uses including residential (Class 9 houses and sui generis flats), student accommodation and serviced apartments (sui generis), offices (Class 4), hotel (Class 7), crèche (Class 10), leisure (Class 11), ancillary Class 1/ Class 2/ Class 3 and sui generis public house, car parking, landscaping, roads, access and associated works. The submission of this PAN follows an earlier consultation in respect of the site. This PAN reflects a new approach to the site to take forward a residential lead masterplan - application no 19/02776/PAN – Report by Chief Planning Officer | 15 - 22 |
| 4.2 | The Forts, 3 Hawes Brae, South Queensferry EH30 9TE - | 23 - 30 |

Forthcoming application by Network Rail Infrastructure Limited for proposed development of reception centre and bridge access system with associated car parking, landscaping and servicing and alterations to existing pedestrian and vehicular access - application no 19/02357/PAN – Report by Chief Planning Officer

Applications

- 4.3** 9 Briery Bauks, Edinburgh, EH8 9TE - Proposed change of use from residential to commercial short term residential lets. - application no 19/01531/FUL- Report by Chief Planning Officer 31 - 40
It is recommended that this application be **REFUSED**.
- 4.4** Boroughmuir High School, 111 Viewforth, Edinburgh, EH11 1FL - Proposed 5 storey extension to Boroughmuir High School, including 12 new classrooms, community facilities, ancillary accommodation, relocation of existing footpath, alterations to external landscaping, and secure car park compound (as amended)- application no 19/02377/FUL - Report by Chief Planning Officer 41 - 56
It is recommended that this application be **GRANTED**.
- 4.5** 15 Comiston Drive, Edinburgh, EH10 5QR- Create new car parking space by removing the front wall and railings for access. Add triple bin store and bike store with new path to front door and gravel area - application no 19/01115/FUL - Report by Chief Planning Officer 57 - 68
It is recommended that this application be **PARTLY GRANTED and PARTLY REFUSED**.
- 4.6** 134 Corstorphine Road, Edinburgh, EH12 6TS, East Lodge - Two freestanding digital billboards, measuring 6m wide by 3m tall. Five 4m tall canvas signs on westerly approach to the zoo - 69 - 76

application no 19/02194/ADV - Report by Chief Planning Officer

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

- 4.7** 40 Ferry Road, Edinburgh, EH6 4AE- Advertisement of the following types: Fascia Sign - application no 19/03037/ADV - Report by Chief Planning Officer 77 - 82
- It is recommended that this application be **GRANTED**.
- 4.8** 159 Fountainbridge Edinburgh (Site At Former)- Mixed use development comprising residential (flats) and other commercial uses including Class 3 Food and Drink and Class 11 Assembly and Leisure with associated access roads, landscaping / public realm and car parking (as amended) - application no 19/00256/FUL - Report by Chief Planning Officer 83 - 124
- It is recommended that this application be **GRANTED**.
- 4.9** 17 Frogston Road East, Edinburgh (Land 296 Metres South Of) - Change of house types and creation of 7 additional units to form 13 terraced houses - application no 19/00869/FUL- Report by Chief Planning Officer 125 - 136
- It is recommended that this application be **GRANTED**.
- 4.10** 17 Frogston Road East, Edinburgh (Land 296 Metres South Of) - Change of house types and creation of 5 additional units to form 22 cottage flats, 15 terraced houses and 2 semi-detached houses - application no 19/00871/FUL - Report by Chief Planning Officer 137 - 148
- It is recommended that this application be **GRANTED**.
- 4.11** 17 Frogston Road East, Edinburgh (Land 296 Metres South Of) - Change of house types and creation of 10 additional units to form 22 terraced houses - application no 19/00872/FUL - Report by 149 - 160

Chief Planning Officer

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

- 4.12** 17 Frogston Road East, Edinburgh (Land 296 Metres South Of) - 161 - 172
Change of house types and creation of 16 additional units to form
39 terraced houses - application no 19/00868/FUL - Report by
Chief Planning Officer

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

- 4.13** 2 - 3 Hermitage Place, Edinburgh, EH6 8AF - Erect new 2 storey 173 - 188
building on land at rear of hotel as ancillary accommodation for
the hotel) - application no 19/00653/FUL - Report by Chief
Planning Officer

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

- 4.14** 6 John's Place, Edinburgh, EH6 7EP - Change of use from 189 - 202
language school to guest house application no 19/01932/FUL -
Report by Chief Planning Officer

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

- 4.15** 18,19,20,21,22,23 & 24 John's Lane, Edinburgh, EH6 7EU - 203 - 212
Alterations to an existing derelict warehouse linked to the creation
of 20 residential units - application no 19/01855/LBC - Report by
Chief Planning Officer

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

- 4.16** Lochend House, 33 - 35 Lochend Road South, Edinburgh EH7 213 - 224
6BR - Change of use to guest house - application no
19/01720/FUL - Report by Chief Planning Officer

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

- 4.17** 69 - 71 Marionville Road, Edinburgh, EH7 6AQ - Planning permission for the demolition of two existing business class units and the erection of a new residential development of 120 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping (as amended) - application no 18/10499/FUL - Report by Chief Planning Officer 225 - 258
- It is recommended that this application be **REFUSED**.
- 4.18** 25 Milton Link, Edinburgh, EH15 3QH - Variation of condition (ii) imposed on planning permission TP/5/M/2264/85 to enable the sale of food for up to 743 sq.m - application no 18/09995/FUL - Report by Chief Planning Officer 259 - 272
- It is recommended that this application be **GRANTED**.
- 4.19** 63 Morningside Drive, Edinburgh, EH10 5NQ - Change of use from nursing home (class 8) to dwelling with a two-storey east side extension; single storey rear extension; single storey west side extension; and associated garden landscaping. - application no 19/02190/FUL - Report by Chief Planning Officer 273 - 282
- It is recommended that this application be **GRANTED**.
- 4.20** New Street Edinburgh (Land Adjacent To) - Application for the discharge of a planning obligation clause relating to Car Club provisions - application no 19/00398/OBL - Report by Chief Planning Officer 283 - 290
- It is recommended that this application be **ACCEPTED** and the agreement be **MODIFIED**.

- 4.21** New Street Edinburgh (Land Adjacent To) - Application for the discharge of a planning obligation clause relating to the provision of a Travel Plan - application no 19/00400/OBL - Report by Chief Planning Officer 291 - 298
- It is recommended that this application be **ACCEPTED** and the agreement be **MODIFIED**.
- 4.22** New Street Edinburgh (Land Adjacent To) - Application for the discharge of a planning obligation clause relating to the provision of affordable business space - application no 19/00536/OBL - Report by Chief Planning Officer 299 - 310
- It is recommended that this application be **ACCEPTED** and the agreement be **MODIFIED**.
- 4.23** Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh - Material and design amendments to approved dwellinghouse on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01108/FUL - Report by Chief Planning Officer 311 - 330
- It is recommended that this application be **GRANTED**.
- 4.24** Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh - Material and design amendments to approved dwelling house on Plot 2 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01090/FUL - Report by Chief Planning Officer 331 - 348
- It is recommended that this application be **GRANTED**.
- 4.25** Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh - Material and design amendments to approved dwelling house on Plot 3 of planning permission reference 16/05074/FUL. External 349 - 366

alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01091/FUL - Report by Chief Planning Officer

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

- 4.26** Royal Botanic Nursery, Inverleith Avenue South, Edinburgh - 367 - 384
Construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (as amended) - application no - 18/10304/FUL - Report by Chief Planning Officer

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

- 4.27** Stopping Up Order - Parts of Muirhouse Avenue, Muirhouse 385 - 390
Avenue North, Muirhouse Crescent and Muirhouse Way, Edinburgh PO/18/05 - application no PO/18/05 - Report by Chief Planning Officer

It is recommended that the Stopping Up Order be **CONFIRMED**.

- 4.28** West Bonnington Farm, Bonnington, Kirknewton, EH27 8BB- 391 - 408
Erection of farmhouse in connection with agricultural use (as amended) - application no 18/10372/FUL - Report by Chief Planning Officer

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

5. Returning Applications

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

5.1 None.

6. Applications for Hearing

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

6.1 South East Wedge, Old Dalkeith Road, Edinburgh - Protocol Note by the Head of Strategy and Communications - application nos 19/01032/FUL and 19/01481/FUL 409 - 412

6.2 South East Wedge, Old Dalkeith Road, Edinburgh - Erection of 505 residential dwellings, 350 sq m of retail, open space and associated infrastructure - application no 19/01481/FUL - Report by Chief Planning Officer 413 - 468

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

6.3 South East Wedge, Old Dalkeith Road, Edinburgh - Erection of 199 residential dwellings, public open space and associated infrastructure - application no 19/01032/FUL - Report by Chief Planning Officer 469 - 512

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

7. Applications for Detailed Presentation

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

- 7.1** 7 - 17 Leven Street, Edinburgh EH3 9LH - Partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop (as amended) - application no 19/01461/FUL - Report by Chief Planning Officer 513 - 540

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

- 7.2** Royal Blind School, 2B Craigmillar Park, Edinburgh EH16 5NA - Refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (27 units),(as amended) - application no 18/10180/FUL - Report by Chief Planning Officer 541 - 584

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

- 7.3** Royal Blind School, 2B Craigmillar Park, Edinburgh EH16 5NA - Refurbishment and conversion of existing listed school for residential use. Refurbishment and extension of gate lodge building - application no 18/10258/LBC - Report by Chief Planning Officer 585 - 598

It is recommended that this application be **PARTLY GRANTED and PARTLY REFUSED**.

- 7.4** Royal Botanic Garden, 20A Inverleith Row, Edinburgh EH3 5LR - Restoration, improvement and redevelopment of the North East corner of the Royal Botanic Garden. Development comprises works to listed buildings and structures; construction of a new glasshouse, research glasshouses, education building, horticultural support building and associated buildings; landscape works; erection of polytunnels and temporary decent facilities; temporary construction access road; and associated development and demolition (as amended) - application no 19/01068/FUL - Report by Chief Planning Officer 599 - 648

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

- 7.5** Royal Botanic Garden, 20A Inverleith Row, Edinburgh EH3 5LR - 649 - 664
Alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works will also include the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access. (as amended) - application no 19/01069/LBC - Report by Chief Planning Officer

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

- 7.6** Royal Botanic Garden 20A Inverleith Row Edinburgh EH3 5LR - 665 - 678
Complete demolition in a Conservation Area - application no 19/01070/CON - Report by Chief Planning Officer

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

8. Returning Applications Following Site Visit

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

- 8.1** 37 Corstorphine Road, Edinburgh, EH12 5QQ - Demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping. - 679 - 706
application no 18/02404/FUL - Report by Chief Planning Officer

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

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Chas Booth, Mary Campbell, George Gordon, Joan Griffiths, Max Mitchell, Joanna Mowat, Rob Munn, Hal Osler and Cameron Rose

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-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 Veronica Macmillan or Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283 / 0131 529 4237, email veronica.macmillan@edinburgh.gov.uk / martin.scott@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.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 6 February 2019

Present:

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

1. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 – 30 189 Morrison Street, Edinburgh, as requested by Councillors Gardiner and Staniforth.

The Chief Planning Officer gave a presentation on agenda Item 4.2 – 4B Harrison Lane, Edinburgh, as requested by Councillor Osler.

Decision

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

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

2. Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh

The Chief Planning Officer had identified an application for planning permission for the redevelopment of the Royal Hospital for Sick Children at 9 Sciennes Road – (application no: 18/02719/FUL, 18/02720/CON, 18/02722/LBC, 18/02723/LBC and 18/02725/LBC to be dealt with by means of a hearing.

(a) Report by the Chief Planning Officer

There were five applications presented which were presented together for the site at the Royal Hospital for Sick Children at Sciennes Road. This included a full application for the site, a conservation application for the demolition of non-listed buildings within the site and three separate listed building applications to cover the category B listed main hospital building, category A listed mortuary chapel building and the category C listed properties on Millerfield Place.

The site extended to 1.72 hectares in total. The principal elevation of the hospital building faced on to Sciennes Road and Melville Drive and the Meadows were located to the north of the site. There were several listed buildings on the site, the main hospital

building, Millerfield mortuary chapel and there were also several listed buildings to be considered in the immediate context of the site as well. The site was also within the Marchmont, Meadows and Bruntsfield Conservation Area. The surrounding area was largely residential in character and there were some other uses within the area. Marchmont centre was located approximately 100m to the west of the site.

Details of the proposed alterations and conversions at the site were provided. The main hospital building was proposed for conversion to residential use to form 38 apartments which would range in size from 1 to 4 bedroom. This would include alterations and restoration of the main hospital building, including the removal of later additions to the building including the rear lift shaft and stairwell, removal of infill development to the two hospital wings at the front of the building to reinstate the balconies which were originally designed. The existing properties along Rillbank Terrace and Rillbank Crescent would be converted from hospital use to residential use. This would form 37 apartments ranging from 1 to 4 bedroom. The Pharmacy Store building would be converted to form 2 residential apartments and the Mortuary Chapel building would be partly converted to include two 1-bedroom apartments. The mortuary chapel room would not be impacted at all beyond conservation measures to ensure the murals were properly looked after. The existing townhouses on Millerfield Place would be converted to reinstate 8 townhouses of 4 and 5 bedrooms, and formation of 8 apartments in the end tenement block.

Details of the proposed new builds at the site were provided. These included a 323-bed student housing development, a residential affordable housing block containing 31 one- and two-bedroom flats located on the corner of Sylvan Place and Rillbank Crescent.

The key considerations for the development were presented. The proposed mix on site included student housing, residential including affordable housing and community space. The principle of student housing accorded with policy Hou8 of the Local Development Plan and the council's non-statutory student housing guidance. Non-statutory guidance required sites over .25 hectares to have at least 50% residential development provision within the proposal for student housing. This site achieved that target. The proposed development contained 63% housing and 37% student accommodation across the whole site.

Thirty-one affordable houses were proposed on site, which equated to 25% of the total housing provision, meeting the requirement of policy Hou 6 Affordable Housing in the Local Development Plan. There would be a mix of one and two-bedroom properties. The applicant advised the Chief Planning Officer that the proposed operator of the affordable housing, which would be mid-market rent, noted there was a greater demand for 1 and 2-bedroom properties in this location and they had issues with letting 3 bedroom properties in this location and the proposal set out was a more optimum proposal for them in terms of delivering affordable housing on site.

On public comments, 60 objection comments had been received for the application. These objections focussed mainly on parking, access to Sylvan Place, the proposed demolitions, the conservation of the Traquair murals and the principle of student accommodation on the site. Four neutral comments and one supporting comment were

received. A joint petition was submitted by the Community Council and Sciennes Primary School which focussed on the use of the forecourt for parking and the potential impact this would have on their plans to close Sciennes Road.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications for planning permission and listed building consent be granted.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372410

(b) Marchmont and Sciennes Community Council

Douglas Rogers from Marchmont and Sciennes Community Council stated he had been working on the issue of the Royal Hospital for Sick Children for 3 years and had been working with a number of groups, held meetings, and supported the NHS consultation group. The Community Council also worked with Downing Group community consultations and encouraged them to have open meetings.

Mr Rogers stated that the Community Council had a mailing list of over 200 and regularly sought feedback from those on the mailing list to ensure that the views of the Community Council were that of the community.

Mr Rogers gave a presentation and raised key issues that were important to the Marchmont and Sciennes Community Council. These included the concern that the application had focussed on high quality place making within the site but ignored everything outside the site. The most important street involved was Sylvan Place. Mr Rogers highlighted the congested nature of Sylvan Place and argued there was little opportunities for trees or other significant growth.

The community space had to be locked in for community use. Discussions were carried out with the local school regarding community space, but consultation was carried out at a difficult time for the school because of a change of Headteacher. The Schools Street Project was the most importing thing being worked on. Parking in front of the hospital block needed to be resolved. The school had 670 pupils and needed more play-space. This was compromised by 12 parking bays at the front of the main hospital block. The only restriction required was to stop access in to this area and Mr Rogers proposed three solutions: restore the underground parking as shown at third Public Exhibition, remove all car parking from front of main hospital block or provide access through building from Rillbank Terrace.

Mr Rogers argued the developers needed to ensure sympathetic architecture. The detailing and design of key elements on the site needed to be improved. Although most of the buildings were sympathetically clad in stone, there were key areas that needed addressing. The main block facing the meadows was not of the architectural quality of other buildings like the Buccleuch Street affordable housing. The stairwell on the side of the building looked unpleasant and should be removed and the use of rainscreen

cladding in this environment should be discounted. The provision for affordable housing needed to be improved. Mr Rogers suggested the provision of affordable housing should be distributed throughout the site. Units should be made available through shared equity schemes and Core & Cluster units for vulnerable adults should be provided.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372410

(c) Mansfield Traquair Trust

Dr Elizabeth Cumming gave a presentation on behalf of Mansfield Traquair Trust. The Mansfield Traquair Trust was a single use building preservation trust which owned the Mansfield Traquair Centre with murals painted in the 1890s by Phoebe Anna Traquair. The Trust had an interest in the care and future of all artwork of Phoebe Anna Traquair.

Traquair's Mortuary Chapel murals at the Royal Hospital for Sick Children were Category A listed meaning they were of national and international importance, attracting scholars and tourists from Japan, America and Europe.

Mansfield Traquair Trust was concerned for the long-term care of the Mortuary Chapel. The Trust objected to the proposed residential accommodation at ground and first floor as it would place the Chapel and murals at risk because the building was small and there was a risk of domestic accidents happening. The Trust supported Historic Environment Scotland in suggesting that the remaining ground floor be used to facilitate and support ongoing community use. The community scape could readily serve as an interpretation centre for the Chapel, the former Royal Hospital for Sick Children and the wider community.

Mansfield Traquair Trust supported the interest in ownership and management by Historic Churches Scotland. Historic Churches Scotland, a national building preservation trust, had a strong track record of working successfully with local communities, and owned 7 historic properties across Scotland, mostly in the north of Scotland, which were revitalised buildings successfully serving local purposes and needs. The Trust understood Downing were willing to enter into discussions with Historic Churches Scotland. A first exploratory meeting was held in December 2018 between Holder Planning with Turley Heritage and both Historic Churches Scotland and representatives from the Mansfield Traquair Trust.

The fabric of the entire Mortuary building required conservation, not only the interior Chapel space. Downing's current proposals included protection of the murals prior to and during work on the site but not their full and long-term conservation, specialist care and interpretation. While Mansfield Traquair Trust welcomed the inclusion of the provision of a Management Agreement in Condition 7 of the application for planning permission for the whole site, the Mansfield Traquair Trust were concerned this was not robust enough. Mansfield Traquair Trust urged that an enforceable planning condition or planning obligation (Section 75 agreement) was included with the planning permission for the site requiring an ongoing funded conservation programme to be put in place for the murals, the building, access and interpretation and thus ensure care, access and public appreciation of the historic asses.

Mansfield Traquair Trust urged the Sub-Committee to refuse listed building consent for alterations and change of use to form residential accommodation.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372410

(d) Southside / Newington Ward Councillors

Councillors Cameron Rose, Alison Dickie and Steve Burgess addressed the Sub-Committee as the members for Southside/Newington Ward.

Councillor Rose acknowledged the work of Douglas Rogers, who had presented to the Sub-Committee on behalf of Marchmont and Sciennes Community Council. Mr Rogers linked together differing views and had negotiated with the applicant. Councillor Rose stated the need for more housing in Edinburgh and the proposed site was an idea site for it. The location was environmentally friendly, the area extending from the Grange to West Savile, was the top walk or cycle to work area in Scotland. The site was close to public transport and close to shops. Councillor Rose identified big issues that reflected the concerns in the community and the majority of comments. First, student accommodation and the concern that the nature of the community was being changed by an excess of student accommodation. Secondly, there was considerable concern about parking. Councillor Rose argued there was insufficient space for what was anticipated from the new residents. A proposal by the applicant for underground parking was turned down in negotiations at an earlier stage apparently because of Historic Environment Scotland's concerns and the Councils own Historic Environment officers' comments. Councillor Rose stated this was unfortunate but he was unclear what could have been done at that stage in the process. Councillor Rose stated that the Royal Hospital for Sick Children brought huge congestion to the area and argued there would still be congestion due to the overselling of permits, particularly to the east of the location. In cognizance of that the Council allowed local residents in S7 to park just south of the site in places like Hatton Place which was S1. This was helpful and Councillor Rose suggested that needed to continue. A further issue was the west side of Sylvan Place. This was a narrow street, there was a gain of 2.5m, the proposed building was set back from the current building line and that was helpful. However, this would create a privacy question because a lot of the windows on that side would be overlooking. Councillor Rose stated this was an ideal site and a good application and would be a benefit to the city overall and surrounding areas. However, Cameron Rose concluded there were several tricky issues that needed to be addressed.

Councillor Dickie wanted to share concerns that constituents had raised. Councillor Dickie raised the issue of Sciennes Road and the access for parking at the front of the hospital block. Councillor Dickie had worked with parents and grandparents of Sciennes school for over a year regarding road safety concerns there. The second point raised by Councillor Dickie was community space and the appropriateness of community space in terms of what that could be. The developers should be proactively engaging with the school to use the space and find ways to maximize that space with the community. Councillor Dickie asked the Sub-Committee to consider these two concerns when making their decision.

Councillor Burgess acknowledged the proposal was a significant development for the local community, and noted the campaign by the Marchmont Sciennes Community Trust who put in so much hard work to have the site secured for community development but were unable to do so. Councillor Burgess stated that most local people seemed to be reasonably accepting of the proposed development, but it could be better for the local community. There was clearly a desire to see parking removed from the front of the building or perhaps an alternative to Sciennes Road as access to the site because that would help the neighboring primary school. Councillor Burgess asked Committee members to address this point when making their decision. Councillor Burgess acknowledged Councillor Dickies comments about protecting the proposed space for the community. If the offer from the developer was to be meaningful, the community would need to be supported to develop the possible uses and not have a tight deadline to do this. A condition could be put on the community space to protect it for that use. The issue of affordable housing was raised, as the requirement of the development was limited and would be on one location on a large site. The issue of the streetscape on Sylvan Place was also of great concern to residents. Councillor Burgess asked if there was an opportunity to move the building line back further to reduce the impact of the development on the residents opposite and provide space for some soft landscaping trees. There was space within the internal configuration of the development that could allow that. Failing that, it was suggested that was there any way the street side of Sylvan Place could be improved for the neighbors opposite with less of a stark interface between the two sides of the street. There was a particular concern of residents of the terraced housing on Sylvan Place at the upper end about the height of the student block that was proposed to be around twice the height of their building and directly opposite. Councillor Burgess concluded by raising some issues regarding the finishes of the development, and asked the Committee to consider these issues and raise them with the applicant.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372410

(e) Applicant and Applicant's Agent

Ian Harrison (Downing Group), Callum Fraser (Holder Planning), Paul Harkin (Fletcher Joseph Associates Architects), Catharine Kidd (Turley Heritage) and Alex Sneddon (Transportation Planning Ltd) were heard in support of the application.

Mr Harrison stated that for the previous two years Downing Group had been working in conjunction with City of Edinburgh Council to take the proposed development before the Sub-Committee. Mr Harrison argued the developers had listened to consultees throughout the process and, where possible, incorporated their requests within the final scheme.

Mr Fraser stated the proposals presented to the Sub-Committee were the culmination of an 18-month process which commenced with a lengthy pre-application consultation exercise which significantly exceeded statutory requirements in its scope and extent. Mr Fraser provided details of the various public consultation events that took place and how

these events informed the final proposals. Alongside the public consultations, meetings were also held with Sciennes Primary School, the Mansfield Traquair Trust, National Museums for Scotland, Historic Environment Scotland and Marchmont Sciennes Development Trust.

The mixed-used development would be created by a combination of sensitive conservation of existing properties and purpose-built new build elements which would be facilitated by appropriate demolition of non-listed hospital buildings. A substantial area of public realm including a pedestrian and cycle thoroughfare would open the centre of the site providing a new north-south connection between Sciennes Road and Rillbank Crescent. One hundred and twenty six new residential properties comprising a mix of 1 to 5-bedroom homes would be created ensuring that a range of housing needs were met and 30% of properties were of a size suitable for families. Sixty three percent of the gross floor area of the proposed development was comprised of residential use, this included 25% affordable housing contained within a high-quality designed building. A 323-bed student accommodation block would be developed at the corner of Sciennes Road and Sylvan Place.

The Council's standards and requirements relating to cycling and disabled parking provision would be met. Car parking was kept to a minimum equating to 25% provision. This must be viewed alongside the reduction in traffic volume and parking demand following the hospitals relocation which would result in overall benefit to the surrounding area. Mr Fraser stated he was proud of the scheme submitted and believed the proposed development was of a high quality and would be a good addition to the area.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372410

Decision

Motion

To refuse the planning permission as it is contrary to Des 1, Des 4, Des 5a, Hou 2, Hou 6, Tra 4 and the Edinburgh Design Guidance.

- moved by Councillor Gardiner, seconded by Councillor Booth.

Amendment

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer and subject also to an additional condition that, notwithstanding the approved plans the proposed change of use of the mortuary chapel and subsequent alterations to the mortuary chapel are not approved.

To grant Conservation Area Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

To grant Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

To grant Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

To continue consideration of the application for Listed Building Consent relating to the Mortuary Chapel building for a period of three months to allow further discussions to take place with the applicants on the long-term preservation of the Phoebe Traquair Murals and use of the Mortuary Chapel.

- moved by Councillor Osler, seconded by Councillor Child.

Voting

For the motion: - 5 votes

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

For the amendment: - 6 votes

(Councillors Child, Griffiths, McLellan, Mitchell, Mowat and Osler)

Decision

1. To grant planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer and subject also to an additional condition that, notwithstanding the approved plans the proposed change of use of the mortuary chapel and subsequent alterations to the mortuary chapel are not approved.
2. To grant Conservation Area Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
3. To grant Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
4. To grant Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
5. To continue consideration of the application for Listed Building Consent relating to the Mortuary Chapel building for a period of three months to allow further discussions to take place with the applicants on the long-term preservation of the Phoebe Traquair Murals and use of the Mortuary Chapel.

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

3. Roof Terrace, Waverley Mall, 3 Waverley Bridge

The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission for the reconfiguration of roof-top structures and construction of new commercial accommodation, internal cinema use and creation of external multi-use space to include external seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment.

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

Motion

To refuse planning permission on the grounds the proposals are contrary to Env 1 World Heritage Site and Environment 6 Conservation Areas Development.

- moved by Councillor Booth seconded by Councillor Gordon.

Amendment

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement in relation to tram contributions as set out in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Mitchell, seconded by Councillor Child.

Voting

For the motion: - 4 votes

(Councillors Booth, Gardiner, Gordon and Staniforth)

For the amendment: - 7 votes

(Councillors Child, Dixon, Griffiths, McLellan, Mowat, Mitchell, Osler)

Decision

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement in relation to tram contributions as set out in section 3 of the report by the Chief Planning Officer.

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

4. 4B Harrison Lane, Edinburgh, EH11 1HG

Details were provided of a planning application for the change of use from use class 4 (joinery workshop) to use Class 11 (fitness and health venue) at 45 Harrison Lane, Edinburgh – application no 18/02782/FUL

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

Motion

To refuse planning permission for the reasons set out in the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor McLellan.

Amendment

To continue the application to allow the applicant to assess the noise implications of the proposals.

- moved by Councillor Osler, seconded by Councillor Staniforth.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Gardiner Gordon, Griffiths, McLellan and Mitchell)

For the amendment: - 3 votes

(Councillors Booth, Osler, Staniforth)

Decision

To refuse planning permission for the reasons set out in the reasons report by the Chief Planning Officer.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 189 Morrison Street, Edinburgh EH3 8DN</u></p>	<p>189 Morrison Street, Edinburgh EH3 8DN – Forthcoming application by the Prudential Assurance Company Ltd. for redevelopment of site comprising hotels, offices retail, leisure, public houses, restaurants, car parking and associated works – application no 18/10427/PAN</p>	<p>1) To note the key issues at this stage,</p> <p>2) To take into accounts the following additional issues:</p> <ul style="list-style-type: none"> • Public realm and in particular the street frontage to Haymarket • Connectivity in terms of through roads and suitable areas identified for loading/unloading of service vehicles • Explore the opportunity to change the layout of through routes given the strengthening work carried out previously to the railway tunnels • Examine improvements to the route from the war memorial at Haymarket • Consideration to be given to avoiding overshadowing issues for Dalry colonies
<p><u>Item 4.2 - 4B Harrison Lane, Edinburgh EH11 1HG</u></p>	<p>4B Harrison Lane, Edinburgh EH11 1HG – Change of use from use class 4 (joinery workshop) to use class 11 (fitness and health venue) – application no 18/02782/FUL</p>	<p>To REFUSE planning permission for the reasons set out in the report by the Chief Planning Officer.</p> <p>(on a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.3 - 2 Littlejohn Road, Edinburgh, EH10 5GN</u>	2 Littlejohn Road, Edinburgh, EH10 5GN – Construct stand-alone garden room and alter existing garage (as amended) – application no 18/09771/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.4 - Meadowbank Retail Park, Moray Park, Edinburgh</u>	Meadowbank Retail Park, Moray Park, Edinburgh – Section 42 application for non-compliance with Condition G34 of Planning Permission A/01457/95/RM to allow for the sale of convenience goods at Unit 3 – application no 18/04464/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.5(a) - 122-123 Princes Street, Edinburgh, EH2 4AD</u>	Application for Planning Permission for the redevelopment of existing retail unit to form additional hotel rooms and restaurant at ground floor. The proposal also seeks a change of use from Class 1 (Retail) to Class 3 (Food and Drink) and Class 7 (Hotel) – application no 18/04731/FUL	Application withdrawn by the applicant.
<u>Item 4.5(b) - 122-123 Princes Street, Edinburgh, EH2 4AD</u>	Application for Listed Building Consent for the redevelopment of existing retail unit to form additional hotel rooms and restaurant at ground floor. The proposal also seeks a change of use from Class 1(Retail) to Class 3 (Food and Drink) and Class 7 (Hotel) – application no 18/04732/LBC	Application withdrawn by the applicant.
<u>Item 6.1(a) - Royal Hospital For Sick Children, 9 Sciennes Road, Edinburgh EH9 1LF</u>	Application nos 18/02719/FUL, 18/02720/CON, 18/02722/LBC, 18/02723/LBC and 18/02725/LBC – Protocol Note	Noted.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(b) - Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh</u>	Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh – Mixed use development comprising residential (8 houses and 118 flats), student accommodation 323 beds, communal space, cycle/car parking provision, public realm enhancements, associated works and infrastructure. Development involves partial demolition of existing buildings, erection of new buildings and change of use/conversion of retained buildings (as amended) – application no 18/02719/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer and subject also to an additional condition that, notwithstanding the approved plans the proposed change of use of the mortuary chapel and subsequent alterations to the mortuary chapel are not approved. (on a division)
<u>Item 6.1(c) - Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh</u>	Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh – Substantial demolition in a conservation area – application no 19/02720/CON	To GRANT Conservation Area Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. (on a division)
<u>Item 6.1(d) - Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh</u>	Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh – Internal and external alteration to Category B-listed main hospital building to convert to residential use; removal of 20th century extensions, with associated fabric repairs and reinstatement; alteration to boundary wall to form public realm: alteration of former curtilage Pharmacy Store to convert to residential use – application no 18/02722/LBC	To GRANT Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. (on a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(e) - Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh</u>	Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh – Internal and external alterations of Category C-listed buildings Nos. 11-21 (inclusive) Millerfield Place to convert to residential use including rear extensions; minor alteration, including sensitive reinstatement and repair of garden boundary walls – application no 18/02723/LBC	To GRANT Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. (on a division)
<u>Item 6.1(f) - Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh</u>	Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh – Internal and external alteration to category A-listed Mortuary Chapel building to convert to public and residential use; conservation and repair of murals in situ; removal of the 20th century hospital extensions with associated fabric repairs and reinstatement – application no 18/02725/LBC	To CONTINUE consideration of the application for Listed Building Consent relating to the Mortuary Chapel building for a period of three months to allow further discussions to take place with the applicants on the long-term preservation of the Phoebe Traquair Murals and use of the Mortuary Chapel.
<u>Item 7.1 - Roof Terrace, Waverley Mall, 3 Waverley Bridge</u>	Roof Terrace, Waverley Mall, 3 Waverley Bridge – Reconfiguration of roof-top structures and construction of new commercial accommodation (Class 1, 2 and 3), internal cinema use (Class 11) and creation of external multi-use space to include external; seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment (classes 1, 2, 3 and 11) – application no 17/02748/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement in relation to tram contributions as set out in section 3 of the report by the Chief Planning Officer. (on a division)

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 20 February 2019

Present:

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

1. Minutes

To approve the minute of the Development Management Sub-Committee of 5 December 2018 subject to amending the decision of item 5 to read 'the voting being equal, the Convener use his casting vote in favour of the motion'

To approve the minute of the Development Management Sub-Committee of 23 January 2019 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 – 210 Craigs Road, Edinburgh, as requested by Councillors Gardiner and Mowat.

The Chief Planning Officer gave a presentation on agenda Item 4.3 – 14 Regent Terrace, Edinburgh, EH7 5BN, as requested by Councillor Mowat.

Decision

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

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

3. 30 Corstorphine Road, Edinburgh, EH12 6HP

The Chief Planning Officer had identified applications for planning permission and listed building consent to be dealt with by means of a hearing at 30 Corstorphine Road, Edinburgh, EH12 6HP – application nos 17/05071/FUL and 17/05073/LBC. The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications for planning permission and listed building consent be granted.

(a) Report by the Chief Planning Officer

A detailed presentation had been given on the 9 January 2019, the Chief Planning Officer therefore gave a brief presentation. The surrounding area was mainly residential. To the north of the site was the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sat to the east and west of the site. Further west towards Ellersley Road, sites had been redeveloped with modern developments.

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

It was proposed to build a new five storey residential block to the east of the main house, containing fourteen flats: nine, two bed and five, three bed. Thirteen of the apartments would have private terraces. This new building was contemporary in style with a flat-roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof. To the south of this block, it was proposed to erect a five storey block containing thirteen flats: five, two bed flats and eight, three bed flats. Twelve of the apartments will have private terraces. This building mirrored the north block with its contemporary style, flat roof, large windows and balconies. Materials proposed were natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

The Chief Planning officer discussed residential amenity. A detailed study tests showed that the windows on the south elevation of the neighboring north block would have reduced daylighting to the windows with five of these bedroom windows failing the vertical sky component (VCS); three of these windows were on the ground floor and two at the first floor. A further assessment using the Average Daylight Factor (ADF) had been undertaken and this demonstrated that the bedroom windows met the criteria set out in the Edinburgh Design Guidance.

The development would provide 32 parking spaces for the residential units including 4 spaces for disabled people and four with electric charging points. New pedestrian access would be provided from Corstorphine Road. The distribution of parking around the site, access routes to them and the provision met levels required in the Council's guidance and was satisfactory. Two secure cycle stores were to be located to the south of the site and to the east of the Tor House to provide secure cycle parking. The Chief Planning Officer stated that transport, parking and access were satisfactory and accorded with policy Tra 2 and Tra 3 of the LDP.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications for planning permission and listed building consent be granted.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(b) Dr James Forbes, Murrayfield Community Council

Dr Forbes stated that Murrayfield Community Council welcomed sustainable development that preserved or enhanced Conservation Areas, but the proposed application failed by harming the character and appearance of the area. Also, design of the application, with regard to layout, scale and style was inappropriate. The Community Council also had other concerns such as affordable housing and the impact on amenity of neighbouring properties.

Mature Trees were essential to the character and appearance of the Conservation Area. The proposed development would remove 33 trees, including 15 at least 10m in height and 5 that were mature heritage trees. The new plantings would take 40 to 50 years to reach maturity.

Dr Forbes also addressed the listed building application. Where a proposed development affected a listed building, special regard should be paid to the desirability of preserving the building or its setting as stated in Section 59(1) of the Planning (listed Buildings and Conservation Areas) (Scotland) Act 1997. The setting of Tor House, its stable block and gate lodge would be irreparably ruined by this development. The north block would sit between Tor House and the stable block and would sit 5.4m higher than Tor House.

Dr Forbes urged committee to reject the applications for planning permission and listed building consent.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(c) William Fulton

Mr Fulton had lived in a family home immediately to the west of the proposed development. Mr Fulton was concerned about the height and density of the development and asked committee to consider the densification and height of the application.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(d) Neil McKerrow

Neil McKerrow stated that 65 residents objected to the applications due to the degradation of residential amenity and negative impact on conservation area. Independent Light Assessment revealed both 1st and 2nd floors of the Westerlea failed both Vertical Sky Component and Average Daylight Factor tests. Also, the proposed North Block was at least 2 storeys too high, should be reduced in height and moved further away from the boundary.

The proposed North Block sat too close to Westerlea at 11m, substantially infringing council policy minimum of 18m. This would impact privacy and threatened overshadowing.

The AMA application should be rejected as it contravened a range of Council guidelines: on daylight, immediate outlook, overlooking and building separation which led to material degradation of existing residential amenity and privacy. The application disrespected the character and setting of buildings that were Listed and of Heritage merit. The proposed development contradicted and failed to meet recent stated Council Planning criteria for Tor, Westerlea and Corstorphine Hospital sites and would also damage a Conservation Area. Residents were not resistant to change, but not in the proposed format which was unacceptable.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(e) Ward Councillors

Councillor Douglas stated that residents wanted to see the site brought back in to use and redeveloped but the application was unsympathetic. The 2010 application stated the character and setting of the stable block must be given importance as well as Tor House itself and that buildings located between Tor House and the stable block should be subservient in form. That was key to local residents when it came to the application. Why those principles had changed was something residents had an issue with. A further concern to residents was the council's policy of minimum distance of 18m between buildings. This was done on a case by case basis and residents thought this was arbitrary and not done on rules and regulations that should be followed through. The issue of conflicting lighting reports was raised. The impact the building would have on lighting should be examined before planning permission was granted.

Councillor Gloyer reiterated what Councillor Douglas said and other speakers had said. Nobody was opposed to the Tor House being redeveloped, it would be excellent if the Tor House and other listed buildings could be brought back into use, but it would have to be a development of the right kind. However, Councillor Gloyer wanted to focus on the conservation concerns of the application and specifically on the trees. The report mentioned that 24 trees would be felled on the site, yet the community council was clear 33 trees would be felled. Many of the trees on the site were tall and mature. The trees provided screening from the traffic on the A8 and they helped to ameliorate air pollution from the A8. Councillor Gloyer urged committee to interrogate these concerns with the applicant to reach a decision that could give new life to the Tor House without further damaging the character and appearance of Murrayfield.

Councillor Frank Ross was happy there was a development on the site but recognised the complexities of the issues faced by the committee. Councillor Ross focussed on the delivery of affordable housing on site. Policy Hou 6 states that for developments of 12 units or more there had to be 25% affordable housing. The LDP also looked beyond the kind of housing that must be provided. One of the overall objectives was to promote better, more sustainable, balanced communities. Policy Hou 6 also stated that a key

aim of the policy was that affordable housing should be integrated with market housing on the same site and address the full range of housing needs including family housing. Councillor Ross argued an opportunity was being missed with this development. Unless the council enforced these policies, the city would not end up with the type of place making that was trying to be achieved.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(f) Applicant and Applicant's Agent

Ali Afshar (AMA Newtown Ltd), Andrew Wilmot (Oberlanders Architects) and Tina Muldowney (Wardell Armstrong) were heard in support of the application.

Mr Afshar believed the applicant's intervention on the site would bring a significant conservation gain to Murrayfield Conservation Area. Mr Wilmot stated that a lot of areas within the site were full of character and extremely pleasant places to be but contained volumes of existing developments. The proposals, argued Mr Wilmot, followed the same strategy as previous developments such as Westerlea Ellersly Road.

Details were provided on the appropriateness of the density of the development. Former developments such as Barnardo's, 325 Corstorphine Road contained 31 units and the site area was 0.44Ha and the density was 70.5. The proposed development would contain 32 units on a 0.77Ha site area and would have a density of 41.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

Decision

1. To **REFUSE** planning permission as the proposals were contrary Local Development Plan Policies Env 3 (Listed Buildings and Setting), Env 6 (Conservation Areas - Development), Env 12 (Trees), Hou 6 (Affordable Housing) and Des 4 (Development Design - Impact on Setting).
2. To **GRANT** Listed Building Consent subject to the informative set out in section 3 of the report by the Chief Planning Officer.

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

4. Former St Margaret's School, 4 East Suffolk Road, Edinburgh

The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission at the former St Margaret's School, 4 East Suffolk Road for the conversion of the pre school nursery to six dwellings with car parking, bin stores and landscaping - application no 18/09696/FUL.

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

Motion

To grant planning permission subject to the conditions, reasons and informatives detailed in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Mowat.

Amendment

To refuse planning permission as the application was contrary to LDP Policies Tra 3 and Tra 4.

- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Griffiths, Gardiner, McLellan, Mitchell, Mowat,)

For the amendment: - 3 votes

(Councillors Booth, Osler and Staniforth)

Decision

To grant planning permission subject to the conditions, reasons and informatives detailed in Section 3 of the report by the Chief Planning Officer.

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

5. 215 High Street, Edinburgh, EH1 1PE

Details were provided of a planning application for the change of use of a former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building – application no 18/02294/FUL.

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

Motion

To refuse planning permission for the reasons detailed in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To grant planning permission.

- moved by Councillor Staniforth, seconded by Councillor Osler.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Gardiner Gordon, Griffiths, McLellan and Mitchell)

For the amendment: - 3 votes

(Councillors Booth, Osler, Staniforth)

Decision

To refuse planning permission for the reasons detailed in Section 3 of the report by the Chief Planning Officer.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 210 Craigs Road Edinburgh (At Land 369 Metres Northeast Of)</u></p>	<p>210 Craigs Road Edinburgh (At Land 369 Metres Northeast Of) - Forthcoming application by the West Craigs Ltd. for Proposal of Application Notice for mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis flatted development; and other associated works including landscaping, car parking, servicing, access and public realm – application no 18/10028/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> • Education provision in the area • The wider transport issues in the west of the city • Active travel links and walking and cycling provision • Consideration of public transport availability for the site, including capacity and frequency.
<p><u>Item 4.2 - Frogston Road East, Edinburgh (At Land At)</u></p>	<p>Frogston Road East, Edinburgh (At Land At) - Application for Planning Permission for new build primary school and early years centre. The proposal will incorporate space for 462 primary school pupils and 80 nursery pupils – application no 18/08609/FUL</p>	<p>To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.3 - 14 Regent Terrace, Edinburgh EH7 5BN</u></p>	<p>14 Regent Terrace, Edinburgh EH7 5BN - Application for Planning Permission for a proposed garden room (as amended) – application no 18/09751/FUL</p>	<p>To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(a) - 30 Corstorphine Road Edinburgh EH12 6HP</u>	Application nos 17/05071/FUL & 17/05073/LBC – Protocol Note	Noted
<u>Item 6.1(b) - 30 Corstorphine Road Edinburgh EH12 6HP</u>	30 Corstorphine Road Edinburgh EH12 6HP - Application for Planning Permission for conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works – application no 17/05071/FUL	To REFUSE planning permission as the proposals were contrary Local Development Plan Policies Env 3 (Listed Buildings - Setting), Env 6 (Conservation Areas - Development), Env 12 (Trees), Hou 6 (Affordable Housing) and Des 4 (Development Design - Impact on Setting).
<u>Item 6.1(c) - 30 Corstorphine Road, Edinburgh EH12 6HP</u>	30 Corstorphine Road Edinburgh EH12 6HP - Application for Listed Building Consent for alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended) – application no 17/05073/LBC	To GRANT Listed Building Consent subject to the informative set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1 - Former St Margaret's School, 4 East Suffolk Road, Edinburgh</u>	Former St Margaret's School, 4 East Suffolk Road, Edinburgh - Application for Planning Permission for the conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping – application no 18/09696/FUL	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 8.1 - 215 High Street, Edinburgh EH1 1PE	215 High Street, Edinburgh EH1 1PE - Application for Planning Permission for change of use of former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building – application no 18/02294/FUL	To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer. (On a division)

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 6 March 2019

Present:

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

1. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.7 – Granton Harbour, West Harbour Road, Edinburgh, as requested by Councillors Gordon and Osler.

The Chief Planning Officer gave a presentation on agenda Item 4.8(a) and 4.8(b) – 11 Learmonth Terrace, Edinburgh, as requested by Councillor Osler.

Decision

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

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

2. 3 Burdiehouse Crescent Edinburgh (Site 117 Metres Northeast Of)

Details were provided of proposals for the erection of a new school including associated hard and soft landscaping, land regrading, sprinkler tank enclosure, bin store, cycle shelter, substation, drop-off and car parking – application no 18/02172/FUL

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

Motion

To grant planning permission subject to the conditions, reasons and informatives as detailed in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To refuse planning permission as the application was contrary to Scottish Planning Policy Paragraphs 254 to 268 and LDP Policy Env 21.

- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 8 votes

(Councillors Child, Dixon, Gardiner, Griffiths, McLellan, McNeese-Mechan, Mowat and Osler)

For the amendment: - 2 votes

(Councillors Booth and Staniforth)

Decision

To grant planning permission subject to the conditions, reasons and informatives as detailed in Section 3 of the report by the Chief Planning Officer.

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

3. Granton Harbour (Plots 7B & 8C), West Harbour Road, Edinburgh

Details were provided of approval of an application for matters specified in condition regarding the erection of buildings containing perimeter blocks, residential flats; formation of road access, basement parking, and open space – application no 18/02812/AMC.

The Chief Planning Officer gave details of the proposals and recommended that the application be approved.

Motion

To approve matters conditioned subject to conditions, reasons and informatives as detailed in Section 3 of the report.

- moved by Councillor Child, seconded by Councillor Griffiths.

Amendment

To refuse matters conditioned as they were contrary to LDP policies Des 5a, Des 7 and Policy Hou 3.

- moved by Councillor Gardiner, seconded by Councillor McNeese-Mechan.

Voting

For the motion: - 3 votes

(Councillors Child, Griffiths and McLellan)

For the amendment: - 7 votes

(Councillors Booth, Dixon, Gardiner, McNeese-Mechan, Mowat, Osler and Staniforth)

Decision

To refuse matters conditioned as they were contrary to LDP policies Des 5a, Des 7 and Policy Hou 3.

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

4. GF 11 Learmonth Terrace, Edinburgh.

Details were provided of a planning application and an application for listed building consent for the proposed subdivision of a ground and basement floor flat to form two separate properties along with internal alterations required – application no's 18/10040/FUL and 18/10039/LBC.

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

Motion

To refuse planning permission and listed building consent for the reasons detailed in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To grant planning permission and listed building consent.

- moved by Councillor Osler, seconded by Councillor Mitchell.

Voting

For the motion: - 7 votes

(Councillors Booth, Child, Dixon, Gardiner, Griffiths, Mowat and Staniforth)

For the amendment: - 4 votes

(Councillors McLellan, McNeese-Mechan, Mitchell and Osler)

Decision

To refuse planning permission and listed building consent for the reasons detailed in section 3 of the report by the Chief Planning Officer.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 13 Clovenstone Gardens, Edinburgh (At Land North West Of)</u></p>	<p>13 Clovenstone Gardens, Edinburgh (At Land North West Of) - Forthcoming application by the J Smart And Co (Contractors) PLC. For Proposal of Application Notice for Erection of 69 affordable housing flats – application no 19/00160/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.2 - 61 and 63 London Road, Edinburgh EH7 6AA (At Land At)</u></p>	<p>61 and 63 London Road, Edinburgh EH7 6AA (At Land At) - Forthcoming application by Summix TRT Development Ltd. for Proposal of Application Notice for erection of mixed use development including student accommodation and ancillary uses, commercial uses and landscaping and infrastructure – application no 18/10244/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.3 - Niddrie Mains Road, Edinburgh (At Redevelopment Site)</u></p>	<p>Niddrie Mains Road, Edinburgh (At Redevelopment Site) -Forthcoming application by City Of Edinburgh Council for Proposal of Application Notice for Erection of a three and four storey secondary school with associated hard & soft landscaping, 'town square', external sports provision and car-parking – application no 18/10431/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.4 - 13 Craigentiny Grove Edinburgh EH7 6QD</u></p>	<p>13 Craigentiny Grove, Edinburgh, EH7 6QD - Application for Planning Permission for removal of existing roof, first floor extension with new roof over – application no 18/09594/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.5 - Eagle Lodge, 488 Ferry Road, Edinburgh EH5 2DL</u>	Eagle Lodge, 488 Ferry Road, Edinburgh EH5 2DL - Application for Planning Permission for demolition of existing building forming officers' quarters and alteration and extension to existing care home to form 10 additional bedrooms and associated facilities (as amended) – application no 18/03813/FUL	Removed from the agenda at the request of Planning Officers.
<u>Item 4.6 - 1 and 4 Gilmerton Station Road, Edinburgh EH17 8RZ</u>	1 and 4 Gilmerton Station Road, Edinburgh EH17 8RZ - Application for Planning Permission in Principle for Mixed Use Development comprising - Class 1 retail, class 2 professional services, class 3 (inc Sui Generis) Food and Drink, class 4 to 6 Business/ Industrial, class 7 Hotel, class 11 Assembly and Leisure, Access, Car Parking, Servicing, Bridge, Demolition and Associated Works, 1 and 4 – application no 18/01557/PPP	Application WITHDRAWN by the applicant.
<u>Item 4.7 - Granton Harbour West Harbour Road Edinburgh</u>	Granton Harbour West Harbour Road Edinburgh - Application for Approval of Matters Specified in Conditions for proposed marina office with associated retail, cafe space and community boat yard (as amended) – application no 18/02833/AMC	To APPROVE Matters Specified in Conditions subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.8(a) - GF 11, Learmonth Terrace, Edinburgh EH4 1PG</u>	GF 11, Learmonth Terrace, Edinburgh EH4 1PG - Application for Planning Permission for proposed subdivision of a ground and basement floor flat to form two separate properties along with internal alterations required – application no 18/10040/FUL	To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.8(b) - GF, 11 Learmonth Terrace, Edinburgh EH4 1PG</u>	GF, 11 Learmonth Terrace, Edinburgh EH4 1PG - Application for Listed Building Consent for proposed subdivision of a ground and basement floor flat to form two separate properties along with internal alterations required – application no 18/10039/LBC	To REFUSE Listed Building Consent for the reasons set out in section 3 of the report by the Chief Planning Officer. (On a division)
<u>Item 4.9 - 20, 22 & 24 Windsor Street, Edinburgh, EH7 5JR</u>	20, 22 & 24 Windsor Street, Edinburgh, EH7 5JR - Application for Listed Building Consent to link the 3 properties of 20, 22 and 24 Windsor Street to the adjoining hotel. This will be achieved by forming a new door opening at basement level in the party wall between number 18 and 20 Windsor Street. Replacement of 3 no. doors are also proposed. Reinstatement of original staircases from ground floor to basement level. Internal alterations to non-original partitions at ground and first floor level to help reinstate principal rooms to original proportions and insertion of bathroom pods (as amended) – application no 18/09901/LBC	To GRANT Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1 - 3 Burdiehouse Crescent Edinburgh (Site 117 Metres Northeast Of)</u>	3 Burdiehouse Crescent Edinburgh (Site 117 Metres Northeast Of) - Application for Planning Permission for erection of a new school including associated hard and soft landscaping, land regrading, sprinkler tank enclosure, bin store, cycle shelter, substation, drop-off and car parking – application no 18/02172/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.2 - Granton Harbour (Plots 7B & 8C), West Harbour Road, Edinburgh</u>	Granton Harbour (Plots 7B & 8C), West Harbour Road, Edinburgh - Application for Approval of Matters Specified in Conditions regarding the erection of buildings containing perimeter block residential flats; formation of road access, basement parking, and open space – application no 18/02812/AMC	To REFUSE the application as it was contrary to Local Development Plan Policies Des 5A (Amenity of Neighbouring Developments), Des 7 (Layout Design) and Hou 3 (Private Green Space in Housing Development). (On a division)

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 20 March 2019

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Cameron (substituting for Councillor Griffiths), Dixon, Gordon (present for items 4.1 to 4.4) Key (substituting for Councillor Gordon for items 4.5 to 4.8), McLellan, Mitchell, Mowat, Osler, and Staniforth.

1. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 – 61 Leith Street, Edinburgh, as requested by Councillors Gardiner and Mowat.

The Chief Planning Officer gave a presentation on agenda Item 4.5 – 224 – 234 Mayfield Road and 15 Braefoot Road, Edinburgh, as requested by Councillors Gardiner and Osler.

The Chief Planning Officer gave a presentation on agenda Item 4.6 – 7 Meadowbank, Edinburgh, as requested by Councillor Gardiner.

The Chief Planning Officer gave a presentation on agenda Item 4.7 – 1F2 Rosefield Avenue Lane, Edinburgh as requested by Councillor Gardiner.

Decision

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

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

2. Calton Road, Edinburgh

Details were provided of proposals for planning permission for demolition of existing non-listed buildings and erection of new residential building to form 24x flats, 1x commercial office space at ground floor and associated landscaping works (as amended) – application no 17/04578/FUL, and for demolition of existing nightclub premises – application no 17/04579/CON.

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

Decision

To refuse planning permission and conservation area consent for the reasons detailed in the report by the Chief Planning Officer.

3. 61 Leith Street, Edinburgh

Details were provided of proposals for planning permission for a Single storey extension, partial change of use, external alterations, landscaping and other associated works at 61 Leith Street, Edinburgh – application no - 18/10093/FUL

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

Motion

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer, and an additional condition requiring details of the provision of a minimum of 6 secure and easily accessible cycle spaces.

- moved by Councillor Osler, seconded by Councillor Staniforth.

Amendment

To refuse planning permission as the application was contrary to LDP policies Des 1, Des 3, Des 4 part b, Des 5, Des 7 and Env 18 part a.

- moved by Councillor Gardiner, seconded by Councillor Mowat.

Voting

For the motion: - 6 votes

(Councillors Cameron, Child, McLellan, Mitchell Osler and Staniforth)

For the amendment: - 5 votes

(Councillors Booth, Dixon, Gardiner, Key and Mowat)

Decision

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer, and an additional condition requiring details of the provision of a minimum of 6 secure and easily accessible cycle spaces.

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

4. 1F2 6 Rosefield Avenue Lane, Edinburgh, EH15 1AX

Details were provided of proposals for planning permission for the attic conversion and creation of two dormer windows to the front and rear elevations and renewal of existing velux window at 1F2, 6 Rosefield Avenue Lane, Edinburgh – application no 18/10452/FUL

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

Motion

To refuse planning permission for the reasons set out in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Osler, seconded by Councillor Mowat.

Amendment

To grant planning permission.

- moved by Councillor Gardiner, seconded by Councillor Dixon.

Voting

For the motion: - 5 votes

(Councillors Cameron, McLellan, Mowat, Osler and Staniforth)

For the amendment: - 6 votes

(Councillors Booth, Child, Dixon, Gardiner, Key and Mitchell)

Decision

To grant planning permission.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 – 11 Coillesdene Crescent Edinburgh EH15 2JH</u></p>	<p>11 Coillesdene Crescent Edinburgh EH15 2JH - Ground floor rear extension and rear elevation dormer (as amended) - application no 18/10058/FUL</p>	<p>To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.2 - Eagle Lodge 488 Ferry Road Edinburgh EH5 2DL</u></p>	<p>Eagle Lodge 488 Ferry Road Edinburgh EH5 2DL - Demolition of existing building forming officers' quarters and alteration and extension to existing care home to form 10 additional bedrooms and associated facilities (as amended) – application no 18/03813/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.3 - 1 - 17 Glasgow Road, Edinburgh, EH12 8HW</u></p>	<p>17 Glasgow Road Edinburgh EH12 8HW - Application for the discharge of a Planning Obligation (Ref A/02114/94) – application no 18/09508/OBL</p>	<p>To ACCEPT and DISCHARGE the agreement subject to the condition set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.4 - 61 Leith Street, Edinburgh</u></p>	<p>61 Leith Street Edinburgh - Single storey extension, partial change of use, external alterations, landscaping and other associated works – application no 18/10093/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer, and an additional condition requiring details of the provision of a minimum of 6 secure and easily accessible cycle spaces. (on a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.5 - 224 - 234 Mayfield Road & 14 - 15 Braefoot Road, Edinburgh EH9 3BE</u>	224 - 234 Mayfield Road & 14 - 15 Braefoot Road Edinburgh EH9 3BE - Demolish existing office, garage and 224-234 Mayfield Road. Erect purpose built student accommodation comprising 148 self-contained studios (as amended) – application no 18/03617/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.6 - 7 Meadowbank Edinburgh (At Site 30 Metres Southwest Of)</u>	7 Meadowbank Edinburgh (At Site 30 Metres Southwest Of) - New build apartment block with 11 dwellings and relocation of existing electricity sub-station (as amended) – application no 18/03011/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.7 - 1F2 6 Rosefield Avenue Lane, Edinburgh, EH15 1AX</u>	1F2 6 Rosefield Avenue Lane Edinburgh EH15 1AX - Attic conversion and creation of two dormer windows to the front and rear elevations and renewal of existing velux window – application no 18/10452/FUL	To GRANT planning permission. (On a division)
<u>Item 4.8 - Former Agilent Technologies, Scotstoun Avenue, South Queensferry</u>	Former Agilent Technologies Scotstoun Avenue South Queensferry - Erect 3 storey building to include class 1 (retail) plus classes 2+4 (financial/professional services + office) uses – application no 18/08606/FUL	To GRANT planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.1(a) - 24 - 26 Calton Road, Edinburgh, EH8 8DP</u>	24 - 26 Calton Road Edinburgh EH8 8DP - Demolition of existing non-listed buildings and erection of new residential building to form 24x flats, 1x commercial office space at ground floor and associated landscaping works (as amended) – application no 17/04578/FUL	1) To REFUSE the request for a site visit and AGREE to determine the application. (on a division) 2) To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1(b) - 24 - 26 Calton Road Edinburgh EH8 8DP</u>	24 - 26 Calton Road Edinburgh EH8 8DP - Demolition of existing nightclub premises – application no 17/04579/CON	1) To REFUSE the request for a site visit and AGREE to determine the application. (on a division) 2) To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.2 - Granton Harbour, West Harbour Road, Edinburgh</u>	Granton Harbour West Harbour Road Edinburgh - Application for approval of matters conditioned regarding the erection of buildings containing 18 houses and 144 flats; formation of road access, parking, private and public open space. Plots K, O, P, Q U, T – application no 18/02721/AMC	To APPROVE matters conditioned subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.3 - 139 Leith Walk Edinburgh (At Land To East Of)</u>	139 Leith Walk Edinburgh (At Land To East Of) - Forthcoming application by CW Properties for Refurbishment of the existing building, or potential demolition for sui generis flatted accommodation (residential apartments), class 7 hotel/ serviced apartments, student accommodation and commercial uses (class 4 business use) and class 11 (gym) with associated footpaths, roads, landscaping and potential reconfiguration of existing car park – application no 19/00415/PAN	To note the key issues at this stage and advise of any other issues.

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Development Management Sub Committee

Wednesday 31 July 2019

Report for forthcoming application by

Parabola Edinburgh Limited. for Proposal of Application Notice

19/02776/PAN

**At Land Adjacent To, Lochside Way, Edinburgh
Application for the development of the Southern Phase of Edinburgh Park to comprise a mix of uses including residential (Class 9 houses and sui generis flats), student accommodation and serviced apartments (sui generis), offices (Class 4), hotel (Class 7), crèche (Class 10), leisure (Class 11), ancillary Class 1/ Class 2/ Class 3 and sui generis public house, car parking, landscaping, roads, access and associated works. The submission of this PAN follows an earlier consultation in respect of the site. This PAN reflects a new approach to the site to take forward a residential lead masterplan.**

Item number

Report number

Wards

B03 - Drum Brae/Gyle

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission at Land at Edinburgh Park, adjacent to Lochside Way, Edinburgh for a mixed use development.

In accordance with the provisions of the Town and Country planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice (19/02776/PAN) on 4 June 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

Edinburgh Park is located in West Edinburgh, approximately four miles from the City Centre and two miles from Edinburgh Airport.

The site is 13.5ha in area. The City Bypass lies directly to the west, with East of Milburn beyond, and the South Gyle Business Park lies to the east. To the north lies earlier phases of the wider Edinburgh Park development, and to the south runs the Glasgow to Edinburgh railway line with Hermiston Retail Park beyond. The Edinburgh tram line runs through the site on a north/south axis.

The site is vacant apart from hardstanding used for parking.

Vehicular and pedestrian access to the site is from Lochside Court and Lochside Way on the east and Lochside Avenue on the west. There is additional pedestrian and cycle access from two tram stops, Edinburgh Park Central and Edinburgh Park Station, and the public Gogar Burn route under the bypass. A spur off Lochside Avenue heads east from a mini roundabout on Lochside Avenue towards the southern boundary of the site. Two sets of barriers are located on Lochside Avenue to the north and east of the Lochside Avenue mini roundabout.

Core paths and cycle routes 7 and 13 run close to the site.

The partly culverted Gogar Burn runs through the site.

The site is subject to height restrictions associated with operations at Edinburgh Airport and the Civil Aviation Authority (CAA) limit is understood to be +75.265 m Above Ordinance Datum (AOD). The lower part of the site is approximately 50m AOD. The former emergency runway at Edinburgh Airport has recently been closed and as a result the height limit over the southern part of the site may increase.

2.2 Site History

11 April 2003 - planning permission granted by Scottish Ministers for the Southern Phase of Edinburgh Park to develop offices and other business use, hotel and supporting facilities with associated road works and car parking (application reference: 99/02295/OUT).

12 October 2009 - application granted under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary the terms of condition 1 of planning permission 99/02295/OUT by extending the time period by 10 years (application reference: 09/00430/FUL).

A series of applications were submitted and approved between 2003 and 2011 but are not relevant to the current proposals.

11 August 2016 - planning permission granted for erection of five storey extension adjacent to the existing hotel to provide 80 additional bedrooms, A/C compound, single storey extension to restaurant and associated reconfiguration and extension of car park and external landscaping (application reference: 16/02265/FUL).

17 March 2017 - application submitted under section 42 to vary the terms of planning permission 09/00430/FUL, to permit office development up to 102,190sqm gross and hotel development up to 6,479sqm gross (as amended) (application reference: 17/01210/FUL). Application not determined.

31 January 2019 - planning permission was granted for new and upgraded road and infrastructure works with associated landscaping in Edinburgh Park Southern Phase (application reference: 17/04391/FUL).

31 January 2019 - planning permission was granted for an application for matters specified in condition 5 of planning permission 09/00430/FUL (amended) reference 17/04341/AMC.

Main report

3.1 Description Of The Proposal

The forthcoming application will be for full planning permission for the development of the southern phase of Edinburgh Park in the form of a residential led masterplan.

The proposal will comprise a mix of uses including a variety of residential unit types, student accommodation and serviced apartments. The proposal will also focus upon a hub around the Edinburgh Park Train station which may include some office development, a hotel, crèche, leisure facility and some ancillary Class 1, Class 2, Class 3 and sui generis uses such as a public house. Car parking, landscaping, roads, access and associated works will be included in the masterplan.

3.2 Key Issues

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

a) The principle of the development is acceptable having regard to the development plan;

The forthcoming masterplan should comply with the Local Development Plan vision for Edinburgh Park:

"To create a thriving business and residential community, well integrated with the rest of the city through good public transport, pedestrian and cycle connections, a more balanced mix of uses facilities and high quality public realm and green spaces".

Policy Del 4 of the Local Development Plan applies, and the application will be assessed against this.

b) The design, scale and layout are acceptable;

The application will be supported by a Design and Access Statement.

c) The proposal will impact upon highway safety;

The application will be supported by a Transport Assessment, the scope and study of which is still to be agreed. It is expected to take account of the following committed development:

- Edinburgh Park AMC development immediately to the north of the proposed development site;
- Edinburgh Airport (projected growth in passenger numbers);
- Edinburgh International Business Gateway;
- Residential developments at Cammo, West Craigs, East of Milburn Tower and Ratho Station;
- Fairview Mill (office, pub/restaurant and hotel);
- Turnhouse mixed industrial;
- RBS Gogarburn (projected increase in employee parking spaces); and
- RHASS Royal Highland Centre.

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

The applicant has requested an early EIA screening opinion. The summary of the proposed development for the screening request includes:

- Up to approximately 1,800 residential units (class 9 or sui generis flats) consisting of flats and houses;
- Car parking of approximately 944 spaces; and
- Creation of associated external hard and soft landscaping including amenity spaces and footpaths.

The site is largely undeveloped and consists of made up ground, likely associated with the building of the A720 City of Edinburgh by-pass.

The Gogar Burn enters a large culvert on the western boundary of the site and is culverted across the remainder of the site.

There are no statutory designated ecology sites within 2km of the site.

There is potential for prehistoric remains on the site as revealed by initial archaeological work carried out with phase 1 of Edinburgh Park.

The site is bound by the A720 by-pass and the railway line and lies in close proximity to the airport, a noise assessment will be required. In addition to this a poultry farm lies to the west of the site so an odour and air quality assessment will be required.

The application will be supported by the following documents:

- Planning Policy Statement;
- Design and Access Statement;
- Sustainability Statement;
- Pre-application Consultation Report;
- Transport Assessment;
- Air Quality Impact Assessment;
- Landscape and Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Habitat and Species Survey;
- Tree Survey;
- Noise Impact Assessment;
- Services and Infrastructure;
- Economic Appraisal;
- Site Investigation Report; and
- Archaeology Report.

e) Any impacts on equalities or human rights are acceptable;

This will be assessed in detail through the application process.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

On the 4 June 2019 the applicant served notice of the Proposal of Application Notice on the following parties:

- Corstorphine Community Council
- Sighthill Broomhouse and Parkhead Community Council
- Ratho and District Community Council
- Councillors, Aldridge, Bridgeman and Brown (Drumbrae/Gyle)
- Councillors Dixon, Fullerton, Graczyk and Wilson (Sighthill/Gorgie Ward)
- Councillors Hutchison, Lang, Work and Young (Almond Ward)
- West, South West and Almond Neighbourhood Partnerships

A public exhibition will be held in the Novotel at Edinburgh Park, 15 Lochside Avenue on Wednesday 19 June 2019 between 1pm and 7pm.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

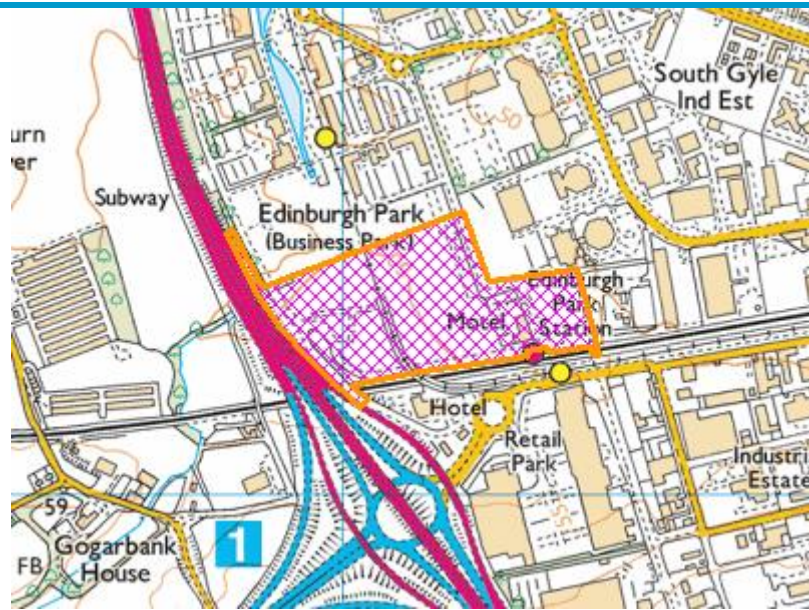
PLACE

The City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer

E-mail: jennifer.paton@edinburgh.gov.uk Tel: 0131 529 6473

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

Report for forthcoming application by

**Network Rail Infrastructure Limited. for Proposal of
Application Notice**

19/02357/PAN

**At The Forts, 3 Hawes Brae, South Queensferry
Proposed development of reception centre and bridge
access system with associated car parking, landscaping
and servicing and alterations to existing pedestrian and
vehicular access.**

Item number	4.2
Report number	
Wards	B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission at The Forts, 3 Hawes Brae, South Queensferry, for development in connection with the proposed Forth Bridge Experience.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice (19/02357/PAN) on 16 May 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is located to the eastern side of South Queensferry and to the north of Dalmeny Station.

The site consists of the Forth Bridge as far as the top of the first cantilever, the former Network Rail depot site at the southern end of the Forth Bridge, the existing access road from Hawes Brae and the existing pedestrian accesses from Dalmeny Station and Hawes Brae (known as Jacob's Ladder).

The Forth Bridge is a statutory category A listed building completed in 1890. It was listed on 18 June 1997, ref NT 13554 79252.

UNESCO inscribed the Forth Bridge as a World Heritage Site on 5 July 2015. It has a statement of Outstanding Universal Value and a Management Plan.

The application site is accessed off Hawes Brae (B924) and will incorporate Fort House, currently a residential dwelling with category A gun emplacements within its curtilage.

The area under the bridge was formerly in industrial use. It now comprises hard standing with a secure fence. Electricity sub stations sit at the foot of the bridge piers.

To the south of the site lies Dalmeny Station with footpath links passing the west of the site, connecting into the village centre.

Further east, beyond the site boundary, lies Dalmeny Historic Garden/designated landscape inventory added 1 July 1987, NT 16488 77731.

This application site is located within the Queensferry Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application will be for full planning permission for the Forth Bridge Experience. This is a heritage experience that will take pre-booked visitors for a harnessed walk out onto the Forth Bridge across the first of the three bridge arms to a viewing platform at the highest point.

Initial proposals show that the development will involve a new ladder attached to the east facing wall of the Jubilee Tower, the first tower on the southern end of the bridge.

The proposal will include a reception building on the west side of the bridge and a car park on the east side of the bridge. The site would be accessed from Hawes Brae. The proposal includes upgrading of the connecting footpath between Dalmeny Railway Station to the south and Queensferry village centre to the north.

Two applications will be required; a full planning application and an application for listed building consent.

3.2 Key Issues

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

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

The site is located within the Urban Area as defined in the Edinburgh Local Development Plan (LDP). Part of the site to the west of the bridge is allocated as open-space and policy Env 18 of the LDP will apply. It is also designated as a Special Landscape Area, and policy Env 11 will apply. The land to the east of the bridge is designated as greenbelt, and policy Env 10 is relevant.

Policies Env 1-Development within a World Heritage Site and Env 3-Development affecting the setting of a listed building are also relevant.

The site is within the Queensferry Conservation Area where policies Env 5 and Env 6 apply. The shore area under the bridge is the Firth of Forth Natura 2000 site and a SSSI, and policies Env 13 and Env 14 are relevant. It is also designated as a Local Nature Conservation Site, and policy Env 15 applies.

The application should demonstrate it would not detrimentally impact upon this highly sensitive, multi-designated site.

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

A design and access statement will be required to accompany the application.

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

The applicant will be required to submit sufficient information to demonstrate that the buildings and walkway can be developed without having a detrimental impact on the World Heritage Site and the environment.

In order to support the application, the following documents should be submitted:

- Pre-application consultation report;
- Planning Statement;
- Transport Statement;
- Design and Access Statement;
- Heritage Statement;
- Landscape and Visual Impact Appraisal;
- Flood Risk Assessment and Surface Water Management Plan;
- Noise Impact Assessment;
- Tree Survey and Constraints Plan to BS 5837:2012; and
- Phase 1 Habitat and Protected Species Survey.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 19/02357/PAN) has been advertised in the Edinburgh Evening News.

The applicant notified Queensferry Community Council on 16 May 2019.

The applicant held drop-in events at Orocco Pier on 11 June 2019 and 18 July 2019 between 3pm and 7pm.

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

Background reading/external references

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

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer
E-mail: jennifer.paton@edinburgh.gov.uk Tel: 0131 529 6473

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01531/FUL
At 9 Briery Bauks, Edinburgh, EH8 9TE
Proposed change of use from residential to commercial
short term residential lets.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, NSG, NSBUS,

Report

Application for Planning Permission 19/01531/FUL At 9 Briery Bauks, Edinburgh, EH8 9TE Proposed change of use from residential to commercial short term residential lets.

Recommendations

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

Background

2.1 Site description

Briery Bauks is a residential street with 2 storey terraced properties of a contemporary design. Being located in the South Side of the city, it is in close proximity to the city centre. The wider area is characterised by tenemental properties many with commercial businesses occupying the ground floor. The application site is a three bedroom mid - terraced property and has a garden to the front and rear. The property is accessed directly via the main street.

2.2 Site History

18 January 2019 - An enforcement enquiry was submitted for an alleged unauthorised change of use from residential to short stay commercial visitor accommodation (application number 19/00046/ECOU). This is pending the outcome of the planning application. The complaint related to lack of planning permission for the use rather than amenity issues such as noise and disturbance.

Main report

3.1 Description Of The Proposal

The proposal is for a change of use of a residential unit to short term letting accommodation. Short term letting accommodation is not covered under the Town and Country Planning (Use Classes) (Scotland) Order 1997 and is a sui generis use.

The application is retrospective as it was established through the enforcement case that the property is already being occupied as short term accommodation. The property was bought in June 2018 and following renovations has been used for short term accommodation since January 2019. The business is operated through Airbnb.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle change of use is acceptable in this location;
- b) the proposal raises any issues in respect to road users; and
- c) any comments have been addressed.

a) Principle of development

The current planning case law position in respect of the use of properties as short stay commercial visitor accommodation (SSCVA) in England, Scotland and Wales is set down in the English and Welsh Court of Appeal Judgement *Sheila Moore v Secretary of State for Communities and Local Government & Suffolk District Council 2012 EWCA CIV 1202*. This judgement held that the use of a residential premises for short term holiday lets could be a material change of use, with the question of materiality being one of fact and degree. This requires an assessment of factors such as the number of separate lets in any given period of time, number of individuals occupying the premises, the turnover of new individuals arriving and departing the premises; and the question as to whether the proposed operations would involve a change in character to such an extent that there may be disturbance to established residential character and amenity.

There have been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. Since July 2018, 126 new enforcement cases have been opened and while 71 are ongoing, 22 enforcement notices have been served, eight have been appealed and all eight have been upheld by Scottish Government reporters. There have been legal challenges in respect of the reporters' decisions at Chancelot Terrace and Baxter's Place. Chancelot Terrace was withdrawn and Baxter's Place is due to be heard in the Court of Session.

During this period there has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay let uses. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road(CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238).

The issue of short term lets was the subject of a report to the Corporate Policy and Strategic Committee on 14 May 2019 - 'Short Term Letting in Edinburgh Update' This report explained that a Short Term Lets Virtual Team has been created to co-ordinate action using existing powers across several services with a team leader from Planning acting as a day to day manager.

In terms of the current proposals, it should be noted that the current Edinburgh Local Development Plan (LDP) does not include any policies against the loss of residential use. Therefore the only policy that is applicable is policy Hou 7 which does not support developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The Council's non-statutory Guidance for Businesses gives advice on when a change of use has taken place but in connection to short stay lets only states*the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

The application site has direct access from the street and there will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties. The property provides accommodation for up to five people so the development could accommodate smaller groups of people and have the potential to cause some noise disturbance.

In addition, the proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. The proposed minimum of three nights per booking could result in a turnover of guests around 120 times each year. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. On the balance of probability, there could be the potential for disturbance to the established residential character of the area and a detrimental impact on residential amenity.

In the appeal decision for 19 Old Fishmarket Close, the Reporter highlighted *"there is an important distinction to draw between external ambient noise, which is a characteristic of a city centre location such as this, and sources of noise and disturbance from within the building itself."* The Reporter added *"the occupiers of residential flats on Old Fishmarket Close would be accustomed to some degree of ambient noise/ disturbance, and I consider it would be unrealistic to expect otherwise in such a location"*.

In addition, the Reporters in the appeals for certificates of lawfulness at Stevenson Drive and Restalrig Road both highlighted the units were on busy roads with much activity. This does not apply here.

Whilst this application site is near the city centre, it is a quiet residential street and there is the potential to create disturbance from the level of activity created by short term letting. Notwithstanding the fact this is a main door property, the proposal would adversely impact the established residential character of the area and residential amenity. The proposals do not comply with LDP policy Hou 7 and the non-statutory Guidance for Businesses.

b) Car Parking and Road Safety

The Council's Edinburgh Design Guidance does not include any parking standards for this sui generis use.

The property has no parking spaces. There is existing on-street car parking. The site is well served by public transport.

The car parking and traffic issues are satisfactory.

The proposal complies with LDP Policy Tra 2.

c) Public Comments

Material Comments

- residential amenity
- noise and disturbance late at night

These material issues have been addressed in section 3.3 (a).

Non-material comments

- properties being given to tourists
- communities being eroded away
- too many Airbnbs
- set a precedent for more properties to become short term lets
- transitory population detrimental to established communities
- taxi fumes reduces air quality
- community cohesion
- shortages of accommodation

Conclusion

The proposal does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use has the potential to adversely affect the residential character and amenity of the area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following the neighbour notification a total of 8 representations were received objecting to the proposal. These included comments from Southside Community Council.

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

Background reading/external references

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

Statutory Development**Plan Provision**

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

Date registered

8 April 2019

Drawing numbers/Scheme

1-3,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

Links - Policies

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

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

Relevant Non-Statutory Guidelines

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

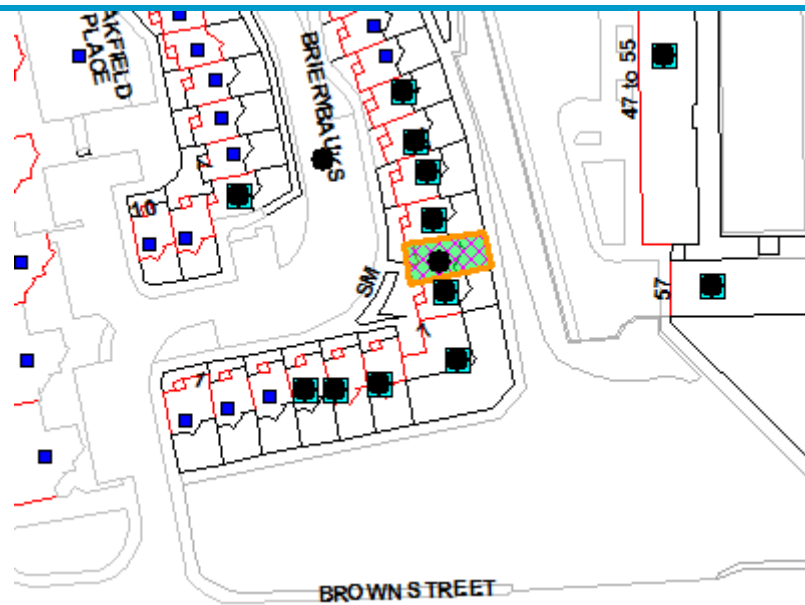
Appendix 1

**Application for Planning Permission 19/01531/FUL
At 9 Briery Bauks, Edinburgh, EH8 9TE
Proposed change of use from residential to commercial
short term residential lets.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/02377/FUL
At Boroughmuir High School, 111 Viewforth, Edinburgh
Proposed 5 storey extension to Boroughmuir High School,
including 12 new classrooms, community facilities,
ancillary accommodation, relocation of existing footpath,
alterations to external landscaping, and secure car park
compound (as amended).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposal broadly complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The principle of the extension is acceptable and the proposal is of an acceptable scale, form and design. Overall, the proposal will enhance the frontage onto Dundee Street and provide additional education capacity to support the growth of this community. There are no material circumstances that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LDES01, LDES02, LDES08, LDES12, LTRA02, LTRA03, NSG, NSGD02,

Report

**Application for Planning Permission 19/02377/FUL
At Boroughmuir High School, 111 Viewforth, Edinburgh
Proposed 5 storey extension to Boroughmuir High School,
including 12 new classrooms, community facilities, ancillary
accommodation, relocation of existing footpath, alterations
to external landscaping, and secure car park compound (as
amended).**

Recommendations

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

Background

2.1 Site description

The application relates to land west of the existing Boroughmuir High School and south of Dundee Street. Part of the land forms an area of public realm providing a connection between Dundee Street and the Union Canal - a scheduled monument (index number 11097, 15 December 2003) and the other part of the land is vacant.

There is a mix of uses neighbouring the site including the existing school, commercial uses and student housing. The site of the extension is around 0.14 hectares in size and within the Fountainbridge area of the City.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief was approved (as amended).

6 December 2013 - Planning permission in principle for a secondary school, associated facilities and ancillary development was granted (planning reference: 13/00073/PPP).

10 April 2014 - Approval of matters specified in conditions for secondary school, associated facilities and ancillary development was granted (planning reference: 13/05207/AMC).

Boroughmuir High School opened on the site in February 2018.

Main report

3.1 Description Of The Proposal

The proposal is for a five storey, 12 classroom extension to the west of Boroughmuir High School including offices and a community facility. The extension will face onto Dundee Street with the existing school playground to the south. The material palette includes pre-cast concrete panels, dark grey aluminium panels and dark grey glazed spandrel.

The existing public realm link between Dundee Street and the Union Canal will be rerouted west of the extension and the width reduced from around 8.5m to 6m..

Scheme 1

A number of amendments have been made during the assessment of the proposals. The main changes relate to:

- increased public pedestrian space at linkage;
- changes to public realm street furniture location;
- changes to the balance of materials on the extension; and
- reduced car parking and increased cycle parking provision to comply with the Edinburgh Design Guidance parking standards.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable;
- b) the proposed scale, design and materials are acceptable;
- c) the proposal will provide an acceptable level of amenity for users and neighbours;
- d) the transport, access and parking arrangements are acceptable; and

e) representations raised issues to be addressed.

a) Principle of Development

The site is identified in the Edinburgh Local Development Plan (LDP) as the location of a proposed school (reference CC3). The development principles for this area as part of CC3 state that proposals will be expected to deliver community uses, integrate with adjoining neighbourhoods and provide north-south linkages.

The site of the extension is compatible with the Fountainbridge Development Brief strategy and will not prejudice the existing neighbouring uses or development potential of the neighbouring site. The site of the extension was included within the site boundary of the application for planning permission in principle of the school (planning application reference: 13/00073/PPP). The subsequent approval of matters specified in conditions (planning application reference: 13/05207/AMC) provided a public realm link towards the Union Canal from Dundee Street on the site of the extension. The width of the route will be reduced from around 8.5m to 6m to accommodate the extension. A modest decrease in the width of the route is not deemed to have an unacceptable detrimental impact on the permeability of the route. This scheme proposes to reroute the public realm link to the west of the extension, maintaining a high quality public realm between Dundee Street and the Canal.

The extension will contribute towards the wider redevelopment of Fountainbridge and provide additional education capacity to support the anticipated delivery of housing nearby. In summary, the principle of the proposed extension to Boroughmuir High School in this location is acceptable, subject to compliance with other LDP policies.

b) Scale, Design and Materials

Policies Des 1 Design Quality and Context, Des 8 Public Realm and Landscape Design and Des 12 Alterations and Extensions of the LDP support development of an acceptable scale, form and design. Proposals should contribute towards the area's sense of place drawing upon the positive characteristics of the surrounding area. All external spaces and public art that forms the public realm should be designed as part of the scheme as a whole.

The proposed extension is a clear and logical expansion of the school and maintains an attractive public route between Dundee Street and the Union Canal. The scale, form and design of the extension correlates with the existing school. In order to retain the civic, stand-alone quality of the existing building, the proposed extension replicates closely the ridge height, elevation treatment and materials of the existing school, continuing the horizontal banding and random panel treatment. The proposed fenestration differentiates the extension from the existing school and provides an enhanced active frontage onto Dundee Street. The extension is of a similar architectural approach to the existing school and incorporates its positive characteristics.

The set back from the western elevation site boundary by approximately 6m provides a visual linkage between the Canal and Dundee Street drawing upon one of the most recognisable features of the Fountainbridge area. The green soffit to the Dundee Street recess is continued and accentuated with a colonnade affront of recessed ground and first floor levels. At the ground floor, the proposed community use and set back design provides an active frontage onto Dundee Street and leads people towards the public route towards the Canal. External hard landscaping has been proposed as a continuation of existing finishes around each public facing facade, with high quality paving to match existing patterns.

Existing trees will be relocated in new positions to suit the proposed development and low level planters flanking the vehicle entrance off Bainfield Drive, providing a buffer between the public realm and school boundary. The proposals will include artwork incorporated in to the pre-cast concrete panels at ground floor on the west gable which, along with the landscaping proposals, will enhance this key link from Dundee Street north towards the Canal. Accordingly, the proposal complies with policies Des1, Des 8 and Des 12 of the LDP.

c) Amenity

Policy Des 12 Alterations and Extensions of the LDP supports development that will not be detrimental to neighbouring amenity and will maintain acceptable levels of amenity in relation to daylight, sunlight and privacy to neighbouring properties.

In terms of daylight and sunlight, the extension is set back around 6m. This arrangement will allow the creation of a positive gable to gable relationship defining the new pedestrian/cycle route between the extension and future development. The high quality public realm west of the school will be affected by overshadowing for the 20m length of the extension but given its use as a through-route in an urban environment the impact is deemed acceptable. The extension is located to the north of the site and the existing school playground is to the south, accordingly, the playground will be capable of achieving adequate sunlight.

The western elevation forms a gable elevation to the school. The gable is offset approximately 6m from the neighbouring site and the immediate outlook from the school and neighbouring site will be maintained. The distances between the gables is in keeping with the character of the area and the privacy of gables is not protected. Therefore, the privacy of existing and future occupiers will be acceptable. The extension complies with policy Des 12 of the LDP in relation to neighbouring amenity.

d) Transport

Policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking of the LDP support development where car parking provision complies with the parking levels set out in the Edinburgh Design Guidance (EDG). Cycle parking and storage provision should also comply with the EDG and support the Council's objective of increasing the number of journeys made by bike.

In terms of car parking provision, the revised proposal complies with the standards of the EDG. There are currently seven car parking spaces on the site and the proposed extension will increase this to ten and eight motorbike spaces. Car parking is required to support staff with equipment, peripatetic staff and visitors to the school and represents around 6% of staff working at the school. Therefore, provision of the maximum number of spaces permitted by the car parking standards is acceptable. Soft landscaping will be provided at the car park and service entrance and minimise any visual impact.

The applicant proposes to install 34 additional bike parking spaces on the site in compliance with the standards set out in the EDG. Bike storage will be provided at various points around the site, including spaces that are covered and secure. The provision will support the aspiration of the Council to increase the number of people walking and cycling and the site is well connected by cycle routes. The Roads Authority has been consulted on the proposals and raised no objections.

The relocated pedestrian route has been designed as a shared surface and will provide pedestrian access to the ground floor community facility. The route will form an attractive link and prioritise active travel within the area.

The development of the existing school delivered significant infrastructure enhancement to the road network and the signalling of the Viewforth Bridge. No additional infrastructure is required for this extension. Overall, the proposed transport, access and parking arrangements are acceptable and comply with policies Tra 2 and Tra 3 of the LDP.

e) Public Comments

Issues raised are as follows:

Material Planning Issues - Neutral

- impact on neighbouring uses; this is addressed in section 3.3 a); and
- parking provision; this is addressed in section 3.3 d).

Non-material Planning Issues - Objection

- loss of a private view; and
- neighbour notification process.

Conclusion

The proposal broadly complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The principle of the extension is acceptable and the proposal is of an acceptable scale, form and design. Overall, the proposal will enhance the frontage onto Dundee Street and provide additional education capacity to support the growth of this community. There are no material circumstances that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Detail of the pre-cast concrete panel with etched artwork/graphic as shown on drawing 17A to be submitted and approved by the planning authority before commencement of works on the site.
2. Before any part of the development is brought into use, the cycle parking as shown on the approved plans shall be completed and available for use.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard visual amenity.
2. In order to ensure that the level of off-street cycle parking is adequate.
3. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 27 May 2019. Neighbours were notified of the application on 24 May 2019 and 21 days were allowed for comments. The proposal received two neutral comments and one late objection comment.

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

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan

Date registered

20 May 2019

Drawing numbers/Scheme01 - 02, 03A - 04A, 05 - 10, 11A, 12, 13A - 15A, 16,
17A,
18 - 20,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail:declan.semple@edinburgh.gov.uk Tel:0131 529 3968

Links - Policies

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

**Application for Planning Permission 19/02377/FUL
At Boroughmuir High School, 111 Viewforth, Edinburgh
Proposed 5 storey extension to Boroughmuir High School,
including 12 new classrooms, community facilities, ancillary
accommodation, relocation of existing footpath, alterations
to external landscaping, and secure car park compound (as
amended).**

Consultations

Archaeology - response dated 03/06/2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for a proposed five storey extension to Boroughmuir High School, including 12 new class rooms, community facilities, ancillary accommodation, relocation of current foot path, alterations to external landscaping and secure carpark compound.

Prior to the construction of the current school in 2015 the site formed part of an important industrial area dating back to the early/mid-19th century. Accordingly, archaeological excavations were carried out by AOC Archaeology between 2014 and 2015 as part of the construction of the school.

Given that the site has been therefore been investigated it has been concluded that there are no archaeological implications in regards to this application.

Scottish Water - response dated 30/05/2019

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

Scottish Water records appear to show private pipework within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. You should contact the owner(s) to establish their requirements for building in the vicinity of this asset.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Trade Effluent Discharge from Non Dom Property

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com.

Police Scotland

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Transport - Response Dated 08/07/2019

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

- 1. 34 cycle parking spaces being provided complies with the Council's minimum cycle parking requirement of 34 spaces for the proposed 260 student capacity school extension;*
- 2. The proposed 3 car parking spaces for the school extension complies with the Council's parking standards which could permit a maximum of 3 spaces for the 37 additional staff in Zone 1;*
- 3. 8 motorcycle parking spaces being provided complies with the Council's minimum motorcycle parking requirement of 3 spaces for the proposed school extension;*
- 4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

6. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

7. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address;

8. Any works that affect an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

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

10. Applicant to provide 2 Electric vehicle charging outlets including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

a) Revised site layout which shows increased provision of cycle parking to 34 new spaces. 10 no. at Dundee Street new entrance / 8 no. additional secure covered in playground / 16 no. additional on east side of building (this area is where previous approved application noted potential additional spaces).

b) A new 6m wide shared surface from Dundee Street to Bainsfield Drive (one-way road with footways on both side) is considered acceptable.

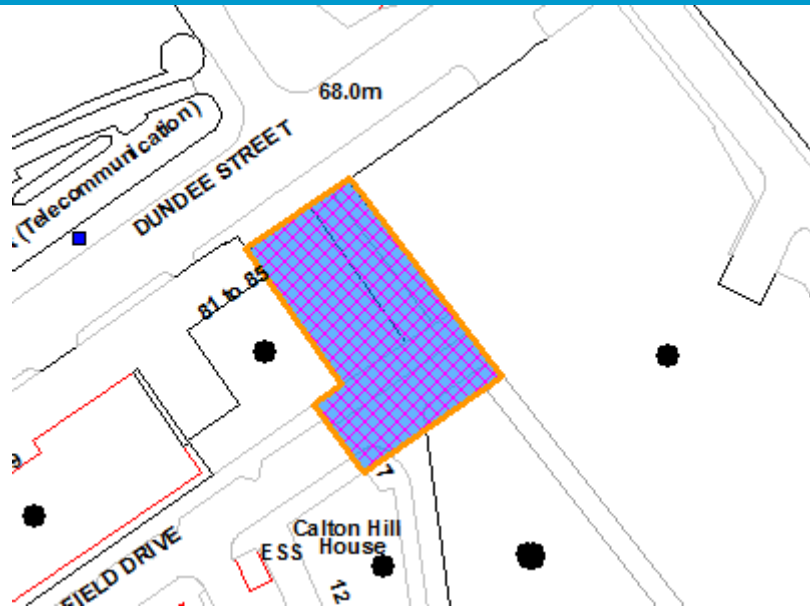
c) Refuse collection per existing arrangement.

d) Standard motorcycle parking space is 2mX0.8m

Flood Planning

Following a review of the Self-Certification declaration certificate, Appendix K calculations and drawing E11556-WRD-XX-XX-XX-C-52001 P02 this now addresses all of flood prevention's comments and the application can proceed to determination with no further comment from our department.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01115/FUL
At 15 Comiston Drive, Edinburgh, EH10 5QR
Create new car parking space by removing the front wall
and railings for access. Add triple bin store and bike store
with new path to front door and gravel areas.**

Item number

Report number

Wards

B10 - Morningside

Summary

The proposed bin shed and bike store would be compatible with the existing building and the character of the surrounding streetscape, including the character and appearance of the conservation area.

The proposed driveway represents an unsympathetic and incongruous addition to the host property with regard to scale, form, design and the character of the streetscape within the Plewlands Conservation Area. The proposal is therefore contrary to the ELDP Policies Des1, Des 12 and ENV 6.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES12, LEN06, NSG, NSHOU, NSLBCA, OTH, CRPLEW,

Report

Application for Planning Permission 19/01115/FUL At 15 Comiston Drive, Edinburgh, EH10 5QR Create new car parking space by removing the front wall and railings for access. Add triple bin store and bike store with new path to front door and gravel areas.

Recommendations

- 1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The application property is two storey in height with a flat roof. It is a 19 century Victorian mid terrace house of traditional construction to the west of Greenbank Terrace. Comiston Drive has a range of house types along its north and south sides. However, the Victorian terrace with flat roof is the prominent architectural style of the street. The application property is a reflection of a typical 19th century Victorian terrace with a front garden, bordered by a stone wall, iron railings and iron entrance gate, as seen consistently along Comiston Drive.

The application property backs onto large rear gardens of Greenbank Drive. The area is densely populated with mature trees which runs along Greendbank Drive.

This application site is located within the Plewlands Conservation Area.

2.2 Site History

31 January 2017 - Planning permission refused for the replacement of white timber sash and case windows with new white uPVC sash and case windows (Application reference 16/06089/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of a driveway, a bin shed and a bike store in the front garden of the application property. The works include the removal of a section of stone wall with iron railings. The proposal also includes the installation of an electric car charging point on the front of the dwelling. All works are to the front of the property.

The bike store will be in metal and will be 1m high. The bin store will be wooden and 850mm high.

The proposed landscaping alterations and installation of the electric charging point are development and therefore will not be subject to further assessment.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal preserves or enhances the character and appearance of the Plewlands Conservation Area;
- b) The scale, form and design of the proposals are acceptable;
- c) Any impacts on traffic are addressed; and
- d) Any comments raised have been addressed.

a) Conservation Area

Policy Env 6 (Conservation Areas- Development) of the LDP states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal. The Plewlands Conservation Area Character Appraisal emphasises:

"The area is mainly comprised of low rise residential development. The predominant height is two storeys but there are a small number of flatted elements of mainly three and four storeys. The buildings are complemented by the profusion of mature trees, extensive garden settings, shallow stone boundary walls and spacious roads. The stone boundary walls give definition to the street layout and create a clear distinction between public and private spaces."

"There is a clear distinction between front and back, public and private. Front gardens are displays of public pride defined by low walls to allow a good 'keek'. Rear garden walls stand above head height preventing 'keeking' from neighbours."

The area is mainly composed of Victorian/Edwardian Terraced housing. There is an overall architectural coherence with the houses being built of grey or red sandstone with flat roofs or roofed with slate. Gardens to the front are bordered by low stone walls with iron railings and gates onto the street. The predominance of soft landscaping to the front of the properties adds to the amenity of the streetscape.

The Plewlands Conservation area was designated in 2010. There are five examples of garden conversions for parking purposes on Comiston Drive. However, it should be noted these works took place before the designation of the conservation area. Two applications proposing development of a similar nature have come forward since the designation was initiated (applications 10/02391/FUL and 12/00480/FUL) and both applications were refused on the grounds that these driveways contravened the policies in place for safeguarding the character of this part of the Plewlands Conservation Area. Therefore, it is noted that private driveways are not part of the character of the conservation Area.

The proposal requires the partial removal of the original stone wall. The removal of these important historical features will alter the visual appearance of the street which further detracts from the essential character of the Conservation Area. Furthermore, the removal of landscaping to accommodate the development of hardstanding will have a significant impact on the amenity of the street.

The formation of the driveway does not comply with policy Env 6.

The proposed bike store and bin shed have been relocated during the assessment process and now accord with ELDP policy Tra 4 and the non-statutory guidance for householders. Now located along the eastern boundary of the front garden, this minimises the impact to the appearance of the host property. Bike sheds and bin stores have become part of the character of Comiston Drive; numerous properties have had similar works completed in front gardens. The sheds therefore comply with policy Env 6.

b) Scale, Form and Design

Edinburgh Local Development Plan policy Des 1 (Design Quality and Context) states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

Policy Des 12 (Alterations and Extensions) requires alterations and extensions to be compatible with the character of the building and the surrounding neighbourhood and to have no unreasonable loss of amenity to neighbouring properties.

The proposed driveway fulfils the requirements of the non-statutory Guidance for Householders, section 'Access and Parking', in relation to the length of garden available for parking, which measures 7.5 metres which is greater than the 6.0 metres required by the guidance. However, it does not comply with the width of the access requirements, which should not exceed 3.0 metres, as set out in the guidance. The width of access onto the pavement measures 3.5 metres for the driveway plus an additional 1 metre for the pathway creating one large access of approximately 4.5 metres, defined by differing ground covering materials. The consequent removal of 4.5 metres of stone wall and railing from a 9.5 metre frontage is out of scale with this domestic property and fails to comply with policies Des 1 and Des 12.

Other elements of the application include a bike store and a bin shed. The original location of the bike shed and bin store were considered inappropriate and contrary to non-statutory Guidance for Householders 'Garages and Outbuildings'. The amended location is considered acceptable and aligns with the principles set out in the guidance. They comply with policies Des 1 and Des 12.

c) Traffic impacts

The application was assessed in relation to parking and road safety. The Roads Authority advises it has no objections subject to informatives. The proposal accords with ELDP policy Tra 2 and Tra 4.

d) Public comments

Material representations - Objection

- Impact on character of Plewlands Conservation Area contrary to policy Env 6: this is addressed in section 3.3 a).
- Location of bin shed along the principal façade of the property: this is addressed in section 3.3 a).
- The proposed driveway will detract from the appearance of the terrace and reduce amenity of the street: this is addressed in section 3.3 a).
- The proposal removes available on-street parking for other residents: addressed in section 3.3 c).
- The proposal will have environmental impacts: addressed in section 3.3 b).

Non-material representations – Objection

- Condition extra hedge planting: hedges are not subject to planning control.
- Precedent: all cases are dealt with on their own merits.

Material representations - Support

- The proposal will reduce parking congestion on Comiston Drive.
- Only five/six properties on Comiston Drive could accommodate a driveway, three of which have already done it, therefore a precedence for similar applications cannot be set.
- The proposal will encourage the use of electric car.
- The design of the proposal is respectful of the area.

- The proposal meets parking regulations.
- The proposal increases safety for children.
- Similar works have previously been completed previously on Comiston Drive.
- Condition the relocation of the bin shed and bike store to go behind the hedge, use of permeable materials and compensate for loss of planting.

Non-material representations - Support

- The proposal will aid the applicant's profession as an on-call doctor and access for emergency services: this is not a material planning consideration.

Conclusion

The removal of the stone wall, railings and gate to construct a driveway does not accord with the principles set out in ELDP policies Des 1, Des 12 and Env 6 and is considered to have an adverse impact on the character and appearance of the Plewlands Conservation Area. The bike store and bin shed are considered appropriate in the amended location in accordance with the same policies and therefore will not have an adverse impact on the character and appearance of the Plewlands Conservation Area.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to the front garden sheds.

Reason for Condition:-

1. the sheds do not affect the character or appearance of the conservation area.

Reason for Refusal:-

1. This refusal relates to the formation of the driveway and the removal of the front wall.
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it does not draw upon the positive characteristics of the surrounding area.
3. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the design and form is not compatible with the character of the existing building.
4. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it does not preserve or enhance the special character or appearance of the conservation area.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 4 April 2019. Fifty six representations were received, twenty four representations in support of the application and thirty two representations objecting to the proposal. A full assessment of the elements raised can be found in the assessment section.

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan.
Date registered	20 March 2019
Drawing numbers/Scheme	01-03, 04A, 05A, 06-07, Scheme 2

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

Contact: Luke Vogan, Planning Officer
 E-mail: luke.vogan@edinburgh.gov.uk Tel: 0131 529 3618

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Appendix 1

**Application for Planning Permission 19/01115/FUL
At 15 Comiston Drive, Edinburgh, EH10 5QR
Create new car parking space by removing the front wall and railings for access. Add triple bin store and bike store with new path to front door and gravel areas.**

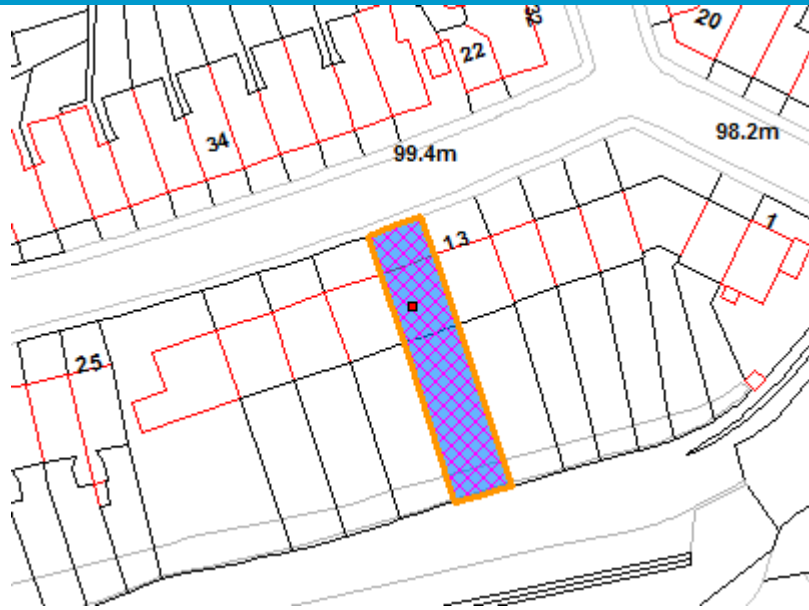
Consultations

ROADS AUTHORITY ISSUES

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

1. The off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Advert Consent 19/02194/ADV
At East Lodge, Edinburgh Zoo, 134 Corstorphine Road
Two freestanding digital billboards, measuring 6m wide by
3m tall. Five 4m tall canvas signs on westerly approach to
the zoo.**

Item number

Report number

Wards

B06 - Corstorphine/Murrayfield

Summary

The proposal is excessive in terms of both quantity and scale, and would also have a negative impact on existing landscape features and listed structures. Resultantly, the proposal would cause a loss of visual amenity to the existing streetscape and neighbourhood. The proposal does not comply with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Links

[Policies and guidance for this application](#)

NSG, NSADSP,

Report

**Application for Advert Consent 19/02194/ADV
At East Lodge, Edinburgh Zoo, 134 Corstorphine Road
Two freestanding digital billboards, measuring 6m wide by
3m tall. Five 4m tall canvas signs on westerly approach to
the zoo.**

Recommendations

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

Background

2.1 Site description

The application site relates to two areas of land on the frontage of Edinburgh Zoo.

The west area currently contains a single advance sign around 2m high over the 2m boundary wall. The pavement is wider here for a length of around 10m then the boundary wall has a grass verge containing a line of immature birch trees.

The east side is an unenclosed landscaped banking, again with a single advanced sign for the zoo. This is a totem style sign, rising to around 6m above the pavement, with a 3-dimensional penguin on its top.

The entrance pavilion stands on raised ground between the two areas. The pavilion is referred to as the "West Lodge" in the listing, and is listed category C in two parts, a central section dating from 1891, and 1913 wings, all listed on 11 November 1997, references. 44751 and 44752 respectively.

2.2 Site History

The zoo has a very long planning history but none is relevant to the current proposal.

Main report

3.1 Description Of The Proposal

The application has two elements:

- Five large banners on the road edge to the west of the entrance, standing above the boundary wall, 4m high and rising to a net height of around 6 or 7m over the pavement level.
- A pair (presumably in V-formation) of moving digital displays, each 6m wide x 3m high rising to a net height of around 5m over pavement level.

The submission is largely in the form of photomontages and accurate dimensions are not included.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

- a) the proposal would have an adverse impact on amenity;
- b) the proposal raises any issues in respect of public safety; and
- c) comments are addressed.

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

a) Amenity

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

The western banners appear to necessitate the loss and/or heavy trimming of existing trees. This is not quantified in the application. The replacement of a landscape view with a series of banners would have a major visual impact. Whilst the principle of signage in this area is acceptable, the scale and quantity is excessive, to the detriment of visual amenity.

The eastern (digital) displays are arguably less disruptive, sitting against a backdrop of the landscaped banking. However, the siting would sit awkwardly with the existing totem sign. This element is also considered too large in relation to its context.

The proposals flank the main entrance to the zoo, sections of which are a listed building. They will have an adverse impact on the setting of that building.

b) Public Safety

Given the nature of the adverts, in relation to the road, the Roads Authority were not consulted on the application.

Although it can be argued that the proposals are specifically designed to distract drivers, the proposal lies on a wide and gently curving section of the carriageway, and the proposal raises no issues in terms of road safety and would comply with The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 in terms of public safety.

c) Issues raised in Representations

Proposals are excessive and will visually harm the existing streetscape. This is addressed in 3.3 (a).

Conclusion

The proposal is excessive in terms of both quantity and scale, and would also have a negative impact on existing landscape features. Resultantly, the proposal would cause a loss of visual amenity to the existing streetscape and neighbourhood. The proposal does not comply with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and is recommended for refusal for this reason.

No other planning considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal would cause a loss of visual amenity to the existing streetscape and neighbourhood and adversely affect the setting of the listed structures. Therefore the proposal does not comply with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

AHSS wrote in objection to the negative visual impact of the proposals.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 7 May 2019

Drawing numbers/Scheme 1-9,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

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

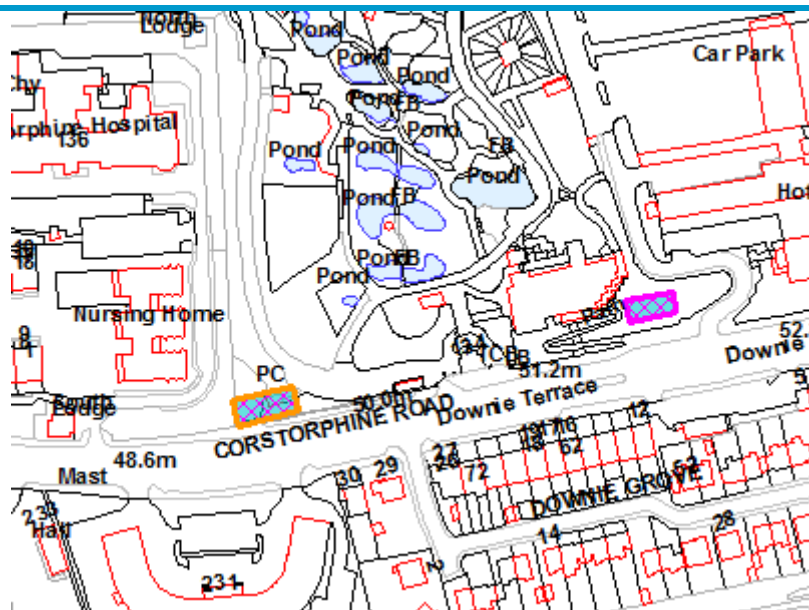
Appendix 1

**Application for Advert Consent 19/02194/ADV
At East Lodge, Edinburgh Zoo, 134 Corstorphine Road
Two freestanding digital billboards, measuring 6m wide by
3m tall. Five 4m tall canvas signs on westerly approach to
the zoo.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Advert Consent 19/03037/ADV
At 40 Ferry Road, Edinburgh, EH6 4AE
Advertisement of the following types: Fascia Sign.**

Item number

Report number

Wards

B13 - Leith

Summary

The advertisement complies with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity and safety.

Links

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

Report

Application for Advert Consent 19/03037/ADV At 40 Ferry Road, Edinburgh, EH6 4AE Advertisement of the following types: Fascia Sign.

Recommendations

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

Background

2.1 Site description

The property is one of a section of projecting shopfronts attaching late Victorian villas at the north end of Ferry Road, close to Leith Library. The terrace was listed category C on 30 March 1994 (ref.27020). The existing frontage has a roller shutter contained in a projecting box at the bottom of the fascia.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes new hand painted signage on the frontage of the property.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

- a) the proposal will have an adverse impact on amenity; and

b) the proposal will have an adverse impact on public safety.

a) Amenity

The proposed hand painted signage is of a scale and form that has no impact on the amenity of the area. The proposal is in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

b) Public Safety

The proposed signs do not raise any public safety in this location. The proposal is in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

Conclusion

The proposal will have an acceptable impact on the amenity of the location and on public safety. The proposal accords with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended). There are no material considerations which outweigh this conclusion as advertisement control shall be exercisable only in the interests of amenity and public safety.

The application has been referred to committee for consideration as the applicant is a relative of an officer of the planning service involved in the determination of applications.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 25 June 2019

Drawing numbers/Scheme 1,2,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

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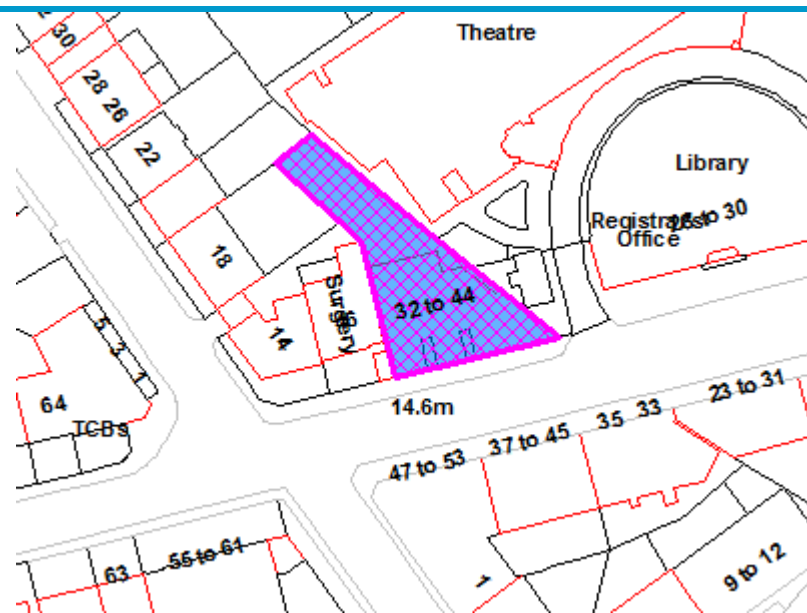
Appendix 1

**Application for Advert Consent 19/03037/ADV
At 40 Ferry Road, Edinburgh, EH6 4AE
Advertisement of the following types: Fascia Sign.**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00256/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising residential (flats) and
other commercial uses including Class 3 Food and Drink
and Class 11 Assembly and Leisure with associated access
roads, landscaping / public realm and car parking (as
amended).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposal broadly complies with the Edinburgh Local Development Plan and Edinburgh Design Guidance. Whilst there are deviations from the Fountainbridge Development Brief, these are acceptable in the context of the wider redevelopment of the area. The principle of a mixed use development is acceptable on this allocated site. The proposal forms part of a wider mix of uses and delivers a mix of housing types and sizes with integrated affordable housing. The development will enhance the edge of the Union Canal, create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area and sense of place. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSGD02, LDPP, LDEL02, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET11, LTRA02, LTRA03, LTRA04, LTRA10, LRS01, LDEL01, NSG,

Report

Application for Planning Permission 19/00256/FUL At Site At Former 159, Fountainbridge, Edinburgh Mixed use development comprising residential (flats) and other commercial uses including Class 3 Food and Drink and Class 11 Assembly and Leisure with associated access roads, landscaping / public realm and car parking (as amended).

Recommendations

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

Background

2.1 Site description

The site, covering an area of approximately 1.20 hectares, lies within the city centre, south east of Haymarket, west of Tollcross and borders the Union Canal. It is currently vacant brownfield land, forming part of the former Fountainbridge Brewery. It is bound to the north-east by phase one of this development which is under construction and further north by Fountainbridge. Edinburgh Quay, an existing office, residential and commercial development, sits on the eastern boundary. To the west, the site is bounded by additional former brewery land and Gilmore Park. To the south is the Union Canal, a Scheduled Monument (Index number 11097, 15 December 2003) and Local Nature Conservation Site.

Vehicular and pedestrian access to the site is taken from Fountainbridge, Gilmore Park and from the existing road which serves Edinburgh Quay and its underground car park. There is a substantial drop in ground level from the edge of the Union Canal and the southern part of the site.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief approved (amended 2005).

4 June 2007 - detailed planning permission granted for mixed use development with 171 housing units, commercial space, public open space and associated parking and service areas (as amended) (application number 03/04621/FUL).

24 September 2014 - masterplan application for planning permission in principle for mixed use development comprising offices, hotel/aparthotel, residential, commercial and retail uses with associated service roads, landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03848/PPP).

29 April 2015 - detailed planning application for a new 180 room aparthotel with service road, associated landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03847/FUL).

24 October 2017 - A Pre-Application Notice was submitted to the planning authority and the consultation approved (planning reference: 17/04964/PAN).

12 March 2019 - detailed planning application for a mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 was granted (planning reference: 17/05997/FUL).

Main report

3.1 Description Of The Proposal

The application is for detailed planning permission for a mixed-use housing led development comprising residential and other commercial uses including Class 3 Food and drink and Class 11 Assembly and leisure with associated access roads, landscaping/public realm works.

The residential element of the scheme comprises 234 residential properties ranging from studio to three-bedroom. The type of housing is predominantly flatted accommodation with eleven townhouses. 25% of the residential accommodation is affordable housing. The total commercial floor space, comprising food and drink and leisure uses created by the development will be 745sqm and located at key nodes.

The applicant proposes a development of two urban perimeter blocks of varied height between three and eight storeys. The commercial units are on the ground floor with residential flats above and townhouses facing the Union Canal. Public spaces will be provided between the two blocks and a new public square created at the foot of the Leamington Lift Bridge.

The scheme proposes to form two flat roof blocks with internal courtyard space. The external space around the blocks will form public realm. The height of the blocks range from 10m to the south to a maximum of 22.2m. Brick is the predominant building material of this proposal.

It is proposed to provide 95 car parking spaces and 528 cycle spaces which will be provided in an underground car park accessed from the north-east of the site.

Scheme 1

A number of amendments have been made during the assessment of the proposals. The main changes relate to:

- the use of brick tones was amended to improve the legibility of the blocks;
- the materials in the public realm were altered to simplify the design and comply with the Fountainbridge Public Realm Strategy; and
- boundary treatments on the west approach to the lift bridge were revised to incorporate views of the Leamington Lift Bridge.

Supporting Information

The following documents were submitted in support of the application:

- Air Quality Assessment;
- Daylighting Report;
- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Utilities Infrastructure Report;
- Planning Statement;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement; and
- View Analysis.

These documents can all be viewed on the Planning and Building Standards Online Service.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal would preserve or enhance the adjacent scheduled monument;
- c) the proposed design, scale and layout are acceptable;
- d) the mix of units and level of affordable housing are acceptable;
- e) the proposal provides an acceptable level of amenity for future occupiers and existing neighbours;

- f) the transport, access and parking arrangements are acceptable;
- g) the impact on infrastructure is acceptable;
- h) the proposal meets sustainability criteria;
- i) there are any other material issues; and
- j) representations raised issues to be addressed.

a) Principle of Development

The site is identified in the Edinburgh Local Development Plan (LDP) as a commercial led mixed-use site (reference CC3). Proposals will be expected to provide mixed use development including a local centre, residential, office, small business units, retail, leisure and community uses.

The Fountainbridge Development Brief supports residential development as a key component of the overall redevelopment of the area. Commercial uses are also supported that facilitate the establishment of a new community and contribute towards the vitality of the area.

A Proposal of Application Notice (PAN) included a wider site area and the subsequent applications have been submitted in two phases. Phase one of the PAN area including a hotel and office space was granted planning permission (planning reference: 17/05997/FUL). This proposal (phase two) is a residential-led development with commercial uses at the ground floor level.

The proposed residential and commercial uses when considered with the phase one office and hotel will provide a good mix of uses in accordance with the strategy of the LDP and make a positive contribution towards the wider redevelopment of Fountainbridge. In summary, the principle of a residential-led mixed use scheme at this location is acceptable, subject to compliance with other LDP policies.

b) Historic Environment

The site is bound by the Scheduled Monument known as Union Canal which terminates at the Lochrin Basin, east of the site. The monument includes the canal, Leamington Lift Bridge, banks to both sides and the towing path running along the north side which lies adjacent to this site.

Policy Env 8 Protection of Important Remains states that development will not be permitted which would adversely affect a scheduled monument or the integrity of its setting.

The proposal will enhance the setting of the monument through providing an attractive, active frontage to the canalside. The frontage will be offset from the towpath and bound by a privacy strip comprising corten edging and soft landscaping. The existing towpath will be preserved in situ. Connections between public realm and the existing towpath will use similar thresholds to provide continuity and incorporate key views towards the Leamington Lifting Bridge from Grove Street.

The canal edging and material are considered appropriate and enhanced public access to the towpath will be provided. The development will enhance the setting of the scheduled monument and there will be no detrimental impact on any archaeological features. Historic Environment Scotland has been consulted and does not object to the application.

c) Design, Scale and Layout

Layout and Density

Policy Des 1 - Design Quality and Context, Des 3 - Development Design - Incorporating and Enhancing Existing and Potential Features, Des 7 - Layout Design and Des 8 - Public Realm and Landscape Design of the LDP support schemes with a comprehensively designed layout and demonstrate an integrated approach to the layout of buildings, streets, footpaths and open space. Layouts should incorporate and enhance existing features contributing towards a sense of place. The layout should connect with the wider network and encourage walking, cycling and support public transport. The Fountainbridge Development Brief aspires to integrate new development with the wider area and improve permeability.

Policy Hou 4 - Housing Density seeks an appropriate density having regard to the characteristics of the area and creating an attractive residential environment. Accessibility to public transport and supporting local facilities are key criteria to be considered.

The proposal broadly complies with the urban framework set out in the development brief for this site. The layout of the two phases have been co-ordinated to deliver a comprehensively designed mixed use development taking into account neighbouring schemes. The layout compliments the surrounding context and provides a high quality development in accordance with the principles established through the development brief. A clear hierarchy of routes and public spaces have been reinforced within the proposals for the two phases. The hierarchy of routes and spaces has generated a scheme of two courtyard blocks separated by the central pedestrian street leading to the tow path.

Two key nodes include an active frontage and increased scale to reinforce the nature of these spaces. This provision of commercial units including food and drink and leisure uses and primary entrance routes to the blocks will activate the facades of the scheme on all sides. There is also a civic square to the west of the phase one scheme and a proposed public space adjacent to the Leamington Lift Bridge.

The node along the west of the site is the primary public space providing a link between Fountainbridge and the Union Canal for pedestrians and cyclists. The route is designed as a shared surface and a high quality public realm connecting the existing public routes. The route incorporates a key view from Grove Street towards the Leamington Lift Bridge, integrating the Canal into the wider Fountainbridge area.

Through the centre of the site is a secondary public space that provides public terraced gardens and a route from north to south of the site. The design addresses the change in gradient of the site and provides an accessible route to the Union Canal. North of Phase Two will be a shared surface route with pedestrian priority. The primary vehicular route through the site is north of phase two and provides access to the underground car park and Freer Street.

The space between buildings along the primary public space is around 18m, below the 20m street width aspiration of the development brief. However, the proposed width does not detract from the overall quality of the public realm or design of the scheme. Accordingly, it is considered that an infringement on the brief is acceptable and the proposals broadly comply.

The density of the development is commensurate with phase 1 and new development in the surrounding area and complies with policy Hou 4.

Height, Scale and Massing

LDP Policy Des 4 - Development Design - Impact on Setting supports development that will have a positive impact on its surroundings, including the character of the wider townscape, landscape and impact on existing views having regards to height, scale and massing. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales and offers guidance on the height of new development. It states that in general, buildings should be set out to 16 metres to eaves and 19 metres to ridge, with a street width of 20 metres at ground floor level. However, the guidance provided on heights should not be used as a rule book or a method of calculating the maximum development potential of sites.

The character of the area is a mix of architectural scales. To the south of the Union Canal, the scale is predominantly low rise with a mix of residential and industrial properties. New developments surrounding Lochrin Basin vary from five to eight storeys, including residential and commercial uses. These buildings incorporate a range of materials from panellised stone to render. Most of the buildings around the canal are modern. Further to the north are traditional tenement buildings and several listed buildings including the A listed Pilkington tenement on Grove Street.

Analysis into the local context identifies that the site sits amongst three distinct massing characteristics in the surrounding area including the Exchange Business District, emerging developments and low rise residential areas to the south of the canal. The proposed massing of this proposal responds to each of these conditions in order to successfully integrate into the urban grain of Fountainbridge.

The business district is characterised by tall buildings focussed around the east end of Fountainbridge and Semple Street. New residential developments such as Springside and India Quay have established a new massing characteristic to the area. This is characterised by increased density and taller massing. Residential areas to the south of the Union Canal are characterised by two - four storey tenement blocks. The massing south of the Union Canal is lower and less dense than that to the north of the canal.

The proposed maximum height of the proposal is around 22.2m to the ridge which sits above the development brief height. However, in the context of the neighbouring buildings the proposal sits comfortably within its surroundings. The northern edge of the site will correlate with the massing of phase one and then step down towards the canal. The prevailing height along the southern edge of the site is 10m with 16m pop ups at key nodes facing civic spaces. The building height correlates with the buildings on the south side of the Canal that are predominantly three storeys in height.

The applicant has submitted verified views that show how the development will sit amongst the wider Edinburgh townscape. The verified views demonstrate that the proposed buildings will be visible below the skyline and merge with existing buildings in viewcone C1d Castle Ramparts - Pentland Hills . Views of Edinburgh Castle will be protected and there will be no significant adverse effect on long views.

Design and Materials

Policy Des 1 Design Quality and Context of the LDP supports development where it will create or contribute towards a sense of place. The scheme should draw on the positive characteristics of the surrounding area and be of a high standard of design.

The scheme proposes two urban blocks with internal courtyard space. The external space around the blocks will form public realm. The blocks are cubic in form with Juliet balconies, recessed windows and smaller window fenestration. Commercial space is on the ground floor in corner units and is well located for public access.

The building's elevations are ordered by a bottom, middle and a top. The bottom of the building is articulated as a 'plinth' of varying heights between one and two storeys and relate to the nature of the accommodation behind. The middle makes up the main portion of the façade of the residential levels with windows set into deep reveals. The parapets on the top storey are articulated with a pre-cast concrete capping or metal pressing and correlate with the material below.

The blocks are predominantly brick and use four tones including three red and one grey. The red tones are used on the external walls facing onto the public realm and grey brick is used for the internal courtyard facades and the townhouses. The commercial units will be highlighted in turquoise glazed brick or tiles.

The Fountainbridge Development Brief states that the predominance of stone in the surrounding area should form the key reference point for the design of new proposals. However, the material palette of new buildings in Fountainbridge is mixed and brick has become a characteristic of the area. The proposed design is of a high quality and reflects the changing mixture of materials in the area. Accordingly, a deviation from the Fountainbridge Development Brief is deemed to be acceptable.

d) Housing Mix and Affordable Housing

LDP Policy Hou 2 - Housing Mix requires a mix of housing types and sizes on suitable sites. The EDG stipulates that there should be at least 36 square metres of internal space for studios, 52 square metres per one bedroom unit, 66 square metres per two bedroom unit and 81 square metres per three bedroom unit.

The scheme represents a mix of housing types and sizes ranging from studio flat to three bedroom townhouse. Details of the mix are as follows:

Studio 10	4.4%
1 Bed 108	40.2%
2 Bed 73	31.2%
3 Bed 43	18.4%

All units accord with the internal space guidelines and in most flats exceed the guidance. The mix of units will make a positive contribution to the residential accommodation within this community.

Affordable Housing

Policy Hou 6 Affordable Housing of the LDP requires developments of 12 or more units to include provision for affordable housing amounting to 25% of the total number of units proposed.

The scheme includes 25% affordable housing representing 58 units on the site. The units range from one to three bedroom flats and the mix is representative of the overall mix of the scheme. Units will be distributed throughout the site and will be tenure blind. Housing tenure will be 'intermediate rent' and to be secured by legal agreement.

e) Amenity

Daylighting, Sunlight and Privacy

Policy Des 5 Development Design - Amenity of the LDP supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed.

The applicant has submitted a daylight report which assesses the level of daylighting on the proposed development and the impact on neighbouring properties. The proposed and existing windows were assessed by Vertical Sky Component (VSC) and Average Daylight Factor (ADF). The proposed development achieves a pass rate of 95%. This translates to 95% to windows achieving at least the minimum standard level of daylight when assessed by either methodology stated above.

Four windows from Edinburgh Quay fail to meet the minimum standards when assessed by VSC and ADF. The fail rate is marginal and will not affect reception rooms. Accordingly, the impact on neighbours is negligible and will not have an unacceptable detrimental impact on neighbouring amenity.

The Edinburgh Design Guide (EDG) requires half of new garden space to be capable of receiving potential sunlight during the spring equinox of more than three hours. The applicant has demonstrated that at least 50% of public realm is capable of receiving sunlight between 11am and 1pm. A high concentration of the sunlight to public realm is on the west approach and the terraced gardens. At least 50% of private garden space will also be capable of receiving direct sunlight between 11am and 1pm on the spring equinox.

In terms of privacy, the ground floor privacy of residents has been considered in the design of the development. The main living space of the townhouses are to the rear facing the courtyard. A buffer zone between public spaces and the façade is created by the formation of gardens with edging and soft landscaping of privacy planting. The buildings are set above ground level and avoid eye level views into private properties.

The privacy of existing residents of Edinburgh Quay has been addressed in the design. The gable of Block D elevation is used for private bedroom accommodation and the existing Edinburgh Quay development windows are from the bedroom and kitchen. The fenestration of Block D has been designed to avoid direct overlooking of the neighbouring windows. The EDG stipulates that the privacy of gables to existing housing is not protected.

Air Quality

The site is not located within any of the declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. The Air Quality Impact Assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the development on air flows and, therefore, dispersion on emissions from road traffic sources on Fountainbridge. Despite an increase in concentrations due to the "canyon effect" caused by development on both sides of the street, the predicted levels remain below the required air quality objective levels for NO₂, PM₁₀ and PM_{2.5}. A prioritised pedestrian/cycle route and enhanced pedestrian space to the Canal will be provided and support modal shift, mitigating increased vehicle emissions.

Uses

The applicant proposes to introduce Class 3 food and drink uses that will result in commercial cooking at the ground floor level. An adequate extract flue and ventilation system capable of 30 air changes per hour will be installed to protect the neighbouring amenity. This use is acceptable on this basis. In addition, Policy Ret 7 - Entertainment and Developments support leisure uses within the City Centre provided it can be integrated successfully and will not lead to significant noise and disturbance. The proposals meet this criteria and are acceptable in policy terms.

Noise

The applicant has submitted a frequency analysis which has highlighted that plant noise would adversely impact future residents and mitigation measures will be required. The applicant has proposed mitigation measures in the form of upgraded glazing, acoustic barrier and mechanical ventilation. Environmental Protection has no objection to the application subject to compliance with recommended planning conditions. However, some of the restrictions are unreasonable, such as class 11 being yoga only, and have not been applied.

f) Transport

The scheme has been assessed against policies Del 1- Developer Contributions and Infrastructure Delivery, Tra 1- Location of Major Generating Development, Tra 2 - Private Car Parking, Tra 3 - Private Cycle Parking, Tra 4 - Commercial Centres and Tra 8 Entertainment and Leisure Developments - Other Locations of the LDP. The policies support development on suitable sites in the City Centre that are accessible. Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

Cycle and Pedestrian Permeability

As part of the development proposals pedestrian routes will be introduced in the form of high quality public realm and link with the existing infrastructure on Freer Street, Fountainbridge and the Union Canal. In addition, the development layout has been designed to connect to and expand on the street network consented for the adjacent office and hotel development.

The scheme will create a comprehensive public realm and pedestrian access to the canal adjacent to Gilmore Park. The completion of the public realm space in conjunction with the works already consented for the hotel and office will ensure a high quality pedestrian and cycle connection between Bruntsfield, Leamington Lift Bridge and Grove Street.

Parking

The car parking provision is 95 spaces, including 16 electric vehicle charge points, seven disabled spaces and 18 motorbike spaces. The maximum standards allow for a maximum of 234 spaces. However, given the city centre and accessible location of the site, a lower level of provision is encouraged. The provision of basement parking is in accordance with policy and guidance and will eliminate the impact on visual amenity of the area and allow the creation of an attractive public realm.

Cycle provision of 528 spaces is provided at basement level. The provision exceeds the standards of the Edinburgh Design Guidance and will supplement the slight under provision of cycle parking in phase one. The Roads Authority was consulted and raised no objections.

Servicing

The development will be serviced on the road north of the consented development separating phase one and two. This avoids conflict with the main public routes. A turning arrangement is proposed in the north east corner of the development to facilitate vehicles turning out of the existing service road without causing conflict with the entrance to Edinburgh Quay car park.

The design of the streetscape and buildings prioritises pedestrian/cycle movement and the site is well served by public transport. The proposed uses within the development will not give rise to any road safety or transport issues, subject to the transport interventions and appropriate contributions being secured.

g) Infrastructure

Tram

Policy Del 1 states that contributions towards the tram network will be sought from future development which impacts on or creates the need for this infrastructure. The Developer Contributions and Infrastructure Delivery Supplementary Guidance requires that where a development falls within 750 metres of the tram corridor it should pay a contribution calculated using Zone 3 weightings. The Roads Authority has assessed the proposal as being outwith Zone 3. However, major developments on land outwith the defined zone 3 will also be considered with regard to their net impact on transport infrastructure.

Given the location of the site and the nature of the uses, it is expected that the tram will be used to access the development. Therefore, the development warrants a tram contribution. The site is calculated to be 830 metres from the nearest tram stop (phase one and two were considered as a whole). The total contribution requested for Phase Two is £96,647 (based on 234 residential units and 382sqm Class 3).

Healthcare and Education Infrastructure

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Draft Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Healthcare

LDP Policy Hou 10 states that planning permission will only be granted where there are associated proposals to provide any necessary health facilities relative to the impact and scale of development proposed. The Action Programme sets out a requirement for an expansion to Polwarth medical practice to mitigate the impact of CC3 Fountainbridge.

This site is located within the Polwarth Contribution Zone. The Council is seeking a contribution of £71.40 per dwelling towards the expansion of the existing premises. The contribution towards healthcare facilities equates to £16,708 (£71.40 x 234 units).

Education

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area BJ-1 of the Boroughmuir James Gillespie's Contribution Zone within the draft Developer Contributions and infrastructure Delivery Supplementary Guidance. The assessment was based on 11 houses and 105 flats (excluding one bedroom flats), using the established 'per house' and 'per flat' rates for that zone. The total land contribution required is £174,796.

h) Sustainability

LDP policy Des 6 - Sustainable Buildings sets criteria to help tackle the causes and impacts of climate change. The applicant has submitted a sustainability form in support of the application. The proposal is a major development and has been assessed against Part B of the form. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria of the S1 Sustainability Form and contains a number of other measures such as increased cycle parking to address sustainability issues. The new buildings will be required to meet the building regulations and domestic waste collections including recycling bins will form part of the development.

i) Other Material Considerations

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. SEPA has no objection to the application. The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policy Env 21 Flood Protection.

j) Public Comments

Neighbours were notified of Scheme 1 on 6 February 2019 and re-notified of Scheme 2 on 11 April 2019.

Material Representations - Objections

- Scale, design and layout; this is addressed in section 3.3 b);
- Daylight and sunlight; this is addressed in section 3.3 e);
- Privacy; this is addressed in section 3.3 e);
- Noise and air quality; this is addressed in section 3.3 e);
- Overshadowing; this is addressed in section 3.3 e); and
- Transport; this is addressed in section 3.3 f).

Representations - Support

- Scale, design and layout; and
- Landscaping.

Non-Material Representations

- Loss of private view;
- Existing maintenance of site; and
- Comments relating to phase one.

Community Council

The Tollcross Community Council did not request to be a statutory consultee but supported the application on the following grounds:

- Mix and size of properties;
- Integration of affordable housing; and
- Mix of uses.

Conclusion

The proposal broadly complies with the Edinburgh Local Development Plan and Edinburgh Design Guidance. The principle of a mixed use development is acceptable on this allocated site. The proposal forms part of a wider mix of uses and delivers a mix of housing types and sizes with integrated affordable housing. The development will enhance the edge of the Union Canal, create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area and sense of place. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. No development shall commence until a noise impact assessment has been submitted which details the specific noise glazing and ventilation mitigation measures required to meet the noise levels specified in the noise impact assessment Reference UK12-24974 dated November 2018. This must be submitted to and approved in writing by the Planning Authority. All mitigation measures shall be implemented before occupation of any part of the development.
5. No development shall commence until a noise impact assessment has been submitted which details the specific noise mitigation measures required to mitigate noise from the proposed class 3 uses. This must be submitted to and approved in writing by the Planning Authority. All mitigation measures shall be implemented before occupation of the Class 3 units.
6. The proposed car park extracts shall be located no closer than 20m to sensitive receptors openable windows.
7. Prior to the Class 3 use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no GA Plan Level 8 - Roof dated 21/12/2018 and 'addendum 5' dated 9 April 2019 shall be implemented.
8.
 - i) Within 6 months of the commencement of development the applicant shall submit and gain approval from the Planning Authority for a public art scheme in accordance with the Fountainbridge Public Realm Strategy.
 - ii) Within 12 months of the first occupation of any part of the accommodation the approved public art shall be completed in accordance with the approved public art scheme.

9. No development shall take place on the site until details including sections, elevations, materials and siting of the proposed acoustic screen (shown on drawing 48) are submitted by the applicant and approved by the Planning Authority. The proposed screening shall be implemented before occupation of Block D (as shown in drawing 02).
10. The following noise protection measures to the proposed residential units as defined in the Ranboll Internal Noise Level Memo' report (Ref 1620004357), dated 4/06/2019:
 - Glazing units with a minimum insulation value of 4/20/4mm double glazing shall be installed for the bedroom and living room external doors and windows on facades highlighted in figure 4.1.
 - A close 3m boarded acoustic barrier shall be erected with the facing material having a minimum surface density of 7 kg/m² and be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base. The barrier shall be located as shown in Figure 3.1.
 - Alternative mechanical ventilation shall be installed to serve all living rooms and bedroom with windows on the facades highlighted in figure 4.1.Shall be implemented before the occupation of the first property in Block D.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to protect the development's occupants and human health.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to ensure that a high standard of public art is achieved, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.
9. In order to safeguard visual amenity.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

Tram Contribution Zone - £96,647 (based on 234 units, 382m² Class 3) to the Edinburgh Tram.

The applicant will contribute the sum of £2,000 to progress a suitable order to introduce parking prohibition on civic area and associated shared space as necessary for the development. The applicant will contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed

Healthcare

Polwarth Contribution Zone - £71.40 per dwelling: £16,708.

Education

Boroughmuir James Gillespie's Contribution Zone Sub-Area BJ-1 £174,796.

Affordable Housing

25% on site provision (58 units) mix as follows:

1 bed	34
2 bed	16
3 bed	8

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

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

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should submit an updated Travel Plan within 6 months of the development being occupied.
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
8. The 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
9. Electric vehicle charging points shall be installed to serve under-croft carparking spaces. Charging points shall have a minimum output of 7Kw (type 2 sockets) and be fully installed and operational prior to occupation.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

The scheme was subject to extensive pre-application discussions and the Edinburgh Urban Design Panel and this has influenced the proposed scheme.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 11 February 2019. Neighbours were notified of the application on 6 February 2019 and 21 days were allowed for comments. The proposals that formed Scheme 1 received six objections and one general comment.

Neighbours were re-notified on 11 April 2019 to allow for comments to be submitted on revised plans and further information for Scheme 2. Scheme 2 received five objections and one supporting representation.

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

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan
Date registered	31 January 2019
Drawing numbers/Scheme	01 - 03, 4A, 05 - 20, 21A - 40A, 41 - 49, Scheme 2

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

Contact: Declan Semple, Planning Officer
 E-mail: declan.semple@edinburgh.gov.uk Tel: 0131 529 3968

Links - Policies

Relevant Policies:

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

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

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

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

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

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

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

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

Relevant Non-Statutory Guidelines

Appendix 1

**Application for Planning Permission 19/00256/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising residential (flats) and
other commercial uses including Class 3 Food and Drink
and Class 11 Assembly and Leisure with associated access
roads, landscaping / public realm and car parking (as
amended).**

Consultations

Affordable Housing response dated 19/07/2019

1. Introduction

I refer to the consultation request from the Planning Department about this planning application. Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

2. Affordable Housing Provision

This application is for a Build To Rent (BTR) development consisting of 234 homes and the AHP will apply. There will be an AHP requirement for a minimum of 25% (58) homes of approved affordable tenures. The developer entered into an early dialogue with the Council to agree the tenure of the affordable housing and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 58 (25%) of the new homes, which are central within the development and offer an integrated mix of house types. This is welcomed by the department.

On 3 October 2018, revised guidance on BTR developments was approved by Planning Committee as part of the report Edinburgh Design Guidance Post Approval Review. A section of the Guidance sets out the key characteristics of "Purpose Built Homes for Rent". Affordable homes are required to be tenure blind, fully compliant with latest building regulations and consistent with the Edinburgh Design Guidance. The affordable homes are situated next to regular public transport links and are located close to local amenities and nearby schools.

BTR developments can deliver housing at a scale and pace, which is rarely matched by traditional housing for sale providers. Housing for sale tends to be reliant on short term financing which is repaid through sales, with risk managed by building and releasing relatively small numbers of homes to the market at any time to limit financial exposure. BTR can deliver housing at scale and affordable homes without grant subsidy. The grant freed up by BTR could be channelled into delivery of social rented homes.

The affordable housing within this BTR development will be delivered by the applicant as "intermediate rent", which is an accepted affordable tenure, and will be secured by Section 75 Agreement as affordable housing for a minimum of 25 years. Rents are restricted to Local Housing Allowance levels, in line with policy. No grant funding is required for the delivery of these affordable homes.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. This department welcomes this approach which will assist in the delivery of a mixed sustainable community. The affordable housing will be secured by a Section 75 Legal Agreement.

o The applicant will deliver the affordable housing as "intermediate rent", an accepted type of affordable housing, with rents set at Local Housing Allowance levels for a minimum of 25 years.

o The affordable housing will include a variety of house types and sizes to reflect the provision of homes across the wider site

o All the affordable homes must meet the Edinburgh Design Guidance and space standards

o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind". These units will be centrally located within the development.

o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

I would be happy to assist with any queries on the affordable housing requirement for this application.

Scottish Water comment

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following.

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps

10 or more domestic dwellings

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Trade Effluent Discharge from Non Dom Property

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer.

Environmental Protection - response dated 25/06/2019

The applicant has submitted further information to address the main outstanding noise issue, plant serving the neighbouring building. Environmental Protection had stressed that a frequency analysis was required to assess plant noise and this has now been done. Internal noise levels should be achieved commensurate with NR25 allowing for the windows to be open. The applicants noise addendum has highlighted that NR25 will not be achievable with windows open. Mitigation has been recommended in the form of an acoustic barrier which will provide acoustic protection to the lower floors. Acoustic glazing with mechanical ventilation will be required for all other effected facades.

The applicant has confirmed the exact location of the main plant noise sources as being within the neighbouring development and not the plant on Freer Street.

The applicant has submitted a frequency analysis which has highlighted that the plant noise would adversely impact future residents and mitigation measures will be required. The applicant has proposed mitigation measures in the form of upgraded glazing, acoustic barrier and mechanical ventilation with supporting referenced drawings although not all are detailed enough to allow conditions to be referenced accordingly therefore the noise impact assessment has been referenced.

Therefore, Environmental Protection would recommend that all the applicants noise mitigation measures are fully implemented to ensure impacts on amenity is minimised based on this layout. All conditions below are recommended by Environmental Protection in order to ensure the impacts on amenity are minimised;

Conditions

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

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

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

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

2. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the unit shall be restricted to yoga only, and no other use within Class 11 of the Order.

3. The following noise protection measures to the proposed residential units as defined in the Ranboll Internal Noise Level Memo' report (Ref 1620004357), dated 4/06/2019:

-Glazing units with a minimum insulation value of 4/20/4mm double glazing shall be installed for the bedroom and living room external doors and windows on facades highlighted in figure 4.1.

-A close 3m boarded acoustic barrier shall be erected with the facing material having a minimum surface density of 7 kg/m² and be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base. The barrier shall be located as shown in Figure 3.1.

-Alternative mechanical ventilation shall be installed to serve all living rooms and bedroom with windows on the facades highlighted in figure 4.1.

shall be carried out in full and completed prior to the development being occupied.

4.No development shall commence until a noise impact assessment has been submitted which details the specific noise glazing and ventilation mitigation measures required to meet the noise levels specified in the noise impact assessment Reference UK12-24974 dated November 2018. This must be submitted to and approved in writing by the Planning Authority.

5.No development shall commence until a noise impact assessment has been submitted which details the specific noise mitigation measures required to mitigate noise from the proposed class 3 uses. This must be submitted to and approved in writing by the Planning Authority.

6.The car park extracts shall be located no closer than 20m to sensitive receptors openable windows.

7.Electric vehicle charging points shall be installed to serve all under-croft carparking spaces. Charging points shall have a minimum output of 7Kw (type 2 sockets) and be fully installed and operational prior to occupation.

8.Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no GA Plan Level 8 - Roof dated 21/12/2018 and 'addendum 5' dated 9 April 2019 shall be implemented.

Environmental Protection - response dated 12/02/2019

The proposed development is the second phase of a two stage development and follows on from phase one which consisted of a hotel with commercial units (planning application 17/05997/FUL). This proposal (phase 2) is for a residential lead mixed use development.

The Freer Street site (formerly no. 159 Fountainbridge) sits adjacent to Edinburgh Quay at the eastern end of the Union Canal. The site forms part of Site 1 of the Fountainbridge Development Brief.

The site is generally surrounded by commercial buildings of varying scale. The Freer Street site is bordered by the Exchange Business District to the north east. The business and financial area is typically characterised by tall commercial buildings. Edinburgh Quay is immediately adjacent to the east of the site. The development comprises offices, residences and a number of un-let commercial units on the ground floor. The site is bounded by Fountainbridge to the north, and the Union Canal to the south.

There are a number of vacant brownfield sites along Fountainbridge. Developments recently completed include the Hampton by Hilton, Lochrin Basin development, Springside Phase 1 and the Boroughmuir High School. A number of major schemes have also been recently consented including residential development at India Quay immediately to the west of the site, and Springside Phase 2 as well as the phase 1 hotel to the north.

The site sits within 'Site 1' of the Fountainbridge Development Brief. (2005) An aspiration of the development brief is to integrate new development with the wider area and promote improved movement through the site to the city beyond.

Environmental Protection have provided input at the pre planning stage and raised a number of issues that would need to be addressed when the full application was submitted. The issues requiring require further detailed information included local air quality, noise, commercial ventilation and it was advised contaminated land could be conditioned. Environmental protection has also provided a consultation response on the planning permission in principle application (14/0281/PPP) which covered this site.

The applicant has submitted a supporting noise impact assessment. A noise survey was carried out at the development site to establish the existing noise climate and to assess potential noise impacts affecting and arising from the development.

Noise

The proposal includes the introduction of unspecified Class 3 and 11 premises. The applicant has advised that the class 11 use is likely to be a yoga studio or small gym, but Environmental Protection need to know exactly where this/these unit(s) will be located. Some uses within, Class 11 premises are not necessarily compatible within predominantly residential development. Such premises require to be adequately conditioned and appropriately sited to be able to operate within a residential area without impacting upon residential amenity. Such premises will require a restrictive condition to specific only yoga use or a noise impact assessment assuming worst case scenario recommending detailed measures designed to protect localised residential amenity. Therefore, Environmental Protection will only support unspecified, Class 11 premises including within this application if the applicant provides specific information (Noise Impact Assessment) which proves that localised amenity will be protected. In this regard, the location of such premises is essential at this detailed planning stage. This would allow an adequate assessment of the location of such premises to ensure that residential amenity will not be detrimentally affected by the premises which can cause noise and disturbance.

It may be possible to restrict the use within class 11 to yoga only without the requirement of any noise impact assessment, however the location of the unit would need to be highlighted. If the applicant proposed a small gym then again this could be restrict within the class 11 use but Environmental Protection would require a supporting noise impact assessment as this use is likely to adversely impact residential amenity if not designed and mitigated acoustically. The location of any proposed gym would also need to be identified.

Environmental Protection need to know the exact location of the proposed class 3 uses. The noise impact assessment has not assessed any proposed class 3 uses. This must be carried out to ensure that noise mitigation measures are designed to ensure that no noise breakout will effected any proposed/existing residential above or over looking the proposed class 3 units. Details of the class 3 uses are also required for ventilation of odour issues which will also create plant noise and must be covered in a noise impact assessment.

The proposed under ground car park requires extracts to ventilate the car park. The vents will be located on the north (inlets) and east (extracts) elevations of the proposed development. For exhaust emission reasons the extract must be located 20m from any sensitive receptors. Environmental Protection require this to be highlighted an elevation. The location of the extracts may be creating a noise issue for the proposed development its not clear if this has been assessed. It is also noted that the eastern facade of the proposed development are already exposed to excessive levels of plant noise from the QUAY2 building. This has been identified in the applicants noise impact assessment.

The noise impact assessment has highlighted that noise from the neighbouring QUAY2 low level plant will adversely impact the proposed residential properties located to the north east facades of the proposed 'eastern building'. Environmental Protection highlighted this noise source at an early stage and was expecting the applicant to design out the issue by not locating residential use near to the extract. The applicant has however proposed residential units close to the QUAY2 plant and suggested acoustic glazing supported with mechanical ventilation to mitigate the noise impacts. This is not acceptable, Environmental Protection require this type of noise to be assessed using a frequency analysis and for mitigation to allow for windows to be open. Furthermore it should be noted that any proposed mitigation measures are specific with supporting referenced drawings and detailed enough to allow conditions to be referenced accordingly.

It developed out as proposed it is likely that complaints would be received regarding noise from the QUAY2 plant. Any subsequent investigation by Environmental Health would involve noise assessing the noise with windows opened albeit against nuisance criteria which is a lesser level of protection when compared against amenity levels.

Therefore Environmental protection would recommend that the application is refused due to concerns that the noise impact assessment has not considered the worst-case scenarios and proposed mitigation measures that are not supported by Environmental Protection.

Local Air Quality

The applicant has highlighted that the site is not located within any of declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. It should be noted that any vehicles visiting the site will need to travel through part of a AQMA.

The proposal includes the potential for car parking provision in excess of thresholds contained within non-statutory guidance on air quality assessment, and the proposals include a centralised energy centre comprising a gas-fired Combined Heat and Power (CHP) plant and gas-fired boilers for domestic heating and hot water. Therefore, due to the sensitivity of the area to changes in local air quality, a detailed Air Quality Impact Assessment (AQIA) has been undertaken and submitted in support of the application.

The development proposals have been amended since the pre-application consultation. Substantial car parking facilities are proposed (97 undercroft spaces) as part of the development, therefore the increase in traffic flows associated with the development have been assessed in the AQIA.

The phase 1 air quality impact assessment had highlighted that a change in concentrations will occur within the main section of street canyon only, between the proposed site development and the Hampton Hotel on opposite side of road. The maximum increase in concentrations is ~25% increase in NO2 occurring at first floor level at the façade of the Hampton Hotel and the façade of the hotel proposed as part of the development. The increase in PM10 and PM2.5 was less in percentage terms. No change in concentrations was predicted outside of the street canyon; therefore the highest changes were restricted to commercial receptors on Fountainbridge. The highest change at a residential property was an approximate increase in concentrations of 16-17% at first floor properties at the junction of Fountainbridge and Grove Street. Despite the increase in concentrations due to canyon effects the predicted levels remained below the required air quality objective levels for NO2, PM10 and PM2.5. Its important to note that both phases of these developments are linked. The creation of the partial canyon by phase 1 and now the introduction of large car park has both got to be considered together. The phase 1 development will have access to this Phase 2 application car park.

The site is very well served with pedestrians and cycle paths. The site is also located near to the Haymarket transport hub with a high level of amenity also provided locally. Environmental protection would strongly recommend that that applicant reviews the excessive level of proposed car parking for such a well connected site.

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

The applicant has stated that they will install 16 electric vehicle charging points .It should be highlighted that this is the minimum requirement stipulated in the Edinburgh Design Guidance that must be achieved. Edinburgh has made huge progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of fuel emissions will contribute to improving air quality, and their quieter operation will mean that a major source of noise will decrease.

The proposed car parking area is in an undercroft area which makes it extremely simple to incorporate charging points. The applicant should consider providing more than the minimum requirement for charging points due to the development close proximity to the AQMA and to mitigate the excessively high level car parking spaces. The applicant would need to install 7Kw (Type 2 sockets) charging points throughout the car park as a minimum standard.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

Rapid (50KW) charging provision must be provided for non-residential developments. Information on fast and rapid chargers is detailed in the following technical guidance. Information on the infrastructure being provided should be included in the supporting transport submission provided with a detailed application. As a minimum rapid charging points shall be located to support taxis and service vehicles.

The proposed development includes a underground car park with 97 spaces which needs to be ventilated. The car park needs to have two air intakes, one being the open entrance and a second which is a perforated shutter on the north side. Induction fans in the car park will push the air to the east side where extraction fans will discharge the air outside at least 20 m away from a sensitive receptor. Environmental Protection shall recommend a condition is attached ensuring that the extract is located no closer than 20m to sensitive receptors. The applicant will need to provide a detailed elevation highlighting the extract points and demonstrating that they are located 20m from any proposed and existing sensitive receptors.

The proposed development includes a centralised energy centre comprising a gas-fired CHP plant (57kW Elco Varion 25 unit) and two gas-fired boilers (2 x 1300kW boilers) for domestic heating and hot water. Environmental Protection had previously advised the applicant that all combined heat and power units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. The applicant has provided a chimney height calculation within the AQIA. The proposed energy plant exceeds 1MW therefore the applicant will need to include secondary abatement technology to further reduce NOX. It should also be noted that plant of this size is classified as a 'Medium Combustion plant' and now must be registered or permitted with Scottish Environment Protection Agency.

Cooking Odours

The applicant proposes introducing class 3 uses that will introduce commercial cooking. Environmental Protection advised the applicant to provide specific details on where these uses will be located and show the commercial flues on drawings. Environmental protection needs this information before we can consider supporting the application.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore, Environmental Protection recommends that the application is refused due to concerns with noise and odour amenity. Concerns have also been highlighted regarding impacts on local air quality mainly due to excessive car parking numbers being proposed.

Archaeology - response dated 12/02/2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for mixed use development comprising residential (flats) and other commercial uses including classes 1, 2, 3 and 11 all with associated access roads, landscaping / public realm and car-parking.

The site occupies part of the former McEwan's Fountainbridge brewery demolished in the early 2000's. Lying between Fountainbridge and the southern bank of the Union Canal, a Scheduled Ancient Monument, the site prior to the late 18th century was thought to open farmland bisected by a burn (now canalised as a sewer) which ran east-west towards what is now Lochrin Basin. The construction of the Canal in the 1820's opened up this site for industrial and housing development, which occurred throughout the following decades. The 1849 1st Edition OS Map shows the site as open ground (? Orchards) but with a rope walk across the application sites northern boundary. However, by 1876 the site has been fully developed with a range of buildings including a rope walk and an Iron Foundry.

Therefore, the application site is regarded as occurring within an area of archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9.

Buried Archaeology

The proposed development will require extensive excavations in terms of construction, landscaping, utilities etc which will adversely impact upon any surviving remains. However, given the results from earlier evaluation and recent demolition activities, the potential significance of such impacts is likely to be low. It is recommended however that if consent is granted, that as part of the overall archaeological mitigation a programme of archaeological work is undertaken during development in order to fully excavate, record and analyse any significant archaeological remains.

It is recommended that the following condition, based upon condition 19 of the 2014 PPP application (14/02814/PPP), is attached in order fully record any buried remains as follows;

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

Archaeological Public Engagement Interpretation

As stated in the 2014 applications covering the overall Fountainbridge redevelopment, Fountainbridge has been central to the industrial heritage of Edinburgh from the late-18th century through to the end of the 20th. According a condition (20) was attached to the 2014 PPP application requiring that this rich heritage was interpreted throughout the development of this area, of which application site forms a central part. Accordingly, site specific interpretation should be undertaken in collaboration with interpretive proposals covering the wider Fountainbridge development sites.

It is recommended therefore that the following condition, based upon condition 20 of the 2014 PPP application (14/02814/PPP), is attached;

' No development shall take place on the site until the applicant has submitted details of a heritage interpretation plan for approval by the planning authority in consultation with CEC Archaeology.'

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

Tollcross Community Council - response dated 12/02/2019

We have followed the preparation of this application and (phase 1) and been generally supportive, particularly of phase 2 for housing (this application).

We are keen for this gap site to be developed and our preference is for housing as virtually none has been delivered on developments in the area up to now. We feel that the mix of sizes is better than most local developments and does provide the proportion of larger flats. Also the provision of the mix for affordable housing is also better than other developments. We also approve of the commercial developments as specified in the application. Whilst the dimensions of the flats meet the guidelines, we feel that they are still rather small, which seems to be a UK problem.

In terms of design, we like the lower-rise buildings along the canal and feel that some note has been taken of locals' preferences on that score and the garden spaces do enhance the area.

Overall Tollcross Community Council supports this application.

Historic Environment Scotland - response dated 19/02/2019

Thank you for your consultation which we received on 06 February 2019. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
SM11097	Union Canal, Fountainbridge to River Almond	Scheduled Monument

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We note the site boundary for this application may overlap with the above scheduled monument - works within the scheduled area may require scheduled monument consent. We can confirm that the applicant has already engaged in pre-application discussions with us regarding this.

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

Further Information

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

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

Building Standards - response dated 11/02/2019

Geo-environmental Phase I & II reports would be required for the Building warrant application as this was a former brewery site.

Flood Planning - response dated 12/02/2019

Thanks for the consultation request. I have reviewed the documents on the portal and am happy that this satisfies the requirements of flood prevention at this stage so that it can proceed to determination with no further comments from our department.

Waste Management - response dated 06/02/2019

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

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at justine.stansfield@edinburgh.gov.uk

I understand that there will be 234 properties, although it is not clear how many of these are houses, and usually these have different waste requirements.

Compliance with Waste Strategy (Domestic Waste Only)

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

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

For high density properties such as the flats, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

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

Waste Management Responsibilities

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

The commercial aspect would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

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

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. We would need to see some explanation of how the bin stores would be serviced, if we are expected to service bins from each location. If we are to enter the site, we require vehicle tracking to show how we would access each bin store and turn, where necessary, and exit safely.

The vehicle swept path provided does not highlight the distance from bin stores, and would need to be amended to show the location and distance from each bin store.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

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

Communities + Families - response dated 06/03/2019

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

Assessment and Contribution Requirements

Assessment based on:

105 Flats (118 one bedroom / studio flats excluded)

11 Houses

This site falls within Sub-Area BJ-1 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

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

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required: £174,796

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

Edinburgh Urban Design Panel

1 Recommendations

1.1 In general, the Panel was supportive of the mixed-use approach and the development in principle.

1.2 In developing the proposals the Panel suggests the following matters should be addressed:

- Relationship with adjacent development sites
- Principle, use and quality of shared surface
- Residential environment including sunlight/daylight/outlook/open space
- Sustainability
- Relationship of office/hotel buildings on Fountainbridge
- Creation of a less sterile environment and more celebration of canal side location.

2 Introduction

2.1 The site, covering an area of approximately 1.16 hectares, lies to the south of Fountainbridge. The site was previously occupied by the Fountainbridge Brewery, but is now vacant.

2.2 The site is designated as being within City Centre Proposal 3 in the Edinburgh Local Development Plan (LDP), where comprehensive mixed use redevelopment is supported. The site is identified for commercial led mixed use. There is an approved development brief for the site (Fountainbridge Development Brief 2005).

2.3 The proposal is for a mixed use development of offices, hotel/aparthotel, residential (flats) and other commercial uses including classes 1, 2, 3, 11 and public house all with associated access roads, landscaping public realm and car parking.

2.4 The site was reviewed in August 2013 but this is the first time that these proposals have been reviewed.

2.5 No declarations of interest were made by any Panel members in relation to this scheme.

2.6 This report should be read in conjunction with the pre meeting papers which provide a project and planning overview, historic plans, local context plans with photos, site analysis, indicative framework and a concept proposal.

2.7 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

3 Relationship with wider redevelopment of Fountainbridge

3.1 The Panel supported the redevelopment of the site as part of the wider Fountainbridge development. The Panel considered it critical that this site sets a good precedent and considers the relationship with the adjacent site and the wider area to ensure it does not compromise redevelopment opportunities. It is important that there is future-proofing with other development sites.

4 Movement and Parking

4.1 The Panel had major concerns about the shared surface between the two development blocks. In particular, the shared surface is an issue for children and those with visual impairment (further consultation with Disability Scotland etc. was recommended).

4.2 There are a number of users for that space i.e. vehicles accessing car parking, servicing, hotel drop-off etc. and this multi-use needs to be looked at and controlled. The Panel asked the developer to consider whether it was possible to shorten the route to the underground car park to help reduce surface traffic movements and whether the hotel drop off/ pick-up could be to Fountainbridge. It was raised whether the entry and exit for vehicles could be closer together for example on Freer Street only.

4.3 The Panel highlighted that similar shared surfaces have been affected by vehicle parking and therefore some thought needs to be given to controlling parking on the shared space i.e. self-enforcing features and/or the roadway being adopted and having parking restrictions.

4.4 The zig-zag ramp and stair combination needs to be carefully considered in terms of ease of access for pedestrians, cyclists and residents.

4.5 The Panel advocated that a bridge over the Canal would help pedestrian movement. A crossing between Fountainbridge and Grove Street is important as this is a pedestrian desire line. The west bound bus stop requires a shelter.

4.6 The canal tow path can be busy at peak times; it needs more space if people are going to linger there. The cobbles on the tow path are difficult to negotiate for wheel-chair users.

4.7 The Panel highlighted the Council's Street Design Guidance and that the development should comply with this guidance i.e. kerb radii, footways on Fountainbridge.

5 Amenity

5.1 The Panel had some concerns about the affordable housing and the open space being limited shared space. Daylighting was raised as a concern for the lower flats in the courtyard including the family units - a daylighting study should be done. The outlook of some of the family units is unfortunate. Consideration should be given to children's play areas.

6 Sustainability

6.1 More consideration needs to be given to sustainability including an energy strategy.

7 Design/ Context

7.1 The Fountainbridge elevation was a concern in terms of the junction and relationship between the hotel and office building. It looked like two separate buildings coming together rather than an urban block. It was raised that the horizontal and then vertical treatment did not work together. More consideration needs to be given so it reads as two buildings and this could be mitigated with, for example, a change in materials or colour. The appearance is stark and some softening of the elevation would be welcome.

7.2 The Panel asked whether there was enough feel for the Canal edge and whether the development celebrated the water edge and street edge enough. Overall, it was considered that the development was sterile and more could be done to create a better atmosphere/ place.

7.3 The Panel was not convinced about the width of the courtyard in relation to the number of storeys and the levels of daylight/sunlight. One option could be to lower the height on the canal side to allow more sun into the courtyard with a possible increase in height on the opposite side. On the edges, the outlook into the existing offices are not ideal.

7.4 The Panel suggested that examples of other similar sized squares should be provided to support the application.

7.5 The north elevation of the residential block was unresolved with the blank elevations being vulnerable to graffiti. It was questioned whether there was scope for other uses here i.e. workshops, live/work units. The elevation is not very welcoming and the residential environment i.e. location and distance to front doors needs to be thought through.

8 Landscaping

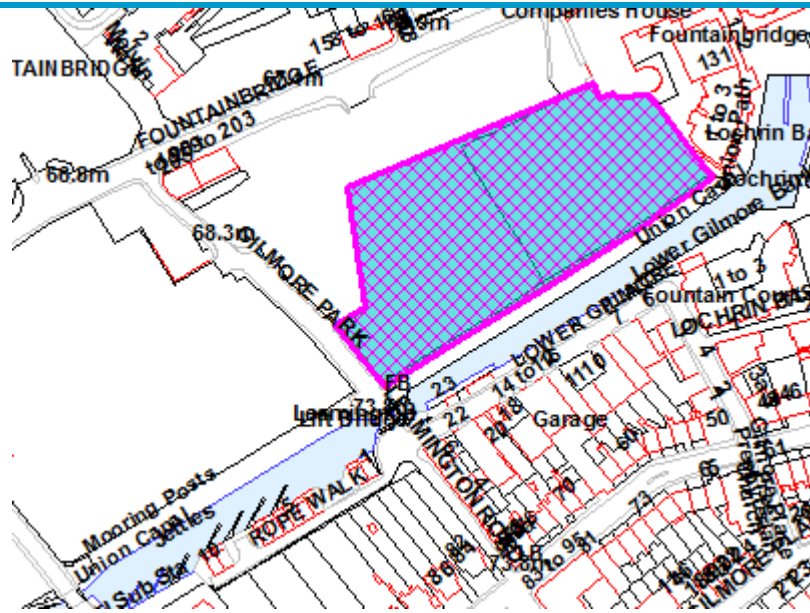
8.1 The Panel raised that the landscaping does not have to be all green but there needs to be a balance.

8.2 Consideration needs to be given to the spacing of the trees and whether green walls could be introduced to soften the development. Future management of the landscaping needs to be given early consideration.

9 Affordable Housing

9.1 The Panel supported the affordable housing on the site. However, it had some concerns about the separation of the affordable housing, whether it looked segregated and whether it could be integrated within the main residential block.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00869/FUL
At Land 296 Metres South Of 17, Frogston Road East,
Edinburgh
Change of house types and creation of 7 additional units to
form 13 terraced houses.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES07, LHOU02, LHOU04, OTH, NSGD02,

Report

Application for Planning Permission 19/00869/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 7 additional units to form 13 terraced houses.

Recommendations

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

Background

2.1 Site description

This application relates to an area within the wider Broomhills residential development site. This site is located in the southern part of the site, fronting the central area of open space.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus a site for a new Primary School (Application number: 14/04860/FUL).

21 February 2019 - Planning applications submitted for additional units in various other zones across the wider site:

- Planning application reference: 19/00868/FUL for an additional 16 units;
- Planning application reference: 19/00869/FUL for an additional 7 units (this application);
- Planning application reference: 19/00871/FUL for an additional 5 units;
- Planning application reference: 19/00872/FUL for an additional 10 units.

Main report

3.1 Description Of The Proposal

This application seeks to change the house types and increase the number of units in one of the zones of development within the wider Broomhills development site (application reference 14/04860/FUL).

The previously approved layout for this zone showed 6 detached houses. The proposed layout is for 13 terraced houses, thus the total increase in numbers from the original permission is 7 units.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. Additional affordable housing units are provided under application reference 19/00871/FUL, which is also within the wider site.

The road structure, building frontages, open space provision and parking provision has remained unchanged from the original planning permission.

The proposed terraced houses are the same house types as previously approved as part of the original permission under application reference 14/04860/FUL.

Supporting Information

The following documents have been submitted in support of the application:

- Updated Noise Report
- Updated Air Quality Report
- Updated Transport Assessment

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) The proposal is acceptable in principle;
- (b) There are any amenity issues;
- (c) There is any additional impact on infrastructure; and
- (d) There are any other issues or representations.

(a) The Principle of the Development

The site is allocated for housing (Broomhills HSG 21) and is currently being developed as part of planning permission 14/04860/FUL. This meets the requirements of LDP Policy Hou 1 (Housing Development).

LDP Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes to meet a range of housing needs. In this instance, the terraced houses are acceptable and they will help to maintain a mix of unit sizes across the wider site. It will also help make more efficient use of this allocated site by increasing the overall housing provision.

Similarly, LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development by having regards to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility to public transport and a high quality of urban living.

This proposal meets the requirements of Policy Hou 4, in that the additional units are similar to the characteristics of the wider development and will create an acceptable residential environment which fronts on to an area of open space. The overall density of the wider development will only be marginally increased, but this is not to the detriment of amenity. Therefore, the increase in unit numbers is acceptable in terms of Policy Hou 4.

The additional units in this part of the development are acceptable as the site will still retain a mix of unit types and sizes within the site, and is in accordance with LDP policies.

(b) Amenity

LDP Policy Des 5 (Development Design - Amenity) states that issues of noise, daylight, sunlight and privacy are considerations given to housing developments. The units are proposed to be changed from detached houses to terraced houses. This increases the density but the units retain adequate garden ground and there are no issues with privacy or overlooking. The houses along the southern and eastern boundaries will retain a good level of amenity due to the outlook onto open space.

The proposal is in accordance with LDP Policy Des 5.

(c) Infrastructure Impacts

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any additional impact.

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area LG-1 of the Liberton/Gracemount Education Contribution Zone. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Infrastructure contributions are required in order to mitigate the increase in unit numbers with regards to education and transport. The total amount of education contribution for this application is £166,187. Transport actions total £2973 towards the Burdiehouse junction.

Additional affordable housing provision will be provided within another pod within the wider site and this is acceptable and will be secured through a legal agreement.

On the basis that the applicant agrees to pay these contributions, the proposal is in accordance with LDP Policy Del 1.

The Air Quality assessment does not identify any additional impacts that require mitigation.

(d) Other Issues and Representations

There have been no comments received in relation to this application.

Conditions are recommended to tie in with the original planning permission (reference 14/04860/FUL) for the wider site in relation to contamination, flooding and landscaping.

There are no other material issues that have arisen that require to be assessed.

Conclusion

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Building Standards.
2. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013, attached to planning permission 14/04860/FUL.
3. The landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To ensure that the site is suitable for redevelopment.
2. In the interests of flood prevention.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been signed in respect of:

- £166,187 for education provision;
 - £2973 for transport infrastructure;
 - Affordable housing in relation to the contributions as part of planning application 19/00871/FUL.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
 3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

The application will be subject of a legal agreement.

In total across the four applications for additional units, the education contribution is £703,446 and £86,236 for the land contribution breakdown is:

Application 1 (18/00869/FUL) - 16 extra houses - £388,544 and £41,312 for land;
 Application 2 (19/00873/FUL) - 6 extra flats and 4 extra houses; £110,994 and £13940 for land. Take away 5 houses (£105795 and £12910 = £118705) = £6229;
 Application 3 (19/00868/FUL) - 16 extra houses - £338544 and £41312 for land;
 Application 4 (19/00872/FUL) - 10 extra houses - £211590 and £25820 for land.

Transport contributions total £2,973 towards the Burdiehouse Junction Transport Contribution Zone.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is an allocated housing site in the Edinburgh Local Development Plan (HSG 21).

Date registered

21 February 2019

Drawing numbers/Scheme

01-07,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 19/00869/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 7 additional units to form 13 terraced houses.

Consultations

Affordable Housing - 21 May 2019

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

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

2. Affordable Housing Requirement

This application is for a development for 13 homes and as such the AHP will apply. A minimum of 25% (3) of these homes will be required to be of approved affordable housing tenure.

This application is part of a larger development site that has planning permission of 633 homes of which 158 are affordable (14/04860/FUL). The applicant has submitted four new applications which will increase the overall number of homes from 633 to 671 and this increases the number of affordable homes required to 168. The additional 10 affordable homes will be delivered at the site subject of another application (19/00871/FUL). This is acceptable.

The applicant has stated that the affordable housing requirement for this planning application will delivered on another site located within the wider development at 17 Frogston Road East. This is acceptable but as this is a new application, a new S75 legal agreement will be required to secure the affordable housing across the whole development and for this application.

Roads Authority - 02 July 2019

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

1. The applicant will be required to contribute the sum of £2,973 to the Burdiehouse Junction Transport Contribution Zone (see note below);
2. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

The existing permission (Ref.14/04860/FUL) included a transport contribution of £223,474 for the overall site of 633 units based on 56% of the £400,000 cost of the junction improvements. The revised cost of the junction improvements is now £480,000 as set out in the Council's developer contribution document. Therefore, the existing permission would have been required to contribute £268,800 (i.e. 56%), a cost per unit of £424.65.

The proposed application adds 7 units to the permitted site which is considered to require a contribution of £2,973 (based on £424.65 per unit).

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00871/FUL
At Land 296 Metres South Of 17, Frogston Road East,
Edinburgh**

**Change of house types and creation of 5 additional units to
form 22 cottage flats, 15 terraced houses and 2 semi-
detached houses.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES07, LHOU02, LHOU04, OTH, NSGD02,

Report

Application for Planning Permission 19/00871/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 5 additional units to form 22 cottage flats, 15 terraced houses and 2 semi- detached houses.

Recommendations

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

Background

2.1 Site description

This application relates to an area within the wider Broomhills residential development site. This site is located in the southern part of the site, fronting the SUDS area and open space.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus a site for a new Primary School (Application number: 14/04860/FUL).

21 February 2019 - Planning applications submitted for additional units in various other zones across the wider site:

- Planning application reference: 19/00868/FUL for an additional 16 units;
- Planning application reference: 19/00869/FUL for an additional 7 units;
- Planning application reference: 19/00871/FUL for an additional 5 units (this application);
- Planning application reference: 19/00872/FUL for an additional 10 units.

Main report

3.1 Description Of The Proposal

This application seeks to change the house types and increase the number of units in one of the zones of development within the wider Broomhills development site (under application reference 14/04860/FUL).

The previously approved layout for this zone showed 16 affordable cottage flats, 11 terraced houses, four semi-detached houses and three detached houses. The proposed layout is for 22 affordable cottage flats, 15 affordable terraced houses and two private semi-detached houses. Thus the total increase in numbers from the original permission is five units, comprising 10 additional affordable units and five less private dwellings.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. This application is providing the affordable provision for the total increase across the four sites.

The road structure, building frontages, open space provision and parking provision will be unchanged from the original planning permission.

The proposed terraced houses are the same house types as previously approved as part of the original permission under application reference 14/04860/FUL.

Supporting Information

The following documents have been submitted in support of the application:

- Updated Noise Report
- Updated Air Quality Report
- Updated Transport Assessment

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) The proposal is acceptable in principle;
- (b) There are any amenity issues;

(c) There is any additional impact on infrastructure; and

(d) There are any other issues or representations.

(a) The Principle of the Development

The site is allocated for housing (Broomhills HSG 21) and is currently being developed as part of planning permission 14/04860/FUL. This meets the requirements of LDP Policy Hou 1 (Housing Development).

LDP Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes to meet a range of housing needs. In this instance, the terraced houses and cottage flats are acceptable and they will help to maintain a mix of unit sizes across the wider site. It will also help make more efficient use of this allocated site by increasing the overall housing provision.

Similarly, LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development by having regards to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility to public transport and a high quality of urban living.

This proposal meets the requirements of Policy Hou 4, in that the additional units are similar to the characteristics of the wider development and will create an acceptable residential environment which fronts on to an area of open space. The overall density of the wider development will only be marginally increased, but this is not to the detriment of amenity, and the cottage flats have the required amount of private open space. Therefore, the increase in unit numbers is acceptable in terms of Policy Hou 4.

The additional units in this part of the development are acceptable as the site will still retain a mix of unit types and sizes within the site, and is in accordance with LDP policies.

(b) Amenity

LDP Policy Des 5 (Development Design - Amenity) states that issues of noise, daylight, sunlight and privacy are considerations given to housing developments. The units are proposed to be changed from detached houses to terraced houses and cottage flats. This increases the density but the units retain adequate garden ground and there are no issues with privacy or overlooking. The houses along the southern and eastern boundaries will retain a good level of amenity due to the outlook onto open space.

The proposal is in accordance with LDP Policy Des 5.

(c) Infrastructure Impacts

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any additional impact.

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area LG-1 of the Liberton/Gracemount Education Contribution Zone. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Infrastructure contributions are required in order to mitigate the increase in unit numbers with regards to education and transport. The total amount of education contribution for this application is £6229. Transport actions total £2123 towards the Burdiehouse junction.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. This application is providing the affordable provision for the total increase across the four sites. This is acceptable and will be secured through a legal agreement.

On the basis that the applicant agrees to pay these contributions, the proposal is in accordance with LDP Policy Del 1.

The Air Quality assessment does not identify any additional impacts that require mitigation.

(d) Other Issues and Representations

There have been no comments received in relation to this application.

Conditions are recommended to tie in with the original planning permission (reference 14/04860/FUL) for the wider site in relation to contamination, flooding and landscaping.

There are no other material issues that have arisen that require to be assessed.

Conclusion

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Building Standards.
2. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013, attached to planning permission 14/04860/FUL.
3. The landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To ensure that the site is suitable for redevelopment.
2. In the interests of flood prevention.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been signed in respect of:
 - £6229 for education provision;
 - £2123 for transport infrastructure;
 - Affordable housing with regards to providing additional affordable housing across the site commensurate with the additional units within this application and the following related planning applications: 19/00868/FUL, 19/00869/FUL and 19/00872/FUL.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

The application will be subject of a legal agreement.

In total across the four applications for additional units, the education contribution is £703,446 and £86,236 for the land contribution breakdown is:

Application 1 (18/00869/FUL) - 16 extra houses - £388,544 and £41,312 for land;
Application 2 (19/00873/FUL) - 6 extra flats and 4 extra houses; £110,994 and £13940 for land. Take away 5 houses (£105795 and £12910 = £118705) = £6229;
Application 3 (19/00868/FUL) - 16 extra houses - £338544 and £41312 for land;
Application 4 (19/00872/FUL) - 10 extra houses - £211590 and £25820 for land.

Transport contributions total £2123 towards the Burdiehouse Junction Transport Contribution Zone.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is an allocated housing site in the Edinburgh Local Development Plan (HSG 21).

Date registered

21 February 2019

Drawing numbers/Scheme

01-11,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 19/00871/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 5 additional units to form 22 cottage flats, 15 terraced houses and 2 semi- detached houses.

Consultations

Affordable Housing - 21 May 2019

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

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

2. Affordable Housing Requirement

A minimum of 25% (8.8) of these homes will be required to be of approved affordable housing tenure.

This application is part of a larger development site that has planning permission of 633 homes of which 158 are affordable (14/04860/FUL). The applicant has submitted four new applications which will increase the overall number of homes from 633 to 671 and this increases the number of affordable homes required to 168. The additional 10 affordable homes will be delivered at this site. This is acceptable.

The applicant has stated that the affordable housing requirement for this planning application will delivered for the additional units at Frogston Road East. This is acceptable but as this is a new application, a new S75 legal agreement will be required to secure the affordable housing across the whole development and for this application.

Roads Authority - 02 July 2019

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

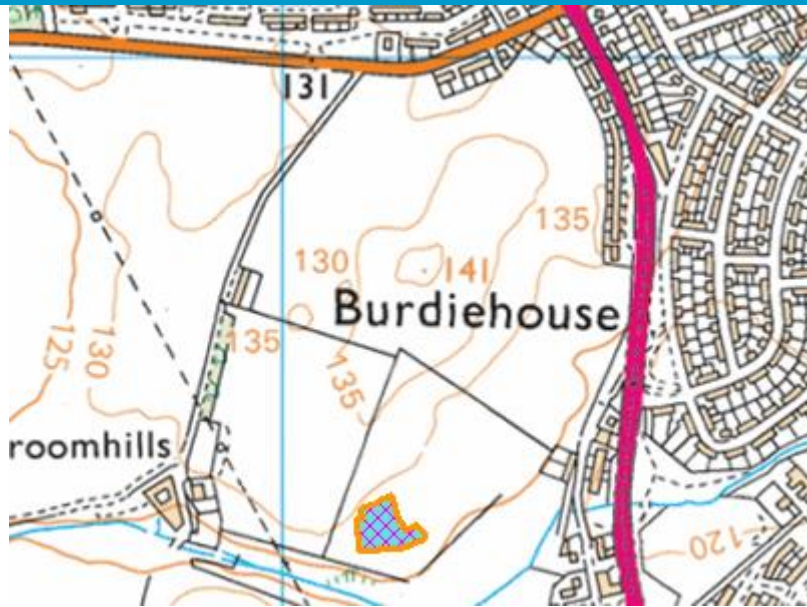
- 1. The applicant will be required to contribute the sum of £2,123 to the Burdiehouse Junction Transport Contribution Zone (see note below);*
- 2. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
- 3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

The existing permission (Ref.14/04860/FUL) included a transport contribution of £223,474 for the overall site of 633 units based on 56% of the £400,000 cost of the junction improvements. The revised cost of the junction improvements is now £480,000 as set out in the Council's developer contribution document. Therefore, the existing permission would have been required to contribute £268,800 (i.e. 56%), a cost per unit of £424.65.

The proposed application adds 5 units to the permitted site which is considered to require a contribution of £2,123 (based on £424.65 per unit).

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00872/FUL
At Land 296 Metres South Of 17, Frogston Road East,
Edinburgh
Change of house types and creation of 10 additional units
to form 22 terraced houses.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

Links

[Policies and guidance for this application](#)

LDPP, LDES07, LDEL01, LHOU02, LHOU04, OTH, NSGD02,

Report

Application for Planning Permission 19/00872/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 10 additional units to form 22 terraced houses.

Recommendations

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

Background

2.1 Site description

This application relates to an area within the wider Broomhills residential development site. This site is located in the south eastern part of the site, fronting the open space.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus a site for a new Primary School (Application number: 14/04860/FUL).

21 February 2019 - Planning applications submitted for additional units in various other zones across the wider site:

- Planning application reference: 19/00868/FUL for an additional 16 units;
- Planning application reference: 19/00869/FUL for an additional 7 units;
- Planning application reference: 19/00871/FUL for an additional 5 units;
- Planning application reference: 19/00872/FUL for an additional 10 units (this application).

Main report

3.1 Description Of The Proposal

This application seeks to change the house types and increase the number of units in one of the zones of development within the wider Broomhills development site (application reference 14/04860/FUL).

The previously approved layout for this zone showed 12 detached houses. The proposed layout is for 22 terraced houses, thus the total increase in numbers from the original permission is 10 units.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. Additional affordable housing units are provided under application reference 19/00871/FUL, which is also within the wider site.

The road structure, building frontages, open space provision and parking provision will be unchanged from the original planning permission.

The proposed terraced houses are the same house types as previously approved as part of the original permission under application reference 14/04860/FUL.

Supporting Information

The following documents have been submitted in support of the application:

- Updated Noise Report
- Updated Air Quality Report
- Updated Transport Assessment

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) The proposal is acceptable in principle;
- (b) There are any amenity issues;
- (c) There is any additional impact on infrastructure; and
- (d) There are any other issues or representations.

(a) The Principle of the Development

The site is allocated for housing (Broomhills HSG 21) and is currently being developed as part of planning permission 14/04860/FUL. This meets the requirements of LDP Policy Hou 1 (Housing Development).

LDP Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes to meet a range of housing needs. In this instance, the terraced houses are acceptable and they will help to maintain a mix of unit sizes across the wider site. It will also help make more efficient use of this allocated site by increasing the overall housing provision.

Similarly, LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development by having regards to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility to public transport and a high quality of urban living.

This proposal meets the requirements of Policy Hou 4, in that the additional units are similar to the characteristics of the wider development and will create an acceptable residential environment which fronts on to an area of open space. The overall density of the wider development will only be marginally increased, but this is not to the detriment of amenity. Therefore, the increase in unit numbers is acceptable in terms of Policy Hou 4.

The additional units in this part of the development are acceptable as the site will still retain a mix of unit types and sizes within the site, and is in accordance with LDP policies.

(b) Amenity

LDP Policy Des 5 (Development Design - Amenity) states that issues of noise, daylight, sunlight and privacy are considerations given to housing developments. The units are proposed to be changed from detached houses to terraced houses. This increases the density but the units retain adequate garden ground and there are no issues with privacy or overlooking. The houses along the southern and western boundaries will retain a good level of amenity due to the outlook onto open space.

The proposal is in accordance with LDP Policy Des 5.

(c) Infrastructure Impacts

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any additional impact.

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area LG-1 of the Liberton/Gracemount Education Contribution Zone. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Infrastructure contributions are required in order to mitigate the increase in unit numbers with regards to education and transport. The total amount of education contribution for this application is £237,410. Transport actions total £4246 towards the Burdiehouse junction.

Additional affordable housing provision will be provided within another pod within the wider site. This is acceptable and will be secured through a legal agreement.

On the basis that the applicant agrees to pay these contributions, the proposal is in accordance with LDP Policy Del 1.

The Air Quality assessment does not identify any additional impacts that require mitigation.

(d) Other Issues and Representations

There have been no comments received in relation to this application.

Conditions are recommended to tie in with the original planning permission (reference 14/04860/FUL) for the wider site in relation to contamination, flooding and landscaping.

There are no other material issues that have arisen that require to be assessed.

Conclusion

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Building Standards.
2. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013, attached to planning permission 14/04860/FUL.
3. The landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To ensure that the site is suitable for redevelopment.
2. In the interests of flood prevention.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been signed in respect of:

- £237,410 for education provision;
 - £4246 for transport infrastructure;
 - Affordable housing in relation to the contributions as part of planning application 19/00871/FUL.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
 3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

The application will be subject of a legal agreement.

In total across the four applications for additional units, the education contribution breakdown is:

Application 1 (18/00869/FUL) - 16 extra houses - £388,544 and £41,312 for land;
Application 2 (19/00873/FUL) - 6 extra flats and 4 extra houses; £110,994 and £13940 for land. Take away 5 houses (£105795 and £12910 = £118705) = £6229;
Application 3 (19/00868/FUL) - 16 extra houses - £338544 and £41312 for land;
Application 4 (19/00872/FUL) - 10 extra houses - £211590 and £25820 for land.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is an allocated housing site in the Edinburgh Local Development Plan (HSG 21).

Date registered

21 February 2019

Drawing numbers/Scheme

01-10,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 19/00872/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 10 additional units to form 22 terraced houses.

Consultations

Affordable Housing - 21 May 2019

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

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

2. Affordable Housing Requirement

A minimum of 25% (8.8) of these homes will be required to be of approved affordable housing tenure.

This application is part of a larger development site that has planning permission of 633 homes of which 158 are affordable (14/04860/FUL). The applicant has submitted four new applications which will increase the overall number of homes from 633 to 671 and this increases the number of affordable homes required to 168. The additional 10 affordable homes will be delivered at the site subject of another application (19/00871/FUL). This is acceptable.

The applicant has stated that the affordable housing requirement for this planning application will delivered on another site located within the wider development at 17 Frogston Road East. This is acceptable but as this is a new application, a new S75 legal agreement will be required to secure the affordable housing across the whole development and for this application.

Roads Authority - 02 July 2019

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

1. The applicant will be required to contribute the sum of £4,246 to the Burdiehouse Junction Transport Contribution Zone (see note below);
2. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

The existing permission (Ref.14/04860/FUL) included a transport contribution of £223,474 for the overall site of 633 units based on 56% of the £400,000 cost of the junction improvements. The revised cost of the junction improvements is now £480,000 as set out in the Council's developer contribution document. Therefore, the existing permission would have been required to contribute £268,800 (i.e. 56%), a cost per unit of £424.65.

The proposed application adds 10 units to the permitted site which is considered to require a contribution of £4,246 (based on £424.65 per unit).

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00868/FUL
At Land 296 Metres South Of 17, Frogston Road East,
Edinburgh
Change of house types and creation of 16 additional units
to form 39 terraced houses.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

Links

[Policies and guidance for this application](#)

LDPP, LDES07, LDEL01, LHOU02, LHOU04, OTH, NSGD02,

Report

Application for Planning Permission 19/00868/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 16 additional units to form 39 terraced houses.

Recommendations

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

Background

2.1 Site description

This application relates to an area within the wider Broomhills residential development site. This site is located in the southern part of the site, fronting the open space and tree belt.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus a site for a new Primary School (Application number: 14/04860/FUL).

21 February 2019 - Planning applications submitted for additional units in various other zones across the wider site:

- Planning application reference: 19/00868/FUL for an additional 16 units (this application);
- Planning application reference: 19/00869/FUL for an additional 7 units;
- Planning application reference: 19/00871/FUL for an additional 5 units;
- Planning application reference: 19/00872/FUL for an additional 10 units.

Main report

3.1 Description Of The Proposal

This application seeks to change the house types and increase the number of units in one of the zones of development within the wider Broomhills development site (application reference 14/04860/FUL).

The previously approved layout for this zone showed 19 detached houses. The proposed layout is for 35 terraced houses. Thus the total increase in numbers from the original permission is 16 private dwellings.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. Additional affordable housing units are provided under application reference 19/00871/FUL, which is also within the wider site.

The road structure, building frontages, open space provision and parking provision has remained unchanged from the original planning permission.

The proposed terraced houses are the same house types as previously approved as part of the original permission under application reference 14/04860/FUL.

Supporting Information

The following documents have been submitted in support of the application:

- Updated Noise Report
- Updated Air Quality Report
- Updated Transport Assessment

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) The proposal is acceptable in principle;
- (b) There are any amenity issues;
- (c) There is any additional impact on infrastructure; and
- (d) There are any other issues or representations.

(a) The Principle of the Development

The site is allocated for housing (Broomhills HSG 21) and is currently being developed as part of planning permission 14/04860/FUL. This meets the requirements of LDP Policy Hou 1 (Housing Development).

LDP Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes to meet a range of housing needs. In this instance, the terraced houses are acceptable and they will help to maintain a mix of unit sizes across the wider site. It will also help make more efficient use of this allocated site by increasing the overall housing provision.

Similarly, LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development by having regards to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility to public transport and a high quality of urban living.

This proposal meets the requirements of Policy Hou 4, in that the additional units are similar to the characteristics of the wider development and will create an acceptable residential environment which fronts on to an area of open space. The overall density of the wider development will only be marginally increased, but this is not to the detriment of amenity. Therefore, the increase in unit numbers is acceptable in terms of Policy Hou 4.

The additional units in this part of the development are acceptable as the site will still retain a mix of unit types and sizes within the site, and is in accordance with LDP policies.

(b) Amenity

LDP Policy Des 5 (Development Design - Amenity) states that issues of noise, daylight, sunlight and privacy are considerations given to housing developments. The units are proposed to be changed from detached houses to terraced houses. This increases the density but the units retain adequate garden ground and there are no issues with privacy or overlooking. The houses along the southern and eastern boundaries will retain a good level of amenity due to the outlook onto open space.

The proposal is in accordance with LDP Policy Des 5.

(c) Infrastructure Impacts

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any additional impact.

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area LG-1 of the Liberton Gracemount Education Contribution Zone. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Infrastructure contributions are required in order to mitigate the increase in unit numbers with regards to education and transport. The total amount of education contribution for this application is £379,856. Transport actions total £6794.

Additional affordable housing provision will be provided within another pod within the wider site and this is acceptable and will be secured through a legal agreement.

On the basis that the applicant agrees to pay these contributions, the proposal is in accordance with LDP Policy Del 1.

The Air Quality assessment does not identify any additional impacts that require mitigation.

(d) Other Issues and Representations

There have been no comments received in relation to this application.

Conditions are recommended to tie in with the original planning permission (reference 14/04860/FUL) for the wider site in relation to contamination, flooding and landscaping.

There are no other material issues that have arisen that require to be assessed.

Conclusion

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Building Standards.
2. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013, attached to planning permission 14/04860/FUL.
3. The landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To ensure that the site is suitable for redevelopment.
2. In the interests of flood prevention.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been signed in respect of:
 - £379,856 for education provision;
 - £6794 for transport infrastructure;
 - Affordable housing in relation to the contributions as part of planning application 19/00871/FUL.

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

Financial impact

4.1 The financial impact has been assessed as follows:

The application will be subject of a legal agreement.

In total across the four applications for additional units, the education contribution is £703,446 and £86,236 for the land contribution. The breakdown is:

Application 1 (18/00869/FUL) - 16 extra houses - £388,544 and £41,312 for land;
Application 2 (19/00873/FUL) - 6 extra flats and 4 extra houses; £110,994 and £13940 for land. Take away 5 houses (£105795 and £12910 = £118705) = £6229;
Application 3 (19/00868/FUL) - 16 extra houses - £338544 and £41312 for land;
Application 4 (19/00872/FUL) - 10 extra houses - £211590 and £25820 for land.

Transport Contributions for this application total £6794.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is an allocated housing site in the Edinburgh Local Development Plan (HSG 21).

Date registered

21 February 2019

Drawing numbers/Scheme

01-10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 19/00868/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 16 additional units to form 39 terraced houses.

Consultations

Affordable Housing - 21 May 2019

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

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

2. Affordable Housing Requirement

A minimum of 25% (8.8) of these homes will be required to be of approved affordable housing tenure.

This application is part of a larger development site that has planning permission of 633 homes of which 158 are affordable (14/04860/FUL). The applicant has submitted four new applications which will increase the overall number of homes from 633 to 671 and this increases the number of affordable homes required to 168. The additional 10 affordable homes will be delivered at the site subject of another application (19/00871/FUL). This is acceptable.

The applicant has stated that the affordable housing requirement for this planning application will delivered on another site located within the wider development at 17 Frogston Road East. This is acceptable but as this is a new application, a new S75 legal agreement will be required to secure the affordable housing across the whole development and for this application.

Roads Authority - 02 July 2019

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

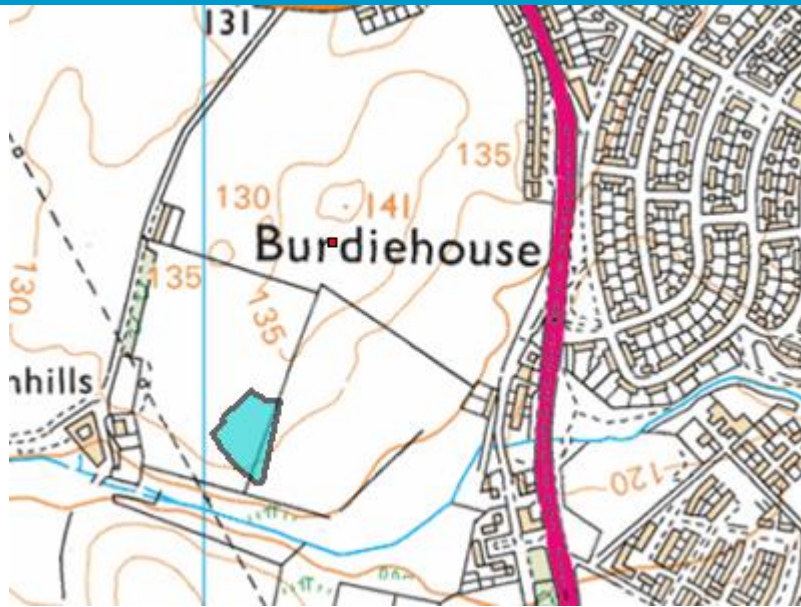
- 1. The applicant will be required to contribute the sum of £6,794 to the Burdiehouse Junction Transport Contribution Zone (see note below);*
- 2. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
- 3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

The existing permission (Ref.14/04860/FUL) included a transport contribution of £223,474 for the overall site of 633 units based on 56% of the £400,000 cost of the junction improvements. The revised cost of the junction improvements is now £480,000 as set out in the Council's developer contribution document. Therefore, the existing permission would have been required to contribute £268,800 (i.e. 56%), a cost per unit of £424.65.

The proposed application adds 16 units to the permitted site which is considered to require a contribution of £6,794 (based on £424.65 per unit).

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00653/FUL
At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF
Erect new 2 storey building on land at rear of hotel as
ancillary accommodation for the hotel.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposal complies with the development plan. The proposal is acceptable in this location, will preserve the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, or traffic and road safety, There are no other planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES06, LEN03, LEN06, LEN09, LEN21, LEMP10, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPLEI,

Report

Application for Planning Permission 19/00653/FUL At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF Erect new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

Recommendations

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

Background

2.1 Site description

The application relates to land to the rear of a hotel at 2-3 Hermitage Place. The site is on the corner of Burns Street and Somerset Place and is currently surfaced with gravel. There is vehicular access to the rear of the hotel over this area of land and there are boundary walls between the land proposed to be built on and the garden/amenity area of the hotel. A garage structure in the rear garden of 1 Hermitage Place lies to the north of the site, accessed off Somerset Place.

The site is on the north side of Burns Street. On the opposite side of the street is four storey council housing with garages at street level. On the other side of Somerset Place is colonies housing. Immediately to the west of the site is a large extension to the Links Medical Centre at 5 Hermitage Place. Further to the east are an ad hoc collection of garages housed in mews-like traditional stone built buildings.

There are currently six vehicular spaces on the gravelled part of the site that is proposed to be built on. This is not designated open space.

2-3 Hermitage Place were B listed on 14 December 1970 (ref. 26882).

This application site is located within the Leith Conservation Area.

2.2 Site History

17 March 2017 - An application for change of use from open public space to private space and the erection of 2m timber fence and placement of container in grounds to the rear of Merith House Hotel (in retrospect) is refused and enforced (application ref. no 16/05624/FUL).

22 May 2017 - Enforcement enquiry into unauthorised shipping container, caravan and timber fence closed and no further action taken upon the removal of the container and caravan and reduced height of fence (case ref. no 16/00432/EOPDEV).

Main report

3.1 Description Of The Proposal

The application is for an ancillary building to the existing hotel at 2-3 Hermitage Place that would be built on the southernmost section of the site on the area of gravel facing Burns Street. The existing brick wall which encloses the rear area will be removed as part of the proposed works.

The development would be a two storey mews structure that would accommodate ten bedrooms with ensuite facilities. The structure would be ashlar stone with a pitched slate roof and aluminium windows. A pend would lead to the rear amenity area of the hotel and this would be gated with timber doors.

The six vehicle spaces that are currently on this site will be lost, and no vehicular parking spaces are proposed. Ten covered cycle spaces are proposed in a secure location within the rear garden of the hotel.

As part of this application the following documents have been submitted which are available to view on the Planning and Building Standard's Online Services:

- Flood Risk Assessment

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the character and appearance of the conservation area:
- c) the proposals will impact on the setting of listed buildings;
- d) the proposals are of an appropriate scale, form, and design;
- e) the proposals will result in an unreasonable level of neighbouring residential amenity;
- f) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- g) the proposals will have any traffic or road safety issues;
- h) the proposals will have detrimental impact on flooding issues;
- i) there are any other material considerations; and
- j) any comments raised have been addressed.

a) Principle of the Development in this Location

The proposals are for an increase in accommodation to the existing hotel use at 2-3 Hermitage Place.

Policy Emp 10 of the Local Development Plan relates to hotel development. Hotel development will be encouraged in locations with good transport links to the city centre. The site is located near bus routes on Easter Road, Lochend Road and Leith Walk.

The hotel use is already established and the principle of ancillary accommodation in the form of ten additional bedrooms is acceptable subject to compliance with the points addressed below.

Neighbours are concerned about the possible housing of homeless people within the building. However, the nature of the people using the hotel facilities is not a matter for planning control. The current hotel could provide for homeless people without any planning restrictions.

b) The Impact on the Character and Appearance of the Conservation Area

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

The Leith Conservation Area Character Appraisal states that *Leith provides an excellent example of a small 19th century provincial town containing architecture which displays a rightness and fitness of scale (grand but not intimidating) and uniformly high quality of materials, detailing and design which have a unique significance in the context of Scottish architectural history.*

Burns Street presents a diverse collection of building types, from the five storey social housing on the south side of the street to stone and brick structures, many of them garages, on the north side of the street. A mews like structure of appropriate scale would not be discordant in this location. The proposals are for a traditionally designed structure of stone with pitched, slate clad roof. Although there are variety of building heights in the street, the scale of the proposed building is that of a mews building and is not dissimilar to the three structures immediately to the west. This would not be out of place in this particular location and would preserve the character and appearance of the conservation area as a whole.

The proposals comply with Policy Env 6

c) The Impact on the Setting of the Listed Buildings

Policy Env 3 - Listed Buildings - Setting relates to development that impacts on the character, appearance and interest of a listed building and its setting.

The proposed building will be at the end of a large garden/amenity area to the rear of the main listed building and will relate to Burns Street more than the listed building. As many of the gardens to this terrace have some sort of garage or mews structure at their end, this structure will not be inappropriate or harmful to the setting of the listed building.

The proposals comply with Policy Env 3.

d) Scale, Form and Design

Edinburgh Local Development Plan policy Des 1 - Design Quality and Context states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing

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

The lane contains a variety of types and sizes of buildings. The proposed design of the mews style buildings is of an appropriate scale, massing and materials for the lane. The colonies housing on Somerset Place are two storey with an attic and the proposed building will not be dissimilar in scale to them.

The proposals are of an appropriate design and scale in respect to their context and setting. The proposals comply with Policies Des 1 and Des 4.

e) Neighbouring Amenity

Policy Des 5 - Development Design relates in part to the impact of a development on the amenity of neighbouring residents.

The existing dwellings on the other side of Burns Street are approximately 13m from the face of the proposed buildings and have no habitable rooms at ground floor level. Therefore there will not be any issues of loss of light to windows. The approximately 13m distance between windows at upper levels is acceptable in terms of privacy given that the existing dwellings are set within a dense urban environment with developed back lanes.

There are windows on the north elevation where they overlook the applicants own garden. However, there are no windows that immediately overlook the garden at no. 1 Hermitage Place. Although there may be an element of sideways overlooking into the neighbour's garden, this would be no more significant than what already exists from the hotel.

The building to the west along the Burns Street is part of a doctor's surgery and there are other non-residential uses along Burns Street. Therefore there are no issues of residential amenity with respect to these properties.

Although some of the neighbours on Somerset Place have objected to the proposal on the ground of overlooking and overshadowing, these colonies residents are across the street and set back behind their own gardens. The proposals will not impact on their light or privacy.

There will be no adverse impact on neighbouring residential amenity and the proposals comply with Policy Des 5.

f) Amenity of Future Occupiers

Policy Des 5 - Development Design also relates in part to the amenity of future occupiers.

As the proposed occupiers will be hotel guests, the standards required of residential properties do not apply and are not controlled by the planning process.

g) Traffic or Road Safety Issues

Policies Tra 2, 3, and 4 relate to the design and provision of cycle and vehicular parking. The Edinburgh Design Guidance contains the parking standards.

There is space for six vehicular spaces in the current space where the proposed building would be located and these will not be replaced. However, ten covered cycle spaces are to be placed in the rear garden of the hotel behind a secure gate. The proposals comply with the parking standards in the Edinburgh Design Guidance.

There will be no adverse impact on traffic and road safety. The proposals comply with Policies Tra 2, 3, and 4.

h) Flooding Issues

Policy Env 21 relates to flood protection. The applicant has submitted information that confirms that the development will not cause any additional risk of flooding or be at risk of flooding itself.

i) Other material considerations

Policy Env 9 relates to the protection of archaeological remains.

The potential of the site to have archaeological remains will be monitored by an attached condition requiring a programme of archaeological investigation. Subject to compliance, there will no adverse impact on archaeological remains.

j) Public Comments

Material objections

- The potential use of the building for housing homeless people. This is addressed in section 3.3.a).
- Not in character with area. Materials and footprint inappropriate. This is addressed in section 3.3.b).
- Design. This is addressed in section 3.3.d).
- Loss of privacy. This is addressed in section 3.3.e).
- Amenity of the future occupiers. This is addressed in section 3.3.f).
- Traffic and parking. This is addressed in section 3.3.g).
- Archaeology. Site of the Siege of Leith, This is addressed in section 3.3.i).

Non-material objections

- Disruption due to the construction work. This is a matter for the applicant and contractor.
- Views from properties. Private views are not protected.
- Impact on buttresses of neighbour's garden wall. This is a structural issue outwith Planning's control.
- Smoking and litter from hotel guests. This cannot be controlled by Planning.

Material Support Comments

- The development would improve the appearance of the street. This is addressed in section 3.3.b).

Conclusion

In conclusion, the proposal complies with the Development Plan. The proposal is acceptable in this location, will preserve the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, or traffic and road safety, There are no other planning considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on archaeology and materials.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

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

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 February 2019. There have been ten objection comments from local neighbours and one support comment.

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

Background reading/external references

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

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

Statutory Development

Plan Provision

Date registered 11 February 2019

Drawing numbers/Scheme 1-2, 3c, 4b, 5b, 6-8,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Appendix 1

Application for Planning Permission 19/00653/FUL At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF Erect new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

Consultations

Archaeology

I would like to make the following comments and recommendations concerning the above planning application for the erection of a new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

The site lies on the South side of Leith Links, immediately to the north of the suspected site of Pelham's Mount (see fig 1), one of two large English siege forts constructed for the 1559-60 siege of Leith. The contemporary accounts and Petworth map show that these forts were linked to a range of siege trenches (akin to the Western front of WWI) which encircled Leith. Such remains are some of the earliest of such military fortifications in the UK and are considered to be of national importance. The site also overlies the site of possible muse/ outbuildings dating the construction of the Hermitage Place c.1810's as part of development of the grounds of the former mid-18th century Hermitage House which stood to the East.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological potential. Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The development will require ground breaking works which have the potential for disturbing significant deposits relating to the 1559-60 siege fortification's including potential evidence for Mount Pelham. However, it is considered that although potentially significant the overall impact of this scheme is regarded as moderate in terms of disturbing insitu remains. It is essential therefore that a programme of archaeological work is undertaken prior to development with any significant remains uncovered fully excavated, recorded, analysed and published.

It is recommended that the following condition is attached if consent is granted to ensure that this programme of archaeological works is undertaken.

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

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

Transport

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

- 1. The applicant should be required to provide a minimum of 1 cycle parking space in a secure and undercover location;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 3. Accessible parking spaces should be considered with this development, these spaces should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

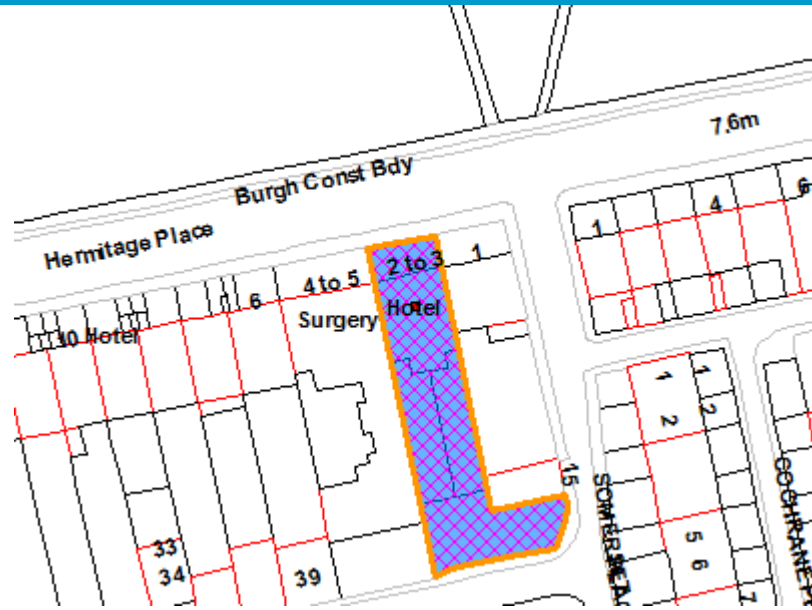
Note:

The site currently has approximately 6 parking spaces which will be removed as part of this application. Given the availability of on-street parking on Hermitage Place (Leith Links), this is considered acceptable under the 2017 parking standards.

Flooding

I have reviewed the further information you have provided and am satisfied that this can proceed to determination with no further comment from Flood Prevention. I have cc'd Barbara, the planning case officer, directly.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01932/FUL
At 6 John's Place, Edinburgh, EH6 7EP
Change of use from language school to guest house.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposed change of use of the premises from language school to guest house will not have any adverse implications for the character of the surrounding area. It will not be situated immediately adjacent to residential properties and the site is highly accessible by public transport. The proposal complies with the policies of the Edinburgh Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEMP10, LEN04, LEN06, NSBUS, LEMP09, NSG, NSLBCA,

Report

Application for Planning Permission 19/01932/FUL At 6 John's Place, Edinburgh, EH6 7EP Change of use from language school to guest house.

Recommendations

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

Background

2.1 Site description

The property is a mid-terraced Georgian property dating from 1825. It is three storeys with a basement. There are wide entrance steps leading up from a large front garden facing Leith Links. Queen Charlotte Street lies to the north and Constitution Street to the west. On the frontage at third floor level there is a large flag-pole, dating from its former use as a consulate.

To the rear, it has a two storey extension dating from the 1960s, occupying the entire rear garden and attaching to the main building at ground floor and basement. The interior has been remodelled c.1900 and almost all plasterwork and fireplaces date from this later period. Rooms in the south-west corner all have 20th century plain scribed cornices. The terrace was listed category B on 14 December 1970 (ref.27540).

This application site is located within the Leith Conservation Area.

2.2 Site History

28 February 2008 - Full planning permission was granted for the change of use of the property from office accommodation to language school (application reference 08/00263/FUL).

14 November 2018 - Full planning permission was granted for the change of use of the property from a language school to a residential dwelling. This was approved following a local review body decision subject to conditions. The change of use was never enacted and the conditions never met so the property remained within Class 10 use (application reference 18/00499/FUL).

3 June 2019 - Listed building consent was granted for the alterations associated with the change of use to a guesthouse (application reference 19/01933/LBC).

Main report

3.1 Description Of The Proposal

This application seeks full planning permission for the change of use of the premises from a language school to a guest house. This would involve a change of use from Class 10 (Non-Residential Institutions) to Class 7 (Hotels and Hostels). The premises was previously office accommodation and became a language school in 2008.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposed use is acceptable;
- b) there is any impact on neighbouring amenity;
- c) there is any impact on the special interest of the listed building and the character and appearance of the conservation area; and
- d) public comments have been addressed.

a) Acceptability of Use

LDP Policy Emp 10 - Hotel Development states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre. The application involves a change of use from Class 10 to Class 7. Class 7 relates to hotels, hostels and guest houses. The premises is situated immediately to the west of Leith Links and has good public transport access to the city centre with the nearest bus stop situated approximately 95 metres away on Queen Charlotte Street. A future tram stop in Constitution Street will be situated nearby. The proposal complies with policy Emp 10 and the use is acceptable in principle.

In terms of Policy Emp 9 - Employment Sites and Premises, the language school is not a business, industry or storage use so the proposed change of use would not result in the loss of an employment use. Concern was raised over the high density of guest accommodation in the area. There are no restrictions on this type of use in the area and other aspects of amenity are considered below. Therefore the use is acceptable in principle.

b) Neighbouring Amenity

LDP Policy Hou 7 - Inappropriate Uses in Residential Areas considers the impact of changes of use on residential amenity. It states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. In the instance of this application, office accommodation lies immediately to the north and south of the property in question. The proposal will have no impact on adjacent residential amenity. The surrounding character is mixed with residential, commercial and other uses operating in the area and the proposals would be compatible with this. In addition, the planning authority cannot control the nature of those using the guest house. The proposal complies with Policy Hou 7.

c) Listed Building and Conservation Area

Policy Env 4 - Listed Buildings - Alterations and Extensions states that proposals to alter or extend a listed building will be permitted where there will be no unnecessary damage to historic structures or diminution of its interest.

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

The proposed internal and external alterations to the building have been approved under 19/01933/LBC and preserve the special interest of the listed building. The only external alterations are to the rear of the building. They will preserve the character and appearance of the wider conservation area because they are not readily visible and are small scale in nature. They therefore preserve the special character and appearance of the conservation area. The proposal complies with Policy Env 4 and Policy Env 6.

d) Public Comments

Material comments - objections

- Adverse implications for the character of the street and the wider area (Addressed in 3.3b).
- Overly high density of guest accommodation in area (Addressed in 3.3a).
- Loss of employment use (Addressed in 3.3a).

Non-material comments

- The nature of the business which will operate from the premises (Assessed in 3.3b).
- The demographic of people who choose to use the accommodation (Addressed in 3.3b).

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

Note:

I. Zero car parking is proposed in relation to this development, based on the sites location and accessibility to public transport and active travel routes this complies with the 2017 Parking Standards and is considered acceptable.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Seventeen objection comments have been received. Leith Links Community Council has objected as a statutory consultee. This is summarised and addressed in the Assessment Section of this Report.

Background reading/external references

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

Statutory Development

Plan Provision

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02, 03, 04, 05, 06, 07, 08, 09, 10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Calderwood, Planning Officer

E-mail:alexander.calderwood@edinburgh.gov.uk Tel:0131 469 3824

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 19/01932/FUL At 6 John's Place, Edinburgh, EH6 7EP Change of use from language school to guest house.

Consultations

- Leith Links Community Council

"I apologise for being a few hours late with this submission re the above, and trust that you will accept it nonetheless, and hopefully forgive my error in thinking that a week's extension to the deadline for comments on it meant the following Friday (7 June), and not, as the calendar will strictly dictate, for the close of office hours on the next again Thursday (as I now see is what was agreed).

We are in any case of course a consultee on this application, as is our statutory right as a community council, so this case should receive a fuller airing whether this late submission is accepted or not.

And in the interests of that fuller airing, and because I am tight for time, I am sharing this comment with a number of concerned local people including our ward councillors, our local MP and MSP.

And I would entreat them, in particular, to do something about this situation. Some kind of a meeting needs to be arranged, perhaps involving planners, certainly ward councillors, and maybe a senior city official like the Director of Place? Because if ever a place needed some attention right now in this city, under the impending reality of the council's introduction of the tram network right through it, this is that place.

And might the applicants themselves not be persuaded to come to the party and address the community on the subject of their intentions? The Scottish Land Commission would certainly think they have a duty to do so. And the city's Development Management Sub-committee will surely want to make a site visit in due course.

Because Leith Links Community Council hereby **OBJECTS** to the above planning application, 19/01932/FUL, for the change of use from a language school to a guest house at 6 John's Place, EH6 7EP.

We believe that this application should have been considered in tandem with its linked application for Listed Building Consent (19/01933/LBC) at the same property, which we were highly surprised to learn was granted permission at the beginning of this week. Under delegated powers.

How come? When the deadline for comments on its linked FUL application had only just passed and the determination deadline for both lay some weeks away? It seems to us astonishing that this should have been allowed to happen. Does this granting of the LBC not seem somewhat premature and look likely to prejudice subsequent decisions pending on related applications such as the one at hand?

In any event, we remain adamant that this proposed conversion to intense guest house/hostel accommodation is entirely inappropriate for this listed building in the Leith Conservation Area. Its intended use is transparent.

We also feel that the City of Edinburgh Council (CEC) and its planning department should acknowledge and be wary of the fact that the applicants (K&S Mir Ltd) are well known locally and further afield for providing barely-resourced substandard temporary accommodation, CEC of course being a major client, that only function because of the care and diligence of the onsite healthcare professionals involved.

The group's property portfolio in the Leith Conservation Area (LCA) includes numerous buildings which they are also seeking to develop into multiple occupancy residential units of unspecifiable nature but quite possibly in the same vein, it is presumed, as their existing operations at 9 and 10 John's Place, and the nearby Abbot's House on Links Gardens, none of them that well reviewed on Trip Adviser.

K&S Mir Ltd and Cameron Guest House Group, its associated business, also own 8 John's Place, much of the property down nearby John's Lane and the still trading Latto's Garage site at 111-115 Constitution Street. (They also own the adjacent "at risk" listed building of St James's church, at 119 Constitution Street, where we miss the too many trees they needlessly cut down there, and the gatepost bollards).

These last three named properties are also at varying stages of the planning process, with various LBC and FUL applications live and being determined, "awaiting assessment", granted or withdrawn (but sure to reappear), scattered around in the system.

Honestly it's like playing Space Invaders. You zap one down, and another one springs up somewhere else on the screen. They're relentless!

And sure as eggs is eggs, fresh revised applications for some of these sites will ping up again in a few weeks or so, timed so as to coincide with the council's July recess and the school holidays, when many backs are turned and many engaged local people are out of the loop.

It has long been recognised that Leith already has an overprovision of this type of guest house/hostel accommodation, and it is unacceptable that any further such establishments should be permitted, particularly in this tightly contained part of the conservation area, a significant portion of which the applicant has managed to acquire.

If you were to greenlight all of this company's proposals, you would have in a highly concentrated location, on top of the scores of existing beds they already offer at the aforementioned addresses, the following:

20 new rooms at 6 John's Place
49 new rooms across 18-24 John's Lane and 111-115 Constitution St
30 new rooms at 130 Constitution St (already granted planning permission, forget the nine flats, work starting there just now)
11 new gaffes at 89 Constitution St (?)

Maybe they'll all be smart and sassy like in their property at 57 Constitution St, the former post office subsequently Drakes dentists, now the GPO Cafe and Rooms Leith.

But maybe they won't be.

Maybe they'll have the capacity to deliver high quality developments sympathetic to the location. But maybe they won't have. And we don't think this is a risk that the city of Edinburgh, and the town of Leith, should be required to take, on the basis of these drawings.

Our community council strongly shares the safety and security concerns of many local residents regarding any further hostel provision of this type by this operator in this mainly residential area, on the perimeter of the Links and local play park, and right in the middle of the old town of Leith.

It is a service for which there is an unarguable demand, sadly, and the council has to facilitate its supply, which is not easy when dealing with the huge range of displaced and temporarily unsettled folks out there, many of them brand new and vulnerable, quite a few of them damaged and hardly any of them downright dangerous Dan. But these individuals are not well served by this operator's practices and methods, so the story goes.

Anyhoo, this application would clearly be to the detriment of neighbourhood amenity, the grain and character of the Leith Conservation Area, and to the detriment of its multi-faceted (diverse) and mostly welcoming community.

And it appears to ride a coach and horses through a whole host of good and proper practices, some of them advisory, others mandatory, all of them better articulated in objection comments made by others on the planning portal.

Leith Links Community Council

(Andrew Mackenzie, LLCC Planning Sub-group Chair)

PS: A bugbear -

I recently attended a planning training event for community councillors at the City Chambers. The advice given included the tip that we should not attempt to pass ourselves off, in our comments, as "experts" in the planning system. No, what planners want from community councils is their view of what impact an application might have on their community. Which is all well and good, we're volunteers after all, and surely shouldn't pretend to knowledge we don't have about the labyrinthine muddle that is planning, still predicated on the corrosive presumption "in favour of development" that dates back to the end of the Second World War, etc.

But then what appears routinely to happen is that the views of "members of the public" who take the trouble to comment on planning applications are simply discounted by planning officers if the points they make are not considered to be "material considerations". So they are dismissed and ignored. There's only one winner in this rigged game and that rankles, let me tell you, that ruffles our feathers.

PPS: The issue of public comments. We see the names and addresses of folks who have posted comments on the portal, but not the content of their comments. It may sometimes require some bravery on the part of an individual to post a comment, particularly on a case involving a well-resourced and unsympathetic developer. And yet, the "public" are corralled if not kettled by the council planning department "officers", their opinions sifted, managed and contained, no effort is made to bring the community of commenters together by the simple virtue of sharing content, and the developer gets to see their names and addresses. Which could have consequences. This ain't right. In fact it might be litigable. And we will seek to circumvent it.

PPPS Sorry about the wonky font, can't seem to do anything about it."

- Roads Authority

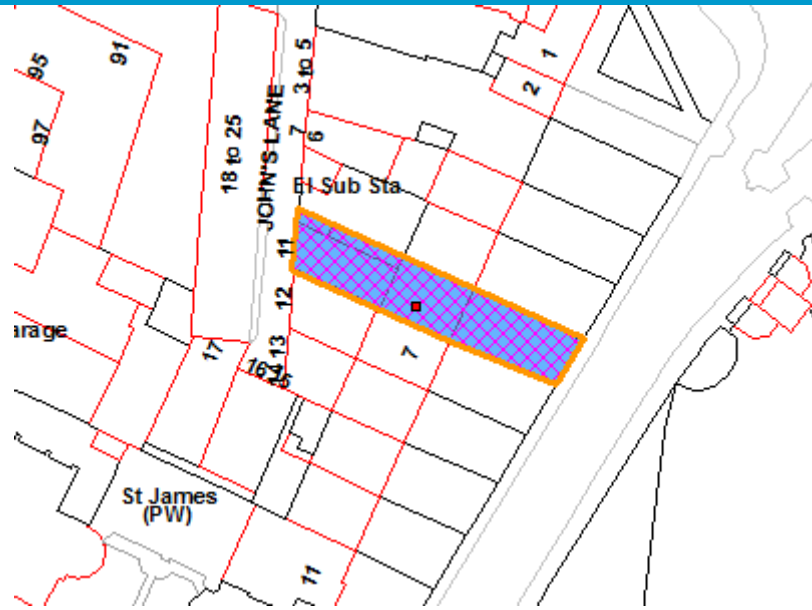
No objections to the application subject to the following being included as conditions or informatives as appropriate:

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

Note:

- I. Zero car parking is proposed in relation to this development, based on this sites location and accessibility to public transport and active travel routes this complies with the 2017 Parking Standards and is considered acceptable.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Listed Building Consent 19/01855/LBC
At 18,19,20,21,22,23 & 24 John's Lane, Edinburgh, EH6 7EU
Alterations to an existing derelict warehouse linked to the
creation of 20 residential units.**

Item number

Report number

Wards

B13 - Leith

Summary

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

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, NSG, NSLBCA, OTH, CRPLEI, HES, HESROF, HESUSE,

Report

Application for Listed Building Consent 19/01855/LBC At 18,19,20,21,22,23 & 24 John's Lane, Edinburgh, EH6 7EU Alterations to an existing derelict warehouse linked to the creation of 20 residential units.

Recommendations

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

Background

2.1 Site description

The property is a two storey and attic warehouse, dating from the early 19th century, located on a narrow back lane. The lane is a cul-de-sac. The property has been derelict for almost four decades. Sections of the building are supported by scaffold. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. The majority of windows are bricked up, especially on the west side. The structure has been on the Buildings at Risk Register since 2012. There is evidence that historically the building was at least one storey higher.

The rear is of different design, with blind arches at ground floor. On this side, an extra storey of brick was added in the 1970s to act as a fire wall between properties. The properties that this side attached to were demolished in the 1980s and the large warehouse beyond is now converted to residential use.

The north roof collapsed around 2017 and the final sections of the roof have been removed during the course of the application.

The building was listed category C on 5 March 1991 (reference: 27530).

This application site is located within the Leith Conservation Area.

2.2 Site History

15 October 2015 - listed building consent granted for alterations similar to those now proposed (planning reference: 15/03225/LBC).

26 March 2018 - parallel application for planning permission for 30 residential units refused for multiple reasons including density (planning reference: 15/03226/FUL).

Main report

3.1 Description Of The Proposal

The application proposes physical alterations to the existing structure in anticipation of a future application for change of use to residential.

Alterations are extensive, including total rebuilding of the roof to a new profile to allow accommodation at attic level. This includes six zinc-clad dormers on the frontage and an almost continuous linear dormer on the rear wallhead. On the frontage, bricked windows are re-opened as windows and some doors and hoist-doors are also partly glazed. To the rear (due to this being on a mutual boundary for most of its length) re-opening of windows is restricted to those areas where the applicant has some degree of ownership on adjacent land. The majority of bricked windows, and the blind arches, will necessarily remain solid, but will be over-clad in zinc to better express the original architectural concept.

Internally, the volume is subdivided to potentially create 20 units.

Although the drawings notionally indicate removal of later buildings on the south side, these lie beyond the site boundary and are not part of the current application.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

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

3.3 Assessment

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

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

a) Character of the Listed Building

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

The Historic Environment Scotland (HES) documents on Managing Change: Roofs and Managing Change: Use and Adaptation of Listed Buildings offer further guidance. The latter states "proposals that keep buildings in use, or bring them back into use, should be supported as long as they do least possible harm". In addition, the guidance accepts that alterations, even if they are extensive, will be better than losing the building entirely.

The property has been derelict for several decades and is on the Buildings at Risk Register. Several past approvals (see History) have failed to materialise and the building condition is now critical. The degree of intervention reflects the alterations required to bring the building back into use. These echo the previously approved (but now lapsed) scheme of 2015.

HES Managing Change guidance on roofs states that the addition of new features such as dormers or rooflights to principal or prominent roof slopes should generally be avoided. In this case, the addition of dormers is necessitated by the scale of work required to the building as a whole. As the building was not originally designed with dormers, the use of lead-clad dormers is seen as a more honest intervention than cladding the dormers in slate. The form will be a clear-cut modern alteration. Whilst the existing roof character is lost, this loss is outweighed by the overall improvement to the building and the new use, which will secure the long term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

Although window design is criticised by objectors, the building has no windows at present and historically appears to have had timber shutters rather than glazed openings. There is therefore no objection to the style of window proposed. A condition is added to clarify that windows should be of timber.

The interior of the building is of no architectural or historic merit and its subdivision has no adverse impact upon character.

The changes are balanced by the comprehensive re-use of the lower masonry and the reopening of the majority of windows on the lane. The net impact is one of conservation gain. Overall, the proposed alterations would enhance the beneficial use of the building without harming the special interest or setting of the listed building.

b) The Impact on the Character and Appearance of the Conservation Area

LDP policy Env 6 considers the impact on the character and appearance of the conservation area. The Leith Conservation Area Character Appraisal recognises that Leith now has a mix of old and new buildings, including many warehouse conversions. Warehouse buildings are an important part of the area's character.

The long-derelict building has the potential to make a positive contribution to the conservation area if brought back to a new use. Continued dereliction risks total loss as the building continues to deteriorate.

The alteration will retain the essential stone elements and the industrial background to the building will remain visible.

The location is both visually isolated and on a cul-de-sac. For this reason, the condition of the building has limited impact on the appearance of the conservation area. As a whole, the works will enhance the character of the conservation area.

c) Public Comments

Material Comments

- Materials are unclear - materials are all stipulated;
- Listed building character will be lost - addressed in section 3.3a);
- Roof design is inappropriate - addressed in section 3.3 a);
- Design is substandard - addressed in section 3.3 a);
- Window material is not specified - addressed by condition; and
- Window design inappropriate - addressed in section 3.3a).

Non-Material Comments

The majority of issues raised would be pertinent to an application for planning permission but are not relevant in the assessment of listed building consent.

- The scheme is unchanged since the last application;
- There is no parallel planning application;
- No Design and Access Statement;
- Lack of parking/traffic issues;
- No information on affordable housing;
- Site boundary is wrong;
- Drawings are misleading/inaccurate;
- Access is unclear;
- Mix of units is insufficient;
- No open space;
- Access during construction;
- Previous scheme was refused; and
- Overshadowing.

Community Council

Leith Links Community Council generally raised the same issues as neighbours.

Conclusion

The works will secure the long term future of the listed building.

On balance, the works preserve the special interest and setting of the listed building.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Windows and doors to be of timber construction. Details to be submitted for further approval of the planning authority prior to commencement of works.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for listed building consent only. Work must not begin until other necessary consents, eg planning permission, have been obtained.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 3 May 2019.

Twenty representations were received, one in support, 19 in objection. This included objection from AHSS and two from Leith Links Community Council. However, only seven of these raised issues material to the assessment of listed building consent.

Representations are addressed in section 3.3 c) of the assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The property lies in the Leith Conservation Area as shown in the LDP.

Date registered

15 April 2019

Drawing numbers/Scheme

1-7,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Relevant Government Guidance on Historic Environment.

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

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

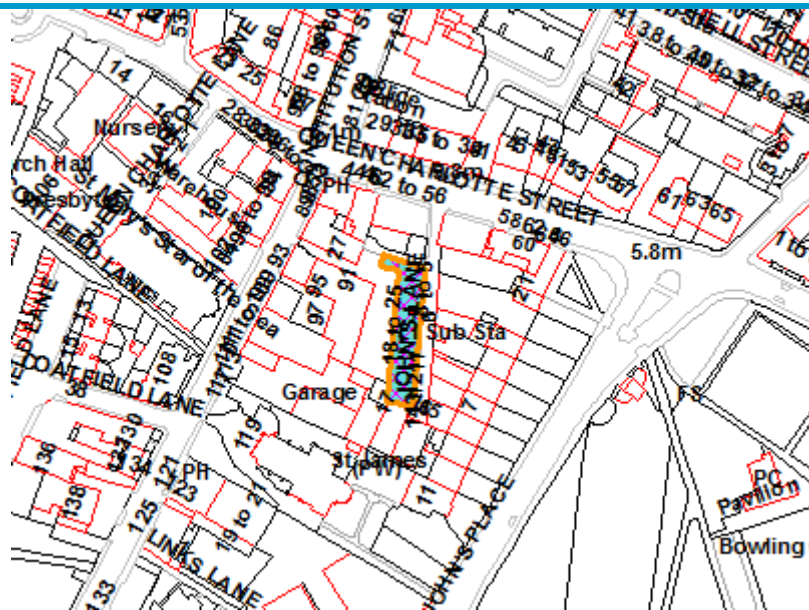
Appendix 1

**Application for Listed Building Consent 19/01855/LBC
At 18,19,20,21,22,23 & 24 John's Lane, Edinburgh, EH6 7EU
Alterations to an existing derelict warehouse linked to the
creation of 20 residential units.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01720/FUL
At Lochend House, 33 - 35 Lochend Road South, Edinburgh
Change of use to guest house.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposed building in this location complies with LDP policy Emp10 (Hotel Development) and is suitable for guest house use. The proposals preserve the character and setting of the listed building. No other material planning considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LHOU07, LEN08, LDPP, LEMP10, LEN04, LTRA02, LTRA03,

Report

Application for Planning Permission 19/01720/FUL At Lochend House, 33 - 35 Lochend Road South, Edinburgh Change of use to guest house.

Recommendations

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

Background

2.1 Site description

The property was formerly a community centre in Council ownership. The two storey traditional stone building stands in an extensive site of over 0.6 hectares, containing many mature trees, especially between the house and the main road.

A fire early in 2015 brought an end to the use and left the building partly roofless. The slate roof has now been reinstated. However, the condition of the interior is extremely poor. All ceilings and cornices are lost (apart from one ground floor room). One fireplace of interest was boxed during reconstruction and survives intact.

Externally, a rendered brick outbuilding attaches the east gable. This is frequently referred to as "the pig-sty" but little indicates that use. A detached boilerhouse and store stands adjacent to this, further to the east. The ground to the rear (north) is more open, but includes a mound likely to contain the original foundations of Lochend Castle.

The servants' quarters and kitchen chimney of Lochend Castle still exist as part of the property (dating from 17th and early 18th centuries). These attach to the otherwise Georgian house on its west side. The building as a whole was listed category B on 14 December 1970 (reference: 28087). Although the site has significant archaeological interest it is not a Scheduled Ancient Monument.

The property sits on the top of a crag, overlooking Lochend Park, which encloses the site on its west and south sides. The park wraps around the south side of the site, containing a junior football pitch on this side.

The surrounding area to north and east is largely three and four storey flats, mainly Council and ex-Council. The closest block is private flats, to the north-east, known as Lochend Castle Barns.

2.2 Site History

23 February 2015 - listed building consent granted to reconstruct entire roof including intervention of steelwork into first floor rooms (planning reference: 14/04895/LBC).

A parallel application for listed building consent has been made for the internal alterations (planning reference: 19/01721/LBC). This is currently pending consideration.

Main report

3.1 Description Of The Proposal

The application proposes the change of use to a guest house containing 14 bedrooms.

Physical alterations to the exterior are limited to the removal of the non-original rendered brick outbuildings, both attaching and close to the south gable, and general restoration of windows (including removal of anti-vandal grilles).

Scheme 1

The scheme was amended to address listed building issues in the interior and clarify cycle storage. This reduced bedrooms from 15 to 14.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposed use is acceptable;
- b) the physical alterations are acceptable;
- c) parking and access are acceptable;
- d) archaeological impact is acceptable; and
- e) comments are addressed.

a) The Principle of Guest House Use

LDP policy Emp10 (Hotel Development) considers sites suitable for Class 7 use (hotels, hostels and guest houses). There are three areas which are considered acceptable for hotel use. These are:

- a) city centre developments.
- b) sites close to the airport.
- c) locations in the urban area with good public transport links to the city centre.

The adjacent road is served by the 49 bus which links to Leith and the City Centre. Three other routes (19, 25 and 34) run nearby on Marionville Road. As transport links are good, the site is suitable for guest house use under criterion c).

There is no policy controlling density of class 7 uses. Although objectors refer to "Air BnB", short term visitor accommodation is not what is sought.

LDP policy Hou 7 considers inappropriate uses in residential areas.

Whilst there are some residential uses bounding the site, the scale of the development in relation to the scale of the site will not give rise to any direct loss of amenity from the use. The change from community centre use to guest house use would raise no material planning concerns in relation to residential amenity.

The "type of occupant" is a primary concern of objectors but falls outwith the remit of planning control.

The proposals comply with policies Emp 10 and Hou 7 and are acceptable in principle.

b) Alterations

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

Demolition of the non-original extensions to the east is supported, as is the removal of anti-vandal grilles on the windows. These changes will greatly improve the character of the building as seen in public views from the street.

The interior is in very poor condition with little original decoration or features remaining. The scheme was amended to retain the only two rooms still in salvagable condition, and the entrance lobby (which these two rooms flank).

The internal works do not require planning permission but the development preserves the listed building and its setting, and the remaining features of special interest. The proposals comply with policy Env 4.

c) Parking and Access

The property will remain a single planning unit and car generation is minimal. No alteration to the access is proposed and the roads authority do not seek any improvement to the existing access.

LDP policy Tra 2 (Private Car Parking) considers car parking levels. Current Council objectives support car-free and car-reduced developments wherever possible. Current standards allow a maximum of 1 space per two bedrooms, which would equate to 7 spaces.

The area in front of the house is informally used as a car park and can hold up to three cars (up to six vehicles if tandem-parked). The roads authority confirm no objections for up to six vehicles.

LDP policy Tra 3 (Private Cycle Parking) considers cycle storage.

Cycle storage is within the former garage on the north-west corner of the building group. This can accommodate at least 8 cycles (16 if using double-decker stores). There is also substantial surrounding grounds should additional cycle storage be desired. The roads authority does not raise objection to the cycle storage.

The proposals comply with policies Tra 2 and Tra 3.

d) Archaeology

LDP policy Env 8 (Protection of Important Remains) considers archaeological issues.

Due to the archaeological significance of the site an archaeological condition is added, requiring a written scheme of investigation prior to commencement of works on site.

e) Public Comments

Material Comments

- Increase in traffic - addressed in section 3.3 c).
- Parking concerns - addressed in section 3.3 c).
- Too many B&Bs in the area - addressed in section 3.3a).

Non-Material Comments

- The use may be for temporary homeless accommodation.
- The grounds should be accessible to the public.
- The building should not be gutted for personal gain.
- Building should be retained for community use.
- Guests will not contribute to the local area.
- Building should not be sold by the Council.

Community Council

No comments made.

Conclusion

The proposed building in this location complies with LDP policy Emp10 and is suitable for guest house use. The impact on the character of the listed building is acceptable. No other material planning considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

The property was sold by the Council to the applicant.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 23 objections. These are addressed in section 3.3e) of the Assessment.

Background reading/external references

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

Statutory Development Plan Provision	The site is shown as white Urban Area in the LDP.
Date registered	8 April 2019
Drawing numbers/Scheme	1,2a,3b, Scheme 2

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

Contact: Stephen Dickson, Senior Planning Officer
 E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

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

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Relevant policies of the Local Development Plan.

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

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

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

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

Appendix 1

Application for Planning Permission 19/01720/FUL At Lochend House, 33 - 35 Lochend Road South, Edinburgh Change of use to guest house.

Consultations

City Archaeologist

The application concerns the B-Listed Lochend House which comprises to main historic elements a Georgian House of c.1820 and the remains of the medieval Restalrig Castle thought to date to the 16th century. The site has the centre of the important Restalrig first mentioned in the 12th century and which under the Logan Family had jurisdiction over Leith during the mediaeval period. Castle is depicted in the Petworth Map of the 1559-60 Siege of Leith.

Accordingly, this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP), the 2016 Historic Environment Scotland Policy Statement (HESPS) and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The B-Lochend House comprises both Georgian House of c.1820 with the late-medieval (?16th century) remains of Restalrig Castle. The structure is therefore regarded as being of archaeological significance. The proposed scheme will see internal alterations to both the Georgian house and older Castle which will impact upon and reveal historic fabric. Having assessed such works it is considered that such works will have a significant though overall low-moderate impact. It is recommended therefore that as part of the overall programme of archaeological works that an historic building survey is undertaken prior to and during alterations (phased plans and elevations, photographic and written survey) in order to provide a permanent record of this historic building and record and analysis any significant historic fabric impacted and revealed during this scheme.

Buried Archaeology

The site is regarded as being of archaeological significance with a long history dating back to the medieval period. The proposed development will require demolition of several out buildings as well as potential internal ground(floor) breaking activities. Though the archaeological impact of such works upon the buried archaeological resource is regarded as low-moderate, they could nevertheless reveal significant remains relating to the development of this important house. It is therefore recommended that a programme of archaeological excavation is undertaken linked during any ground or floor breaking activities to fully excavate, record and analysis any significant buried remains that may be affected.

It is recommended that following condition be applied to ensure that the above programmes of archaeological work are carried out;

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

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

Roads Authority

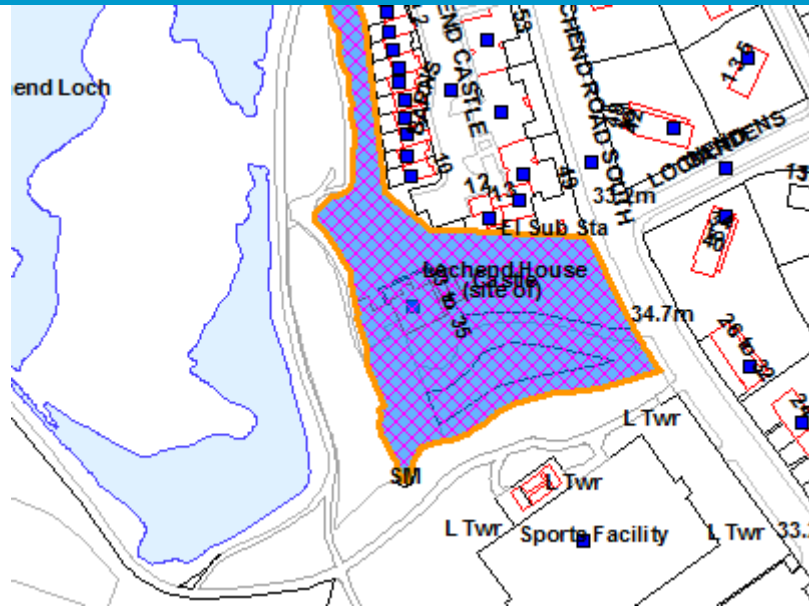
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be required to provide at least 1 cycle parking space in a secure and under cover location;
2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.

Note:

The proposed retention of the existing 6 car parking spaces is acceptable under the Council's parking standards.

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/10499/FUL
At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ
Planning permission for the demolition of two existing
business class units and the erection of a new residential
development of 120 units. Units are split over 4 apartment
buildings, noted as Block A (East Block) Block B (South
Block), Block C (West Block) and Block D (North Block),
and a terrace of 10 mews houses. Application also
concerns car parking, car port and associated landscaping
(as amended).**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal is contrary to the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height and form of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11. It will overshadow and have a detrimental impact on the neighbouring care home, contrary to policy Des 5. The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN12, LEN16, LEMP09, LTRA02, LTRA03, NSG, NSGD02, NSHAFF,

Report

**Application for Planning Permission 18/10499/FUL
At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ
Planning permission for the demolition of two existing business class units and the erection of a new residential development of 120 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping (as amended).**

Recommendations

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

Background

2.1 Site description

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises, with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road, with an adjacent pathway providing access to Lochend Park to the north.

To the north-west of the application site is Lochend Park with the Lochend Butterfly development beyond and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond.

The wider surrounding area contains a diversity of uses, although the character is predominantly residential. The mix of uses, along with the varying ages of nearby buildings, has led to some variety in the density of development and architectural styles.

2.2 Site History

30 March 2006 - Planning permission refused for a residential development of 123 units (as amended) (application number: 05/01609/FUL). The application was refused as the proposal was considered to be overdevelopment of the site and was not acceptable in terms of its height, massing and its relationship with its wider surroundings. An appeal against the refusal of planning permission was dismissed on 4 April 2007 following a public inquiry.

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

10 November 2014 - Demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

Main report

3.1 Description Of The Proposal

The proposal involves the demolition of the existing business units and erection of a residential development comprising 120 units over four apartment blocks and a mews terrace of 10 properties.

Block A is a five storey block comprising 18 one-bedroom; and four two-bedroom flats. Block B is a six storey block with basement comprising: five studio flats; nine one-bedroom flats; 11 two-bedroom flats; and two three-bedroom flats. Block C is a seven storey block comprising: five studio flats; five one-bedroom flats; 16 two-bedroom flats; and four three-bedroom flats. Block D is a seven storey block with basement comprising: five studio flats; 10 one-bedroom flats; 13 two-bedroom flats and three three-bedroom flats. The 10 mews properties all contain three-bedrooms.

The blocks will be sited around a podium deck with car parking located below at ground level. Car parking includes 49 under deck car parking spaces and 10 car port spaces for the mews (includes six accessible spaces and 10 electric charging point spaces). Nine street spaces are proposed (including one accessible space and four passive provision spaces for electric charging). Pedestrian, cycle and vehicular access points are at ground floor level. Bicycle storage is contained in the ground floor footprint of the blocks with direct access from building entrance cores and in Blocks A and D from the under deck car park.

Waste provision is catered for through bin stores located close to circulation cores with Blocks A and D having a combined bin store to allow for collection from the main access into the site.

In terms of sustainability, roof mounted solar PV and reduction of energy use through passive measures and building fabric design are proposed in order to deliver a development which meets the Silver Standard with respect to energy for space heating.

Materials are primarily blonde and brown facing brick with acid etched cast stone at ground floor to deck and entrances. Bronze anodised projecting balconies and railings are proposed with bronze tone double glazed windows. Dark toned roof tiles are proposed for the mews properties.

A total of 30 affordable units are to be provided on site (25%) with 22 being provided in block A by a Registered Social Landlord (RSL) with the remainder through golden share.

Scheme 1

A residential development of 125 flats. A storey was removed from block C.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) the principle of residential development is acceptable in this location;
- (b) the layout, scale and design are appropriate;
- (c) there will be any impact on residential amenity;
- (d) the proposal will give rise to any transport or air quality issues;
- (e) there are any issues in relation to flood prevention;
- (f) there are any issues in relation to trees and landscaping;
- (g) there are any ecological issues;
- (h) the proposed development will be sustainable;
- (i) there are any issues in relation to archaeology;
- (j) there are any issues in relation to adjacent railway;
- (k) there are any other infrastructure requirements; and
- (l) any public comments have been addressed.

a) Principle

The application site is designated as urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP permits housing development on sites within the urban area subject to the proposal being compatible with the other relevant policies.

Loss of Existing Business Premises

Policy Emp 9 (Employment Sites and Premises) of the LDP advises that proposals to redevelop employment sites or premises in the urban area will be permitted provided that they meet three criteria: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; and c) if the site is larger than one hectare, the proposal includes floorspace designed for a range of business users.

The surrounding area is predominantly residential and there are no nearby employment uses that would be inhibited by the redevelopment of the site for residential use. Therefore, the proposal complies with criteria a) of Emp 9.

Over the past few years the wider area around Lochend Park has undergone, and continues to undergo, significant change in terms of redevelopment and regeneration. The adjacent site to the east has been redeveloped with a care home, the former print works on the site across the rail line to the west has been redeveloped for residential use and, most significantly, the extensive regeneration of the Lochend Butterfly site across the park to the north. In addition, the regeneration of the former Meadowbank Stadium has recently begun to the south of the site.

The buildings currently occupying the site are of a functional design with limited architectural merit and no longer relate to their surroundings. The redevelopment of the site is an opportunity to introduce a more appropriate use and a more legible urban form into this space in compliance with criterion b).

The unit to the rear of the site has been vacant for over a decade, which is partly attributable to the area no longer being considered suitable for industrial or many business uses. However, despite the loss of the existing business floorspace, the site is less than one hectare in size and criterion c) is not applicable.

Overall, the loss of the existing business units and the site's redevelopment for residential use is acceptable.

b) Design, Scale and Height

In assessing the scale, design and layout of the proposals, there are design policies contained within the LDP, the Edinburgh Design Guidance and PAN 67 (Housing Quality).

Policies Des 1 to Des 8 of the LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of scale, form, design and layout.

Design

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

PAN 67 (Housing Quality) states that development should reflect its setting and reflect local forms of building and materials. The aim should be to have houses looking unique without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

In assessing this proposal, the building fronting Marionville Road addresses the street by being set behind an area of landscaping in order to provide a sufficient level of privacy and amenity for the ground floor flats. This set-back is acceptable in principle, and still maintains a level of frontage to the road. The height of the building at five storeys along the frontage is higher than surrounding buildings on this side of the railway line, but the set-back allows for the building to sit comfortably within its setting without appearing incongruous. However, the overall form of the development raises issues, particularly with regards to the layout of the blocks and the heights of the blocks to the rear.

While high density development is encouraged on urban brownfield sites, Block D (the block to the north of the site facing the existing care home) would be approximately seven metres taller than the care home to the north. This would be visually incongruent at this location and contrary to the EDG which advises that new buildings that are clearly higher than their neighbours should be avoided. The desire to achieve a sustainable urban density does not justify the height proposed for block D when considering the visual impact on its surroundings. The resultant impact is a site which is over-developed.

The principle of a strong urban edge to Lochend Park is acceptable. The prevailing character around the north-western perimeter of the park is of large scale blocks. This provides a good level of frontage and overlooking. However, block D would be located alongside a narrow pedestrian footpath that runs between the site boundary and the curtilage of the care home, and will not address the wider park. The height and massing of block D at this location would be overbearing and visually dominate this entrance to the park, where a more human scale would be more appropriate.

A mix of units is provided in the proposal, including 110 flats and 10 mews properties. Policy Hou 2 (Housing Mix) of the LDP seeks the provision of a mix of house types and sizes where practical. The Edinburgh Design Guidance recommends that 20% of the total units should have three or more bedrooms. Including the mews, the proposal contains 19 three bed properties which equates to 16%, which is below the recommended number. This is a marginal infringement of the guidance and does not justify the refusal of the application.

The materials are proposed to be facing brick with dark roof tiles and bronze coloured windows and balconies. Although there are no brick buildings within the vicinity, there is a range of materials including render, stone and timber. The materials are acceptable in principle.

However, on balance, it cannot be demonstrated that the overall design concept draws upon the positive characteristics of the area, as required under LDP Policy Des 1 (Design Quality and Context). It is also not in compliance with the aims of PAN 67 insofar as the proposal does not reflect the qualities and characteristics of the area.

Scale and Height

LDP Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to: height and form, scale and proportions, including the space between the buildings, position of the buildings and other features on the site, materials and detailing.

The site is adjacent to the former Powderhall rail link, which marks a clear change in character in the locality moving from high density tenemental developments to lower density bungalows and the care home. The development is located within the area to the north of the railway line where it is lower density. However, the proposal is comparable in scale to the tenemental properties to the west and the taller developments of the Lochend Butterfly to the north.

In assessing this proposal, the existing single storey houses immediately opposite the site along Marionville Road currently address the street in a positive way by offering a frontage characterised by low walls and planting. The heights of these buildings offer views across to Arthur's Seat when viewed from the north, which provides a distinctive sense of place. The existing care home building to the immediate north of the application site has less of a positive frontage to Marionville Road, but responds well to the topography of the site by having a lower prevailing building height and is set back to provide a landscaped frontage.

The proposed development does not relate positively to either the single storey houses opposite or the care home. This is due to the height and massing of the proposed buildings and the fact that the proposal does not sit comfortably within its setting. Although the proposals provide an area of landscaping to the frontage, and the proposed mews houses are of an appropriate design, the proposal does not address the fragmented urban grain or take cognisance of the urban form and density at this location.

In further assessing the height and scale of the proposal, it is important to consider several aspects: first is the impact of the development on long views into the site from important viewpoints; and second is the impact on local views.

Policy Des 11 (Tall Buildings - Skyline and Key Views) of the LDP states that planning permission will only be granted for development which rises above the prevailing building height where the scale is appropriate in its context and there would be no adverse impact on important views. The EDG contains a study of key views and skylines and identifies key view E9a as Arthur's Seat from Lochend Park upper level and Lochend Road South. The scale of the proposed development will have a significant impact on the identified key view, to the extent that much of Arthur's seat will no longer be visible from the park's upper level. In addition, the scale and mass of block D in particular would draw attention to the building at the expense of the views. Overall, the height of the development will have an adverse impact on an important landscape feature and as such the building is not appropriate in its context contrary to Des 11.

c) Amenity

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Neighbours

A Daylight and Sunlight Assessment (DSA) has been submitted in support of the application. The DSA measures the impact of the development on the level of Vertical Sky Component (VSC) for the neighbouring developments. Of the neighbouring buildings evaluated, all residential elevations fully complied with the BRE guidance and the EDG in relation to the VSC with the exception of the adjacent care home. The elevation of the care home closest to the development does not meet the requirements of the guidance as 16 of the windows, affecting seven habitable rooms, do not pass the VSC test. All of the affected rooms are single aspect. As a result, Average Daylight Factor (ADF) calculations were also undertaken. These calculations show that all of the seven affected rooms pass the ADF test and therefore comply with the EDG.

A shadow study has been submitted in support of the application. The study shows that the care home's garden area where it lies adjacent to the development will be overshadowed for much of the day. While the care home has a larger garden area around its curtilage, and in particular has two well maintained central courtyard gardens, it is likely that residents value the immediate outlook and amenity from their room and the consequence of this area being overshadowed will have a detrimental impact.

Amenity of Future Occupants

In terms of the amenity of future residents within the proposed development, daylight analysis has been submitted that demonstrates that all of the units will receive adequate daylight when assessed using the no sky line method. This is in compliance with the EDG.

Open space for the flats is provided in three separate areas: at the front of the site overlooking Marionville Road; the central courtyard deck; and at the north of the site adjacent to the gables of blocks C and D. The mews are given a separate area at the east of the site. Across the site approximately 40% of the area will be provided as green space. This is in excess of 10 sq/m per flat and the minimum requirement for 20% open space across the development as specified in policy Hou 3.

The EDG advises that half the area of new garden spaces should be capable of receiving potential sunlight for more than three hours during the spring equinox. The DSA shows that the central landscaped courtyard will be significantly overshadowed for much of the day and at no point will more than 50% of the area receive sunlight at the spring equinox. In addition, the communal greenspace between the gables of blocks C and D will also receive inadequate sunlight.

The EDG also includes recommended internal floor areas for flat sizes. All the units meet the minimum internal floor area requirements.

A Noise Impact Assessment (NIA) has been submitted in support of the application. Although the railway line is not currently operational, for the purposes of the NIA it has been modelled as if it were. The NIA makes a number of recommendations on façade construction and ventilation provisions to ensure that residential amenity will be protected. Environmental Protection has confirmed that the noise mitigation proposals are acceptable, subject to a suitable condition.

Overall, the proposal will provide adequate daylight to all new units within the development. In terms of sunlight, the area of overshadowing created by the building will affect the amenity of future residents in terms of its impact on the open space within the site. However, this impact is mitigated to some extent due to the site's location adjacent to Lochend Park. The area of overshadowing to the care home garden is likely to have a detrimental impact on the amenity of the residents, particularly those who reside in the western part of the building and utilise the garden area and is not in compliance with policy Des 5. There are no other amenity issues arising as a result of the development.

d) Transport and Air Quality

Transport

The two existing entrances to the site will be retained, one also serves as the pedestrian access to the park and the other will be the main vehicular access to the development. There will be a total of 68 car parking spaces provided on site, six of which will be spaces for disabled people, with a further five spaces allocated for motorcycle parking. Policy Tra 2 (Private Car Parking) advises that lower provision will be pursued subject to a number of factors, including the site's accessibility and proximity to local amenities. The site is well located within convenient walking distance of bus stops, cycle routes and local amenities. Therefore, the level of car parking provided is adequate for a development of this nature and complies with Tra 2.

A total of 230 cycle parking spaces will be provided within secure locations on the ground floor within the apartment blocks. The level of cycle parking provision is in compliance with policy Tra 3 (Cycle Parking).

Parking for 47 vehicles will be provided in an enclosed car park at ground floor level, beneath the landscaped deck. The mews properties will be provided with a covered car port with space for 10 cars. The remainder of the spaces will be interspersed throughout the development. The location of the car parking is acceptable and is in compliance with policy Tra 4 (Design of Off-Street Car and Cycle Parking).

Overall, the transport measures are acceptable and in accordance with LDP policy and guidance.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the application. As part of the AQIA, dispersion modelling was undertaken to quantify existing pollutant concentrations at the site and to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the proposals.

Predicted impacts on NO₂, PM₁₀ and PM_{2.5} concentrations as a result of operational phase exhaust emissions were predicted to be negligible at all sensitive receptor locations considered. The overall significance of potential impacts was therefore determined to be not significant, in accordance with the EPS and RTPI Scotland guidance.

e) Flood Prevention

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. Flood Prevention has requested some further checks from the applicant before any development can commence. If the application is granted, it should be subject to a condition requiring the final approval of the outstanding information by Flood Prevention, to ensure compliance with policy Env 21 (Flood Protection).

f) Trees and Landscaping

The proposal includes the removal of a number of trees from within the site and in the southern corner of Lochend Park. In total, four trees will be removed from within the site and 13 trees from the park. The close planting of the trees has created a dense canopy and most display suppressed crown development. As a result, the trees to be removed have been ascribed as low or unsuitable retention category. Therefore, their loss is acceptable and complies with policy Env 12 (Trees). The Council's Parks and Greenspaces function has previously advised that the management of the trees in this area would be supported. However, the nature and extent of any works to the trees within the park will first require to be approved by Parks and Greenspaces.

g) Ecological Issues

A Preliminary Ecological Appraisal has been submitted in support of the application. The appraisal noted that the buildings on site have moderate potential to support roosting bats and recommends a programme of dusk/dawn bat roost emergence/re-entry surveys are carried out.

Giant Hogweed was also noted as being evident on site and it is recommended that the plants should be sprayed with a Glyphosate-based herbicide to eradicate it from site prior to demolition works commencing.

No evidence of any other legally protected or notable species of conservation concern was noted during the survey. Consequently, any other such species is considered to be unlikely to be present on or in the vicinity of the site.

h) Sustainability

The applicant has completed a sustainability form in support of the application, which confirms that the following sustainability criteria have been achieved:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures, including the use of a roof mounted solar PV panels and achieving a silver or gold standard when assessed against building standards Section 7 (Sustainability).

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

i) Archaeology

The site has been identified as occurring within an area of archaeological significance. Therefore, if Committee is minded to grant the application, a condition will be required to ensure that no development takes place on site prior to a programme of archaeological works being undertaken.

j) Impact on the Railway

Network Rail has been consulted on the application and advised that they have no objections to the application subject to relevant conditions. Therefore, if Committee is minded to grant the application, two conditions will be required. The first condition requires the provision of a 1.8 metre high fence adjacent to Network Rail's boundary and the second condition restricts the nature of any landscaping to be planted adjacent to the operational railway.

k) Other Infrastructure Requirements

Affordable Housing

A total of 30 affordable units are to be provided on site with 22 units (73%) being provided by a Registered Social Landlord and located in block A. The remainder will be provided through golden share/shared equity within the other blocks. The precise location of these units is to be agreed. If the Committee is minded to grant the application, the affordable housing units will be subject to a legal agreement.

Communities and Families

This site falls within the 'Leith Trinity Education Contribution Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified education infrastructure actions and current delivery programme has been assessed, as set out in the guidance. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that are anticipated should the proposal progress.

The proposed development is therefore required to make a contribution towards the delivery of these actions.

The required contribution should be based on the established contribution figures of £980 per flat and £6,536 per house (indexed to the date of payment). This equates to a total education contribution of £117,300 for the proposed 53 flats (discounting studios and 1 beds) and 10 mews. If the Committee is minded to grant the application, the contributions will be sought via a legal agreement.

Primary Healthcare

This site falls within the 'Brunton Health Care Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified primary healthcare infrastructure actions and current delivery programme has been assessed, as set out in the guidance.

The required contribution is based on the established contribution figure of £945 per dwelling (indexed to the date of payment). This equates to a total primary healthcare contribution of £113,400 for the proposed 120 units. If the Committee is minded to grant the application, the contributions will be sought via a legal agreement.

l) Public Comments

Material objections

- Impact on local amenities, schools, etc - assessed in section - 3.3(i);
- Detrimental impact on Lochend Park - assessed in section - 3.3(b);
- Risks to air quality - assessed in section - 3.3(d);
- Road congestion - assessed in section - 3.3(d);
- Loss of wildlife corridors - assessed in section - 3.3(g);
- Blocks B and C are too high and completely obscure the view of Arthur's Seat from Lochend Park - assessed in section - 3.3(b);

- Will dominate the skyline when viewed westwards from St Triduana's Church - assessed in section - 3.3(b);
- Brick is not suitable material in the area - assessed in section - 3.3(b);
- The height of the building will overshadow the entrance to the park - assessed in section - 3.3(b and c);
- The care home garden will be overshadowed on an area used by residents - assessed in section - 3.3(c); and
- Loss of outlook for care home residents - assessed in section - 3.3(c).

Craigentiny and Meadowbank Community Council comments

- Objections from the community about the height of the development - assessed in section - 3.3(b); and
- The community and local businesses will benefit from the development providing the Council invests in improving residents' access to health, transport and schools in the area.

Conclusion

The proposal is contrary to the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height and form of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11. It will overshadow and have a detrimental impact on the neighbouring care home, contrary to policy Des 5. The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policy Des 1 as it does not draw on the positive characteristics of the area,

The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

2. The height and form of the proposal would not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11.
3. The proposal will have a detrimental impact on the neighbouring care home, contrary to policy Des 5.

Financial impact

4.1 The financial impact has been assessed as follows:

No contributions required. However, if Committee is minded to grant the application then a legal agreement will be required.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 January 2019. A total of eight objections were received from members of the public. A representation was also received from Craigentiny and Meadowbank Community Council offering comments both in support and against the proposal.

A summary of the comments is contained in the assessment.

Background reading/external references

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

Statutory Development**Plan Provision**

The site is designated as urban area in the Edinburgh Local Development Plan.

Date registered

20 December 2018

Drawing numbers/Scheme

01-05, 06A-08A, 09-10, 11A-12A, 13-14, 15A-16A, 17, 18A, 19-20, 21A, 22-23, 24B, 25A-26A, 27-33, 34B, 35A-37A, 38, 39A, 40-41,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

Links - Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

Appendix 1

**Application for Planning Permission 18/10499/FUL
At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ
Planning permission for the demolition of two existing
business class units and the erection of a new residential
development of 120 units. Units are split over 4 apartment
buildings, noted as Block A (East Block) Block B (South
Block), Block C (West Block) and Block D (North Block), and
a terrace of 10 mews houses. Application also concerns car
parking, car port and associated landscaping (as amended).**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of two existing business class units and the erection of a new residential development of 125 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping.

The site lies across the southern end of Lochend Park centred upon the historic Lochend Loch and the historic landscape surrounding Restalrig House situated on a high ground overlooking the eastern side of the Loch. Lochend Loch appears to have been formed after the last Ice Age and has been a focus for settlement and activity since this period. Historic mapping indicates that the current loch has been infilled since the 19th century to form the current park. The discovery of deep peat deposits from boreholes undertaken on this site in 2004 by Holequest indicates that historically the Loch appears to have extended under the western part of the application site, with the business units potentially overlying its shore.

Accordingly, this site has been identified as occurring within an area of archaeological historic and archaeological significance. This application must be considered therefore under terms the Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The results from the 2004 geotechnical bore holing have demonstrated that the site overlies historic peat deposits formed during the natural infilling of the Loch in prehistory. Such deposits are archaeologically important as they can provide significant information regarding historic environmental changes and land uses going back into prehistory, perhaps as far back as the last Ice-Age c. 12,000BC. In addition, it is possible that later archaeological deposits may have survived on site associated with the use of the nearby Restalrig Estate.

It is recommended that prior to development that a programme of archaeological works is undertaken to, record, analyse and date these Palaeo-loch deposits and any associated deposits. It is recommended that the following condition is attached to ensure the undertaking of this required programme of archaeological works;

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

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

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

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

2. Affordable Housing Provision

This application is for a development consisting of 120 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (30) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council:

- The tenure of the affordable housing must be agreed by the Council and;*
- The Council will identify the Registered Social Landlord(s) (RSLs) to take forward the affordable homes, and deliver a well integrated and representative mix of affordable housing on site.*

The applicant has stated that onsite affordable housing for an RSL will account for 22 of the required 30 affordable homes to be provided on site. The other 8 will come forward as Golden Share housing.

Based upon discussion with the developer and the RSL, this department is satisfied the integration of on-site affordable housing provision within the development was incorporated from an early stage of the design process. Early discussions with the RSL, Places for People shaped the decisions taken within the proposals. The site is located close to transport networks and health facilities and Places for People have therefore proposed to deliver housing for older people.

Accessibility generally and access to Block A in particular was a key requirement. The positioning of Block A will provide easy access to public transport and local amenities. This block would offer level access for the residents from Marionville Road. This would not be possible for Blocks B and C as the entrance to these buildings is located a full storey lower than Marionville Road.

The housing department requested that the applicant look again at their designs to incorporate all affordable housing for an RSL and to do that within a single block.

Dandara tried to fit all of the AH in one block, but for various reasons (outlined in a submitted 030519 CDA AH Design Statement PDF attached) this wasn't possible. Largely due to the topography, surrounding heights, and irregular shape of the site.

For the balance, the remaining 8 homes are likely to be provided as a Golden Share housing, dependant upon sales values at the time of completion. A valuation report by Rettie has indicated that Golden Share will be viable at this location at the time of completion.

Despite the mixture of provision, the majority will be housing for older people for an RSL and because of this, the proposals are supported by this department.

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

3. Summary

The applicant has made a commitment to provide 25% affordable housing, with 22 homes for older people to be provided on-site and the remaining 8 as golden share and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- The applicant is requested to enter into an early dialogue with the Council who will identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing*
- The tenure of the affordable housing must be agreed with the Council*
- The affordable housing must include a variety of house types and sizes to reflect the provision of homes across the wider site*

- All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"
- The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Communities and Families

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

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

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

Assessment and Contribution Requirements

Assessment based on:

10 Houses

53 Flats (57 one bedroom / studio flats excluded)

This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'.

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

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

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

Total infrastructure contribution required:

£117,300

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

Craigentiny and Meadowbank Community Council

This letter offers comments on the application following participation in several consultations with local communities and individual conversations with residents and businesses.

The community council recognises the efforts carried out by the developers to reach out to local residents which led them to make amendments to their plans following comments which were fed back to them by the local community.

We also recognise the special efforts which were put into the bin management strategy which was selected for the development.

We listened to the community and heard some objections to the height of the build along with reservation about the management of green space belonging to the Lochend park adjacent to the development.

There is also opposition targeted towards the lack of investment from Edinburgh council in desperately needed public amenities.

However, we believe that the community and local businesses will benefit from the development going ahead, providing Edinburgh City council invests into improving resident's access to Health, Transport and Schools in the area.

Economic Development

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 18/10499/FUL for the development of 125 residential units at 69-71 Marionville Road, Edinburgh.

Commentary on existing use

The application relates to a 0.80-hectare site bounded by Lochend Park and Marionville Court care home to the north; Marionville Road to the east; a railway line and substation to the south; and Lochend Park to the west. The site is currently occupied by two adjoining industrial buildings totalling 4,390 sqm (gross). The buildings have been used for multiple different purposes, most recently as a warehouse and tai chi centre respectively. The site also includes a strip of hardstanding land used for parking.

The potential economic impact of the existing buildings can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm (gross). This suggests that the existing buildings could be expected to directly support approximately 122 FTE jobs if fully occupied (4,390 divided by 36). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the manufacturing sector in Edinburgh is £64,316 per employee (2016 prices). This suggests that the existing buildings could be expected to add approximately £4.36 million of gross value added to the economy of Edinburgh per annum (2016 prices) if fully occupied (£64,316 x 36). It is recognised that the buildings have in recent years not been used intensively and have been used for lower-value uses such as storage.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age. The proximity to the care home that has been developed to the north means that this area is unlikely to be suitable for industrial activities, while the site is not strategically located in terms of access to the motorway network. The surrounding area is dominated by residential uses along with Meadowbank Sports Centre. The net loss of employment space is nonetheless unfortunate; however, as the site is below one hectare, policy EMP 9 of the Local Development Plan applies, and there is therefore no requirement for additional class 4 space to be provided as part of the redevelopment.

Commentary on proposed uses

The application proposes the clearance of the existing site and its comprehensive redevelopment to deliver four blocks of five-eight storeys containing a total of 115 flats, along with a row of 10 mews houses.

- *Class 9 - Houses / Sui generis - Flats*

The development as proposed would deliver 125 houses and flats. These would not be expected to directly support any economic activity. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 125 houses and flats could be expected to collectively spend approximately £3.20 million per annum (2016 prices). Of this £3.20 million, it is estimated that approximately £1.66 million could reasonably be expected to primarily be made within Edinburgh. This £1.66 million could be expected to directly support approximately 26 jobs and £0.90 million of GVA per annum (2016 prices), primarily in the retail, transport, and hospitality sectors.

Overall economic impact

The development as proposed would result in the loss of two industrial buildings totalling 4,390 sqm (gross). It is estimated that the total economic impact of these buildings if fully occupied for industrial/manufacturing purposes would be approximately 122 FTE jobs and £4.36 million of GVA per annum (2016 prices).

The development as proposed would not be expected to directly support any jobs, but it is estimated that it could support approximately 25 jobs and £0.90 million of GVA per annum (2016 prices) via the impact of household expenditure.

Other considerations

The site abuts the now disused railway line leading to the Powderhall Waste Transfer Station. There are proposals to convert this railway line into a cycle path, and there may be scope in future for the site to link to this.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 25 jobs and £0.90 million of GVA per annum (2016 prices) via the impact of household expenditure. By comparison, it is estimated that the current buildings on the site could, if fully occupied for industrial/manufacturing uses, support approximately 122 FTE jobs and £4.36 million of GVA per annum (2016 prices).

The loss of 4,390 sqm employment space with no replacement space provided is regrettable. However, it is recognised that the buildings in question are of advanced age and in an area unsuited for industrial uses and that, as the site in question is below one hectare, policy EMP 9 of the Local Development Plan does not apply.

This response is made on behalf of Economic Development.

Edinburgh Urban Design Panel

1 Recommendations

The Panel recognised that the proposals were at an early stage in the design process and welcomed the opportunity to review them at this juncture.

In developing the proposals, the Panel suggested the following matters be considered:

- *Land use, density and mix;*
- *Layout, design, scale, and amenity;*
- *Public realm and landscaping;*
- *Access, parking and servicing;*
- *Materials;*
- *Sustainability;*
- *Safety and security; and*
- *Views.*

2 Introduction

It is anticipated that an application will be submitted for full planning permission for the demolition of the existing structures on the site and the erection of a residential development at 69-71 Marionville Road, EH7 6AQ.

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road with an adjacent pathway providing access to Lochend Park to the north.

To the north and west of the application site is Lochend Park and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond. The wider area contains a diversity of uses, although the character is predominantly residential.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

No declarations of interest were made by the Panel.

3 Planning Context

The site is located within the urban area as identified in the Edinburgh Local Development Plan (LDP). The development will have to ensure compliance with the relevant policies of the LDP.

Relevant planning history for this site is set out as follows:

10 November 2014 -Planning permission granted for demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

30 March 2006 - Planning permission refused for a residential development (as amended) (application number: 05/01609/FUL). Appeal dismissed on 4 April 2007.

4 Panel Comments

The Panel welcomed the opportunity to review the proposals and acknowledged that they are at an early stage in the design process.

Land Use, Density and Mix

The Panel agreed that this is an appropriate site for housing subject to careful design.

The Panel noted that the proposed density is similar to the previously refused application for 123 residential units (application number: 05/01609/FUL). The Panel agreed that the proposal's impact on the environment and its relationship to the wider context needs to be carefully considered to ensure that it does not result in overdevelopment.

The Panel raised concerns about the separation of the affordable and market housing, and urged the design team to explore mixing the tenures across the site to promote greater social inclusion. The Panel agreed that if this cannot be achieved, ensuring that the housing is tenure-blind will be critical.

Layout, Design, Scale and Amenity

The Panel agreed that the site constraints and topography should be used to inform the proposal.

The Panel stated that the proposed layout appears fragmented, particularly with regard to the two flatted blocks. The Panel emphasised that social interaction across the site should be maximised through a more coherent design. The Panel agreed that the buildings and spaces should talk to each other which would assist in creating a sense of place. The Panel suggested that the two flatted blocks could be reoriented so that they face onto a shared communal space.

The Panel did not support the emerging height and mass of the flatted blocks, and were in agreement that they appeared to be too large and therefore out of context with this part of the street particularly in relationship to the adjacent bungalows. The Panel acknowledged that articulation in the design of the blocks could assist in reducing their bulkiness but strongly recommended that the height of the blocks be reduced.

The Panel suggested that design cues for the buildings could be taken from the old printing works previously situated on the site.

The Panel was keen for the design team to explore ways to articulate the roofscapes, which could include the incorporation of roof terraces.

The Panel raised concerns about the proximity of the mews houses to the railway due to the potential adverse impacts on residential amenity, particularly from vibrations and noise. The Panel stated that due to the limited width of this part of site and the potential requirement for acoustic fencing, the quality and size of the gardens are likely to be quite poor. The Panel noted that the use of toxic herbicides on the railway tracks may also be an issue and this should be investigated in relation to air quality.

The Panel emphasised the importance of considering the microclimate created by the positioning and orientation of the buildings. This concern was raised particularly in relation to impacts of overshadowing of amenity space from the buildings and from prevailing winds, and also on the level of daylight and sunlight into flats. The Panel agreed that spaces should be orientated to receive maximum sunlight and daylight with shelter provided from surrounding buildings.

The Panel suggested that the proposal should incorporate a higher proportion of dual aspect flats to improve amenity for future residents. The Panel also raised concern about the daylight, sunlight and privacy of the flats facing into the courtyard within the U-shaped block, and urged the design team to explore the reconfiguration of this block to maximise amenity.

Public Realm and Landscaping

The Panel felt strongly that the public realm and landscaping should facilitate social interaction, permeability and coherence across the development. The Panel recognised the challenges of the site's topography and were keen for the design team to explore creative ways to form useable space which is accessible to all.

The Panel welcomed the proposal to connect into Lochend Park. The Panel proposed that instead of using the narrow strip of land adjacent to the park for mews housing, it could be used for allotments or another type of landscaped space. This arrangement may create greater opportunities to enhance permeability into the park and bring the character of the park into the site. Planting on this part of the site would also provide a natural buffer to the railway.

Whilst it was acknowledged that the park is outwith the site boundary, the Panel was keen for a Tree Management Plan to be created which includes the existing park trees. The park trees add character and containment to the site and should be enhanced where possible.

The Panel was concerned about the raised deck courtyard with undercroft car parking associated with the U-shaped block. The Panel felt that this could result in an inactive ground level and separation of a key communal space from the rest of the development. Alternative solutions should therefore be explored.

The Panel suggested that the northern boundary adjacent to the care home could be strengthened with tree planting to enhance the containment of the site in this area.

Access, Parking and Servicing

The Panel was concerned that the development appeared to be car-dominated resulting mainly from the proposed vehicle circulation, which would take traffic through the site. It advised that going forward, the proposal should focus on facilitating 'street life' with pedestrian priority then cycle access above the movement and parking of cars. An assessment of the wider context including links to public transport should be undertaken which may help to justify a reduction in car parking.

The Panel considered that the width of the splay on the site's north-western access could be reduced to improve the quality of the pedestrian experience. It was acknowledged that the levels are challenging in relation to access into the site and the Panel suggested that it would be useful to explore alternatives. This may subsequently result in a reconfigured and increased provision of open space.

The Panel was keen to ensure that the circulation/turning of vehicles does not prejudice pedestrian or cyclist safety. The waste management strategy should be defined at an early stage to avoid any conflicts, especially due to the level changes.

Materials

The Panel suggested that materials could be informed by the site's history in relation to the old printing works.

Safety and Security

The Panel advocated early engagement with Police Scotland regarding site security and the incorporation of Secure by Design principles. Particular concern was raised about the safety and security of the undercroft parking.

Sustainability

The Panel encouraged the design team to adopt BREEAM standards set out for residential developments. The Panel suggested that some of the design constraints could be resolved by applying the BREEAM standards.

Views

The Panel agreed that further assessment was needed on the proposal's impact on key views.

Flood Prevention

1. *The certificates received have been split below, with Dandara listed as the author on the SWMP and no checker on the FRA. Please can these be revised and resubmitted.*

Certificate A1 Drainage Strategy- Received from Dandara and accepted.

Certificate B1 Drainage Strategy- Received from Waterco and accepted.

Certificate A1 FRA - Received from Waterco and accepted

Certificate B1 FRA- Still outstanding

2. *It is noted in the Waterco Flood Risk Assessment & Drainage Review that drainage assets are intended to be adopted by Scottish Water. Agreement should be obtained from Scottish Water with regard to the design and that they are willing to adopt this infrastructure prior to start of construction works.*

3. *It has not been explicitly stated how the 92.467m³ identified as flooding in the Dandara Causeway Flow Design report has been addressed. I note that the storage volume has been increased from ~120m³ to ~192m³. The applicant should confirm if the increase in volume overcomes the flooding issue identified in the Dandara report.*

Network Rail

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no issues with the principle of the proposed development, we would have to object to the proposal unless the following conditions were attached to the planning permission, if the Council is minded to grant the application:

1. *The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.*

Reasons: In the interests of public safety and the protection of Network Rail infrastructure.

2. *No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments. All landscaping, including planting, seeding and hard landscaping shall be carried out only in full accordance with such approved details.*

Reason: To control the impact of leaf fall on the operational railway.

Network Rail would also recommend that the following matters are taken into account and are included as advisory notes, if granting the application:

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

Network Rail recommends that all buildings should be situated at least 2 metres from the railway boundary. The applicant must ensure that the construction and subsequent maintenance of any proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk*

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Roads Authority Issues

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

- 1. The applicant will be required to contribute:*
 - a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*

c. the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

2. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of a car club vehicle in the vicinity of the site. A contribution the sum of £5,500 per car and £1,500 per order would be required. This does not require to be included in any legal agreement;

3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. It is expected that the mews access will be included as a 'footway' under the Road Construction Consent and will be constructed to carriageway standard to accommodate emergency service vehicles;

4. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent including Stage 2 Road Safety Audit and Designer's Response;

5. A draft travel plan is set out in the submitted Transport Assessment. The applicant should consider developing including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

6. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

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

8. It is noted that the proposed mews parking is under a canopy in close proximity to the proposed carriageway. The applicant should note that any canopy or similar structure must be a 0.5m in from the carriageway edge;

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

10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. It is understood that underground attenuation / storage is proposed for the site. The applicant should note that neither the Council or Scottish Water are likely to accept maintenance responsibility for such infrastructure and that the maintenance responsibility should be clearly identified.

Note:

- i. Current Council parking standards permit up to 1 car space per unit for residential development in this area, Zone 2. The proposed parking provision is considered acceptable and includes:
 - o A total of 68 car parking spaces (including 49 undercroft, 9 on-street, 10 off-street mews spaces);
 - o 12 electric charging points;
 - o 6 disabled spaces;
 - o 5 motorcycle spaces;
- ii. A total of 230 cycle parking spaces are provided within secure and undercover locations within the blocks;
- iii. No specific cycle parking is provided for the 10 mews units with storage expected to be within the properties;
- iv. The existing access to Lochend Park at the north western edge of the site is considered adequate for links into the local cycle and pedestrian network.

SEPA

Thank you for your consultation email which SEPA received on 09 January 2019.

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Air Quality

1.1 We would advise that under LAQM guidance the Council should request an air quality impact assessment if the development will lead to a change in LDV (light goods vehicle) flows of more than 100 Average Annual Daily Traffic (AADT).

2. Flood risk

Executive Summary Outlining Policy Context

2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

2. Technical Report

2.2 Review of the SEPA Flood Map indicates that the site lies outwith, but adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. The flood risk identified adjacent to the site is from surface water sources and we hold no further information on this flood risk or any records of flooding in the area.

2.3 We were previously consulted on an application at this site (14/02089/FUL) and although we had no objection we did note that the information provided indicate that there was a culverted watercourse adjacent to the site in Marionville Road and recommended further consideration of flood risk from this source and contact with Edinburgh Council flooding team to determine whether they held additional information. This information has not been submitted in the current application and review of our records provides no details on a culverted watercourse.

2.4 Given the above, we have no objection to the proposed development. We would recommend that finished floor levels are raised above ground level where feasible and ground landscaped to slope away from properties to reduce any risk of potential surface water flooding in the area.

Detailed advice for the applicant

3. Flood Risk

Caveats & Additional Information for Applicant

3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

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

3.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

4. Regulatory requirements

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

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

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

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

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

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

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

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

Tel: 0131 449 7296.

Waste Services

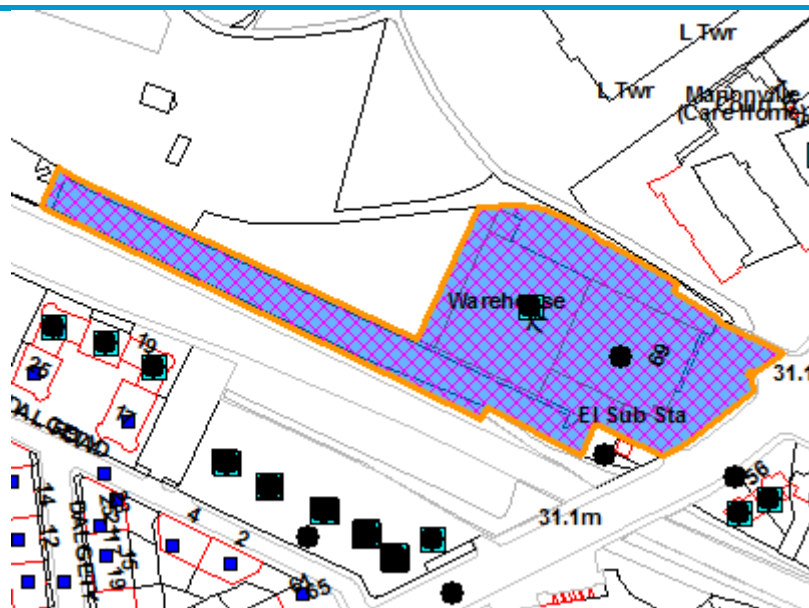
All items are conforming with our discussions and I will issue the 1st part of our waste strategy agreement to allow planning to go ahead.

Please ensure the builder/developer is provided with the updated agreement and a copy of our instruction for architects guidance for their perusal.

Please inform them that a second part agreement will be issued prior to completion of the site (relevant to collections) and all access roads being accessible.

This will consist of a site visit to ensure all the requirements have been installed as per our agreement and it is considered safe for waste collections to proceed.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/09995/FUL
At 25 Milton Link, Edinburgh, EH15 3QH
Variation of condition (ii) imposed on planning permission
TP/5/M/2264/85 to enable the sale of food for up to 743
sq.m.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The unit has a current gross retail floorspace of 6,503 square metres and is subject to a condition restricting it to non-food retail. However, a subsequent planning permission allowed for the sale of up to 292 square metres of food retail. This proposal would mean that a total of 743 square metres of the gross retail floorspace, including the previously consented 292 square metres, could be used for the sale of food retail, which is 11% of the total floorspace.

The nature of the proposal is such that it will not have an adverse impact on any nearby town centres, local centres or commercial centres and will not detract from the current provisions at these centres. There will be no impact on the vitality or viability of these centres, and this level of floorspace for food sales would be complementary to the existing retail provision at this existing retail store.

Taking all these issues into account, as well as the supporting information and representations, the proposal is acceptable in terms of LDP Policies Ret 1 and Ret 6, subject to a condition limiting the amount of floorspace for food sales, and a legal agreement pertaining to this.

Links

[Policies and guidance for this application](#)

LDPP, LRET01, LRET06, OTH, NSGD02,

Report

Application for Planning Permission 18/09995/FUL At 25 Milton Link, Edinburgh, EH15 3QH Variation of condition (ii) imposed on planning permission TP/5/M/2264/85 to enable the sale of food for up to 743 sq.m.

Recommendations

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

Background

2.1 Site description

The site is located directly to the east of the A1 Milton Link. The existing building is a retail warehouse with a total floorspace of approximately 10,219 square metres. It has a gross retail floorspace of 6,503 square metres. There is also a fast food concession within the unit. The site lies lower than the A1 link. It is bound to the west by a landscaped area and a footpath which provides a link/access under the A1. The car parking area for this unit lies to the southern half of the site.

The site is currently occupied by The Range, providing a mix of household goods with a small area for confectionery. There are 324 car parking spaces to the south of the store, with a small Costa Coffee takeaway unit located in the car park.

To the east of the site is the existing railway line and the Brunstane station. There is an existing Asda superstore and Fort Kinnaird Retail Park to the southwest of the site on the west side of the A1. Brunstane Primary School is to the east of the site, with residential areas further east, north and west. There is another warehouse unit directly to the south of the site.

2.2 Site History

November 1970 - Outline planning permission was granted for a supermarket and shops (application number: 70/134).

April 1971 - Planning permission was granted for a supermarket and a petrol service station (application number: 71/438).

July 1982 - Application was granted to re-orientate superstore (due to bypass) (application number: 959/82).

1985 - Amendment to S50 agreed by Committee (application number: 1112/85).

May 1986 - Planning permission was granted for the redevelopment of the site for two non food retail warehouses and a garden centre (2264/85). Condition 2 of the planning permission states that 'the premises shall be used for the retail of non food goods and for no other purpose.' The permission was granted subject to a Section 50 Agreement, dated 12 May 1986. This agreement includes restrictions on the premises. The second schedule states that the new buildings shall not be used for the sale of food and that the gross total area of all buildings (excluding any garden centre) shall at no time exceed 70,000sq feet.

2 December 1986 - Planning permission was granted to vary the above consent to enable the two buildings to be merged into a single unit.

March 1987 - Permission was granted to extend the retail warehouse (application number: 87/02370).

June 1988 - Permission was granted to change the use of vacant land to a garden centre for a temporary period of one year to eighteen months (application number: 88/00638).

21 December 1998 - Modification agreed for condition (ii) of planning consent (2264/85) to allow the sale of confectionary and snacks in up to 292 square metres of floorspace (application number: 98/3080/FUL).

10 February 1999 - Planning permission was granted for the non food redevelopment of the existing site to provide replacement retail buildings including a revised site layout. Condition G24 restricted the use for the sale of non food goods only and for no other use within class 1 (application number: 97/03396/FUL).

May 1999 - Planning permission was granted to modify planning permission 2264/85 and 98/03080/FUL for change of use from cafe to cafe with sale of hot food for consumption off the premises (application number: 99/00632/FUL).

18 December 2000 - Planning permission was granted for the provision of a new stockroom (application number: 00/03135/FUL).

A minute of agreement was recorded on 22 May 2001 which varies the original agreement. This states that the 'gross total area (excluding any garden centre) of all buildings on the New Agreement subjects use for retail trading shall at no time exceed 70,000 square feet'.

12 January 2011 - Planning permission was refused for a section 42 application to vary condition (ii) of planning permission 2264/85 to erect 2 non-food retail warehouses and garden centre, variation required to allow for the sale of food from this existing retail unit (application number: 10/01663/FUL).

1 March 2012 - Appeal was dismissed for the section 42 application to vary condition (ii) of planning permission 2264/85 to erect 2 non-food retail warehouses and garden centre, variation required to allow for the sale of food from this existing retail unit (appeal reference: PPA-230-2055).

Main report

3.1 Description Of The Proposal

This is an application made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary condition (ii) of permission 2264/85.

The application is proposing that the condition be changed to be:

"The premises shall be used for the sale of non-food goods and for no other purpose save that up to 743 square metres can be used for the sale of food."

The applicant has advised that the premises will continue to be occupied by The Range. The application seeks a variation in the permitted ranges of goods in respect of allowing a limited amount of the existing retail space to be used for the sale of food. The proposed parameters are as follows:

- It does not involve the sub-division of the existing unit;
- There will be no separate entrance or exit for customers wishing to buy food items;
- All items will be purchased at the main store entrance/exit; and
- The main range of food goods sold will be frozen products with a limited range of chilled and ambient items.

In addition, there is already planning permission for the sale of food retail for up to 292 square metres, as per planning permission 98/3080/FUL. The current proposal will encompass this already-consented 292 square metres into the total permitted floorspace for food sales. Thus, the overall additional food sale floorspace would be 451 square metres.

A Planning Statement containing retail information of nearby town centres was submitted in support of the application. This is available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle and would it comply with the policies for the location of retail development;
- b) there would be any adverse effect on amenity; and
- c) Issues raised in representations have been addressed.

a) The Principle of the Development

Under section 42 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority can consider whether to amend or remove conditions previously applied to a planning permission. The assessment in this instance is whether the condition restricting the food retail floorspace should be amended to limit the amount of food retail floorspace to 743 square metres.

Since the approval of the existing consent (2264/85) in 1986, several development plans have been adopted. The statutory planning framework and material considerations are in place as if a new application had been submitted.

SPP (Scottish Planning Policy) states that the sequential approach should be used when selecting locations for all retail and commercial uses unless the development plan identifies an exception. Out-of-centre locations should only be considered for uses which generate significant footfall where they have met a number of criteria, including:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

The Strategic Development Plan (SESplan 2013) requires new retail development to be assessed using the sequential approach and that retail development should support and promote the network of existing centres. The site does not fall within any of the town centres or other shopping centres identified in SESplan.

In terms of the LDP policies, the proposal is within the urban area, and within these areas, a range of land uses are acceptable provided they are in accordance with other policies in the plan. The reporter noted in the previous appeal decision (PPA-230-2055) that although the site is close to The Jewel/Newcraighall commercial centre, it does not relate well to this centre due to the road infrastructure and the difficult pedestrian connections. The site is also outwith any identified centre and is therefore subject to LDP Policy Ret 6 (Out of Centre Development).

Policy Ret 6 contains four key policy tests which are used to assess this application proposal. These are:

(a) - the proposal will address a quantitative or qualitative deficiency or will meet the needs of an expanding residential or working population within its catchment area:

The Council commissioned a Commercial Needs Study in order to support retail analysis for the City Plan 2030. This study is useful in assessing whether there is a quantitative or qualitative deficiency in the area.

The convenience goods analysis presented in this study forecasts overall expenditure growth, as strong population growth is expected to offset a decline in expenditure per capita. The survey shows that the north, south and east zones each retain around three-quarters of their residents' convenience expenditure. The application site falls within the east zone, where the population projections show an increase from 60,681 to 64,709 by 2028.

However, the convenience retail capacity analysis also suggests that Edinburgh is currently well served by supermarkets and discount food stores. The scope for servicing additional new convenience floorspace over and above the current planning consents will mostly be in the form of trade diversion from existing stores, rather than reliance on spare capacity. Nevertheless, this situation still presents opportunities to improve the quality, range and choice of convenience stores generally.

In terms of deficiencies in existing provision, the applicant asserts that The Range is already an established part of the shopping patterns in the south eastern and eastern parts of the city. The applicant states that the existing restriction on the sale of food prevents the company from updating the store layout and retail offer, commensurate with its national strategy of extending the retail offer within its larger stores. The sale of food within similar discount stores such as B and M and Home Bargains is meeting a market requirement for such products.

Therefore, it is accepted that the retail study identifies that population growth in this area of the city, and the proposal to allow up to 743 square metres of food sales from the existing unit, could reasonably be accommodated at this existing store in order to address this expanding residential population without detriment to the existing town centres. This is in consideration of the fact that there is already permission for up to 292 square metres of food sales, and the additional impact is 451 square metres.

(b) - all potential sites, either within or on the edge of an identified centre have been assessed and can be discounted as unsuitable or unavailable.

A sequential assessment has been completed in the context of The Range's business model, which is mainly based on large stores with a product range of around 65,000 products. The Range stores typically require 5000 square metres of gross floor area and a minimum site requirement of 1.8 hectares.

As part of this proposal, the food (convenience) items will largely comprise frozen goods displayed in cabinets within the main trading area. A limited range of ambient products will also be sold and two chiller cabinets will display a limited range of fresh cheese, meat, dairy and delicatessen products.

According to the supporting information, The Range stores typically serve catchments extending to around a 10 minute drive time. Within this context, only one town centre is located at Portobello. However, the applicant has also examined Dalkeith and Musselburgh within the assessment for the sake of completeness.

There is one commercial centre at Newcraighall/The Jewel, within this catchment. This commercial centre lies immediately to the south of The Range and incorporates the Fort Kinnaird Retail Park. However, there are no available units of adequate size, and consequently this commercial centre is not suitable or available as an alternative site.

There are a limited number of local centres within the catchment. These are too small and tightly constrained by other development to accommodate the size of store required and the applicant has therefore concentrated on the three town centres when looking for alternative available sites.

The retail analysis submitted in support of the application does not identify any appropriate sites within the town centres as there are no units of adequate size to support The Range's business model.

(c) - the proposal will not have a significant adverse effect, either individually or cumulatively with other developments, on the vitality or viability of an existing centre.

The submitted retail information concludes that the development will have no adverse impact on the overall vitality and viability of the existing network of centres. This is based upon the assumption that the scale and location of the sale of these food goods will draw trade from existing large food stores in the area rather than cause a significant adverse impact on the vitality and viability of Edinburgh City Centre or any Town Centres or Local Centres nearby.

This is accepted as The Range is currently an established store within the area and the shopping habits of users of the town centres are unlikely to favour using increased convenience offering of The Range as their main source of shopping.

(d) - the site is or can be made easily accessible by a choice of transport modes and will not add to the length and overall number of shopping trips made by car.

There is good access to the site by rail and bike. There is reasonably good accessibility by bus services within relatively short direct line distances, but actual pedestrian routes to the site from bus stops and nearby housing is less convenient. These routes also have disadvantages. Access from the east is poor for the mobility impaired due to the bridge over the railway. The footpaths from the west and north are poor in terms of community safety due to the lack of natural surveillance from buildings or passing traffic.

It is assumed that the proposal will not generate a noticeable increase in traffic as a result of the proposal. This is on the basis that it would provide the opportunity to undertake a linked trip, and The Range does not anticipate that the range of food products would provide the opportunity for meeting main food shopping needs. Rather, the products would facilitate impulse and some top-up shopping purchases.

Therefore, the estimated increase in the total number of trips that would be generated from the development compared to the estimated trips for the site without selling food is minimal. The junctions in the vicinity of the site have sufficient capacity to cater for the increase and there are no road safety concerns.

In summary, and on balance, the proposal is not contrary to LDP Policy Ret 6.

Although LDP Policy Ret 1 (Town Centres First) states that planning permission will be granted for retail use following a town centres first approach, the existing unit is in established retail use. The increase in the amount of floorspace allowed for convenience sales would not generate a significantly higher footfall than the present situation, and the small amount of convenience sales would be incidental to the overall retail provision at this unit. The unit would operate on a basis similar to other comparable retail units such as B and M and Home Bargains, and on this basis there would be no significant adverse effect on the vitality or viability of existing town centres.

The proposal is therefore acceptable in policy terms, on the basis that the food retail floorspace will be complementary to the existing retail offering. A legal agreement is required in order to restrict the quantum of food retail to 743 square metres.

b) Amenity

The existing unit is not restricted in terms of hours of opening or noise control. The site is also buffered by Milton Link to the west and the railway line to the east.

The current occupier operates the application site with around 380 car parking spaces. This level of parking will remain the same with this new proposal and this application will result in a negligible additional impact on the network. As a result, there will be a negligible impact on air quality.

No amenity issues are raised as a result of the development.

c) Representations

Material Objections

- The proposal would have a negative impact on the vitality and viability of Portobello town centre (addressed in 3.3(a)); and
- There is no need for an increase in retail food sales in the area as there is adequate provision (addressed in 3.3(a)).

Conclusion

The unit has a current gross retail floorspace of 6,503 square metres and is subject to a condition restricting it to non-food retail. However, a subsequent planning permission allowed for the sale of up to 292 square metres of food retail. This proposal would mean that a total of 743 square metres of the gross retail floorspace, including the previously consented 292 square metres, could be used for the sale of food retail, which is 11% of the total floorspace.

The nature of the proposal is such that it will not have an adverse impact on any nearby town centres, local centres or commercial centres and will not detract from the current provisions at these centres. There will be no impact on the vitality or viability of these centres, and this level of floorspace for food sales would be complementary to the existing retail provision at this existing retail store.

Taking all these issues into account, as well as the supporting information and representations, the proposal is acceptable in terms of LDP Policies Ret 1 and Ret 6, subject to a condition limiting the amount of floorspace for food sales, and a legal agreement pertaining to this.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The premises shall be used for the sale of non-food goods and for no other purpose with the exception of up to 743 square metres that can be used for the sale of food.

Reasons:-

1. In order to limit the sale of food (convenience) retail in accordance with LDP Policies Ret 1 (Town Centres First) and Ret 6 (Out of Centre Development) and to protect the viability and vitality of existing town centres, local centres and commercial centres.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been agreed in order to restrict the quantum of food retail floorspace to 743 square metres.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following neighbour notification and press advertisement on the 7 December 2018 and 18 January 2019, 30 letters of objection were received.

These are assessed in the main report in the assessment section.

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the urban area in the Edinburgh Local Development Plan.

Also relevant is the Fort Kinnaird Development Brief (approved 26 May 2005) and the Craigmillar Urban Design Framework 2013.

Date registered

21 November 2018

Drawing numbers/Scheme

01,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Other Relevant policy guidance

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

Appendix 1

**Application for Planning Permission 18/09995/FUL
At 25 Milton Link, Edinburgh, EH15 3QH
Variation of condition (ii) imposed on planning permission
TP/5/M/2264/85 to enable the sale of food for up to 743 sq.m.**

Consultations

No Consultations received.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/02190/FUL
At 63 Morningside Drive, Edinburgh, EH10 5NQ
Change of use from nursing home (class 8) to dwelling with
a two storey east side extension; single storey rear
extension; single storey west side extension; and
associated garden landscaping.**

Item number

Report number

Wards

B10 - Morningside

Summary

The change of use to residential complies with the Development Plan and is acceptable. Materials will match those on the original villa as seen from the street. The form and design are subservient to the main house but echo its original architecture. The rear extension is screened from public view and has an acceptable impact. No privacy or daylight issues arise in relation to neighbouring properties.

Links

[Policies and guidance for this application](#)

LDPP, LHOU05, LEN06, LDES12, NSG, NSLBCA, OTH, CRPLEW,

Report

Application for Planning Permission 19/02190/FUL At 63 Morningside Drive, Edinburgh, EH10 5NQ Change of use from nursing home (class 8) to dwelling with a two storey east side extension; single storey rear extension; single storey west side extension; and associated garden landscaping.

Recommendations

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

Background

2.1 Site description

The property is a traditional, stone-built, detached villa, dating from around 1900, which stands in a substantial garden, with a total plot size of 982 square metres. The property is flanked by villas of similar scale and age, each on raised ground in relation to street level. The house to the immediate east has a modern garage on the mutual boundary, which is single storey with a flat roof, set back from the frontage.

The wider area is dominated by late 19th century terraced housing on a smaller scale. Blocks of modern, rendered flats stand on the opposite side of the road to the north-east, on the edge of Morningside Cemetery.

This application site is located within the Plewlands Conservation Area.

2.2 Site History

27 April 2018 - permission granted to fell several large trees which were in proximity to the house (planning reference: 18/01781/TCO).

19 March 2019 - previous application, including new vehicular access from rear lane, was withdrawn (planning reference: 19/00408/FUL).

Main report

3.1 Description Of The Proposal

The application proposes a change of use to residential, as a single private house.

Alterations include a two storey element to the east, faced in natural stone and with a slate roof. The side elevation is rendered with a leading edge of stone quoins.

To the rear, an existing outbuilding and proprietary steel escape stair are removed from the building. These are replaced by a simple, flat-roofed single storey extension in a modern idiom, mainly in glass and render, across the full building width.

On the west side of the main house a small workshop is created: timber-clad, with a hipped slate roof, echoing the existing entrance porch in form and design.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposed use is acceptable;
- b) the scale form and design of the extension is appropriate to the character and appearance of the conservation area;
- c) impact on neighbouring amenity is acceptable;
- d) parking is considered; and
- e) comments are addressed.

a) LDP policy Hou 5 Conversion to Housing, considers change of use to residential.

The policy has four criteria:

- a satisfactory residential environment is met;
- the use is compatible with adjacent uses;
- the residence will have adequate open space and parking; and
- the change of use complies with other policies.

In this instance, the residential use was the original designed use and it is compatible with adjacent residential properties. The house is set in extensive garden grounds with high levels of amenity and open space. No on-site parking is proposed.

The proposed use complies with policy Hou 5 and is acceptable in principle, subject to compliance with other planning policies.

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

The Plewlands Conservation Area Character Appraisal focuses on the terraces and semi-detached villas within the area. The group of detached villas which the application site lies within is not mentioned within the appraisal. Materials in the wider area are dominated by stone walls and slate roofs, but with rear extensions usually in render, and with modern rendered flats also in the area.

As seen from the public street the main two-storey extension will be faced in natural stone, matching the existing house and neighbouring houses. Although the windows are smaller than in the main house this is because it is designed to be subservient, but complementary to the original house. The building is not listed and there is no requirement to exactly copy existing details.

The western extension has the form and design of a traditional garage but will serve as a small ancillary workshop accessed from the south garden. It is designed to echo the existing entrance and is fully in character with the building.

The overall spatial pattern of the conservation area is one of continuous terraces. This small group of villas is too small to establish its own spatial pattern, but it is noted that the proposal will maintain the existing detached format.

Rear extensions are relatively common in the area and are usually rendered with a flat roof. The rear section is unseen from any public area but will remain in character with the area.

Although the extension is large, it is proportionate both to the villa and to the large plot size.

A side chimney, to be removed as part of the works, is not critical to the character or appearance of the conservation area, and if considered independently could be removed without consent.

Overall, the proposals preserve the character and appearance of the conservation area and comply with policy Env 6.

c) Impact on Neighbouring Amenity

LDP policy Des 12, Alterations and Extensions, and the Edinburgh Design Guidance consider impact on neighbouring amenity.

All elements (including the two storey element) lie in a gable-to-gable relationship with the flanking houses and do not give rise to any privacy or daylight concerns.

The proposals comply with policy Des 12 in this respect.

d) Parking

LDP policy Tra 2, Private Car Parking, considers parking levels.

Council objectives now seek to minimise parking. The proposal has no on-site parking but this complies with current Council policy.

LDP policy Tra 3, Private Cycle Parking, considers cycle parking.

The proposed garden store has ample space for cycle storage.

Policies Tra 2 and Tra 3 are met.

e) Public Comments

Objections were received from properties throughout the wider area. One immediate neighbour objected.

Material Comments

- The form and design are out of keeping with the area - addressed in section 3.3 b).
- The windows are too small on frontage - addressed in section 3.3 b).
- The wooden workshop is out of character - addressed in section 3.3 b).
- The extension is too big - addressed in section 3.3 b).
- Loss of side chimney - addressed in section 3.3 b).

Non-Material Comments

- The symmetry of the building is destroyed - the building is not symmetrical.
- The proposal is not faced in stone - the proposal is faced in stone.
- The proposal is unchanged since the last application - the proposal is an amendment to the previous application which included works to the rear.

Community Council

No comments received.

Conclusion

The change of use to residential complies with the Development Plan and is acceptable.

As seen from the street, materials will match those on the original villa. The form and design are subservient to the main house but echo its original architecture. The rear extension is screened from public view and has an acceptable impact. No privacy or daylight issues arise in relation to neighbouring properties.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 24 May 2019.

Forty representations were received: 37 in objection and three in support. These are addressed in section 3.3 e) of the Assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The property lies in the Plewlands Conservation Area as shown in the LDP.

Date registered

10 May 2019

Drawing numbers/Scheme

1-4,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

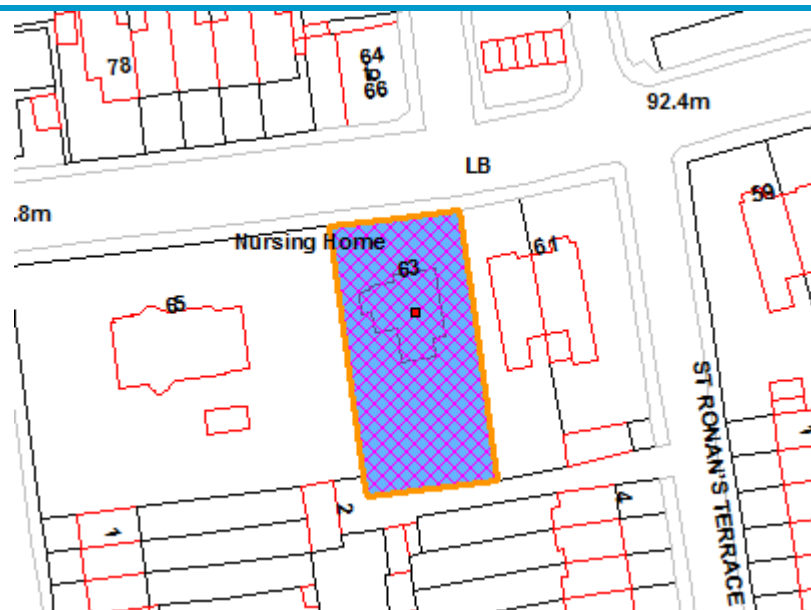
Appendix 1

**Application for Planning Permission 19/02190/FUL
At 63 Morningside Drive, Edinburgh, EH10 5NQ
Change of use from nursing home (class 8) to dwelling with
a two storey east side extension; single storey rear
extension; single storey west side extension; and associated
garden landscaping.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

Application for Planning Obligation 19/00398/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to Car Club provisions

Item number

Report number

Wards

00 - No Ward Number

Summary

The proposed discharge of the clause 5 provisions of the 2014 planning obligation are acceptable and the applicants' request for their modification can therefore be accepted.

Links

[Policies and guidance for this application](#)

Report

Application for Planning Obligation 19/00398/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to Car Club provisions

Recommendations

1.1 It is recommended that this application be accepted and the agreement be modified.

Background

2.1 Site description

The site comprises the Caltongate/New Waverley development, an overall area of around 2.35 hectares.

It is bounded to the north by Calton Road, to the east by Tolbooth Wynd, to the south by the Canongate and to the west by New Street and Cranston Street.

A number of the elements of this overall development have now been completed including the hotel fronting Canongate, the two hotels on East Market Street, and the redevelopment of the Arches fronting Jeffrey Street and East Market Street. The office building fronting New Street is nearing completion.

The site is within the Edinburgh World Heritage Site.

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

2.2 Site History

The relevant site history is:

29 January 2014 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the northern part of the wider Caltongate/New Waverley development (the PA3 and PA4A applications) (application number 13/03407/FUL).

27 March 2014 - A legal obligation was concluded and planning permission granted for the above application.

23 April 2018 - Development Management Sub-Committee granted planning permission, subject to a legal agreement and the upfront payment of contributions, for the erection of an office development and associated uses (the former PA3 site) (application number 17/04118/FUL).

25 April 2018 - A section 75A application was approved to modify the March 2014 legal obligation by discharging clauses 6, 7, 11 and 14 as well as Schedules Parts 4, 5, and 6 (application number 17/05747/OBL).

Main report

3.1 Description Of The Proposal

This application seeks to modify the planning obligation, made under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, regarding the development of the Caltongate/New Waverley and concluded with the Council on 27 March 2014.

The planning obligation has already been authorised to be modified with the discharge of various clauses and schedules under the provisions of the 2018 grant of modification (Reference 17/05747/OBL).

The developer now seeks to modify the planning obligation further by means of a formal discharge of clauses 5.1 and 5.2 requiring the provision of a Car Club contribution to facilitate a number of spaces at locations within and adjoining the application site.

This application relates solely to this clause of the obligation.

3.2 Determining Issues

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness.

3.3 Assessment

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

- (a) the modification of the obligation, as proposed, is considered to be acceptable; and
- (b) finance implications of the decision.

a) The Modification of the Obligation is Acceptable

The planning obligation, issued with the grant of planning permission for the office building fronting New Street, included the payment of contributions, including a Car Club contribution of £18,000 and an associated TRO contribution of £4,000. Those payments, made prior to the grant of planning permission, superseded clauses 5.1 and 5.2 of the 2014 planning obligation.

Accordingly, it is appropriate for the proposed modification, to delete clause 5 from the 2014 planning obligation. Therefore, this request can be agreed in this instance.

b) Finance

The Car Club clause, subject of this application, to provide the necessary contribution has been fulfilled by the developer. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Conclusion

In conclusion, the applicants' request to modify the 2014 legal obligation is accepted and the planning obligation should be modified accordingly.

It is recommended that this application be accepted and the agreement be modified.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

- 1 Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

The Car Club clause, subject of this application, to provide the necessary contribution has been fulfilled by the developer. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application, to modify and discharge an obligation, is required to be notified to any other parties to the original agreement, in accordance with the provisions of Regulation 5 of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

The necessary notifications were carried out under the Regulations and no representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - Urban Area.

Date registered

30 January 2019

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

Links - Policies

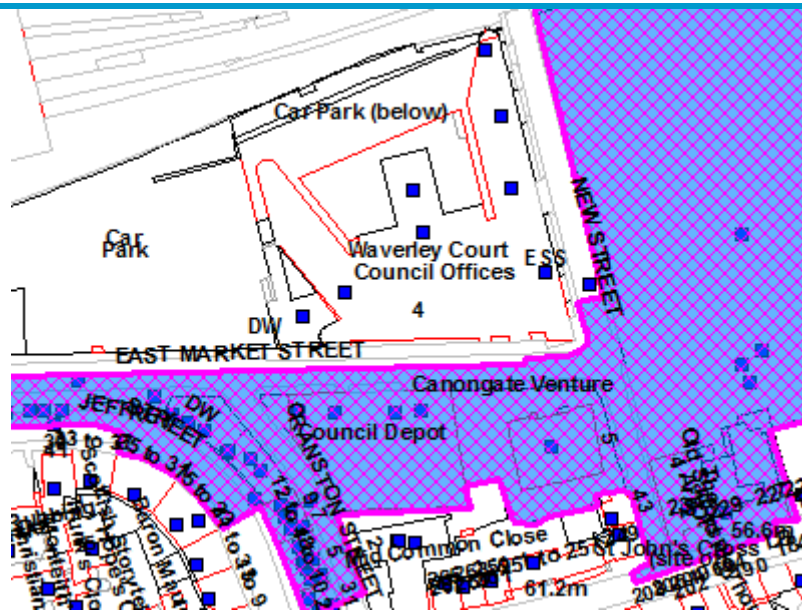
Appendix 1

Application for Planning Obligation 19/00398/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to Car Club provisions

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

Application for Planning Obligation 19/00400/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to the provision of a Travel Plan

Item number

Report number

Wards

00 - No Ward Number

Summary

The proposed discharge of the clause 10 provisions of the 2014 planning obligation are acceptable and the applicants' request for their modification can therefore be accepted.

Links

[Policies and guidance for this application](#)

Application for Planning Obligation 19/00400/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to the provision of a Travel Plan

Recommendations

1.1 It is recommended that this application be accepted and the agreement be modified.

Background

2.1 Site description

The site comprises the Caltongate/New Waverley development, an overall area of around 2.35 hectares.

It is bounded to the north by Calton Road, to the east by Tolbooth Wynd, to the south by the Canongate and to the west by New Street and Cranston Street.

A number of the elements of this overall development have now been completed including the hotel fronting Canongate, the two hotels on East Market Street, and the redevelopment of the Arches fronting Jeffrey Street and East Market Street. The office building fronting New Street is nearing completion.

The site is within the Edinburgh World Heritage Site.

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

2.2 Site History

The relevant site history is:

29 January 2014 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the southern part of the wider Caltongate/New Waverley development (the PA5, PA6 and PA7 applications) (application number 13/03406/FUL).

29 January 2014 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the northern part of the wider Caltongate/New Waverley development (the PA3 and PA4A applications) (application number 13/03407/FUL).

27 March 2014 - A single legal obligation was concluded and planning permission granted for both of the above Caltongate applications.

23 April 2018 - Development Management Sub-Committee granted planning permission, subject to a legal agreement and the upfront payment of contributions, for the erection of an office development and associated uses (the former PA3 site) (application number 17/04118/FUL).

25 April 2018 - A section 75A application was approved to modify the March 2014 legal obligation by discharging clauses 6, 7, 11 and 14 as well as Schedules Parts 4, 5, and 6 (application number 17/05747/OBL).

Main report

3.1 Description Of The Proposal

This application seeks to modify the planning obligation, made under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, regarding the development of the Caltongate/New Waverley and concluded with the Council on 27 March 2014.

The planning obligation has already been authorised to be modified with the discharge of various clauses and schedules under the provisions of the 2018 grant of modification (Reference 17/05747/OBL).

The developer now seeks to modify the planning obligation further by means of a formal discharge of clauses 10.1 to 10.4 requiring the provision of a Travel Plan, its submission and authorisation, and further monitoring of its provisions and implementation as it relates to the development of the application site.

This application relates solely to this clause of the obligation.

3.2 Determining Issues

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness.

3.3 Assessment

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

- (a) the modification of the obligation, as proposed, is considered to be acceptable; and
- (b) finance implications of the decision.

a) The Modification of the Obligation is Acceptable

The developer submitted a draft Travel Plan on 18 August 2015 and this was subsequently authorised on 23 February 2016. Its provisions and future provisions monitoring were incorporated into the tenancies of the premises as the site was developed.

However, given the Council's change in policy, through the Edinburgh Local Development Plan 2016, there are no longer requirements for formal Travel Plans or their continuous monitoring in planning terms.

As there is no development plan policy requirement for the provision of such Travel Plan obligations then these clauses no longer comply with the provisions of the Scottish Government tests, as set out in Circular 3 of 2012, 'Planning Obligations and Good Neighbour Agreements': especially that the obligation serves a planning purpose that relates to the development plan.

Accordingly, it is appropriate for the proposed modification, to delete clause 10 from the 2014 planning obligation. Therefore, this request can be agreed in this instance.

b) Finance

The Travel Plan clause, subject of this application, provided no financial provisions with the Council as part of their fulfilment. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Conclusion

In conclusion, the applicants' request to modify the 2014 legal obligation is accepted and the planning obligation should be modified accordingly.

It is recommended that this application be accepted and the agreement be modified.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

The Travel Plan clause, subject of this application, provided no financial provisions with the Council as part of their fulfilment. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application, to modify and discharge an obligation, is required to be notified to any other parties to the original agreement, in accordance with the provisions of Regulation 5 of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

The necessary notifications were carried out under the Regulations and no representations have been received.

Background reading/external references

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

- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - Urban Area.

Date registered

28 January 2019

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

Links - Policies

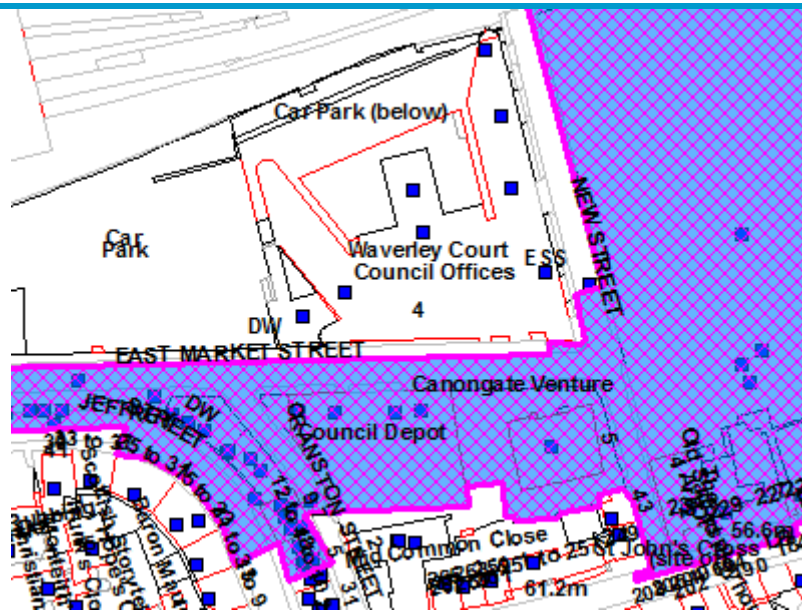
Appendix 1

Application for Planning Obligation 19/00400/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to the provision of a Travel Plan

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Obligation 19/00536/OBL
At Land Adjacent To, New Street, Edinburgh
Application for the discharge of a planning obligation
clause relating to the provision of affordable business
space**

Item number

Report number

Wards

00 - No Ward Number

Summary

The proposed discharge of the clause 9 provisions of the 2014 planning obligation are acceptable and the applicants' request for their modification can therefore be accepted.

Links

[Policies and guidance for this application](#)

Application for Planning Obligation 19/00536/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to the provision of affordable business space

Recommendations

1.1 It is recommended that this application be accepted and the agreement be modified.

Background

2.1 Site description

The site comprises the Caltongate/New Waverley development an overall area of some 2.35 hectares.

It is bounded to the North by Calton Road, to the East by Tolbooth Wynd, to the South by the Canongate and to the West by New Street and Cranston Street.

A number of the elements of this overall development have now been completed including the hotel fronting Canongate, the two hotels on East Market Street, the redevelopment of the Arches fronting Jeffrey Street and East Market Street and the office building fronting New Street is nearing completion.

The site is within the Edinburgh World Heritage Site.

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

2.2 Site History

The relevant site history is:

22 May 2013 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the PA4A part of the wider Caltongate/New Waverley development (application number 13/00096/FUL).

22 May 2013 - A legal obligation was concluded for this and for other planning applications covering the wider Caltongate development area.

29 January 2014 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the southern part of the wider Caltongate/New Waverley development (the PA5, PA6 and PA7 applications) (application number 13/03406/FUL).

29 January 2014 - Development Management Sub-Committee was minded to grant planning permission subject to an appropriate legal obligation for development on the northern part of the wider Caltongate/New Waverley development (the PA2 and PA3 applications) (application number 13/03407/FUL).

27 March 2014 - A single legal obligation, replacing that concluded on 22 May 2013, was concluded and planning permission granted for both of the above Caltongate applications.

23 April 2018 - Development Management Sub Committee granted planning permission, subject to a legal agreement and the upfront payment of contributions, for the erection of an office development and associated uses (the former PA3 site) (application number 17/04118/FUL).

25 April 2018 - A section 75A application was approved to modify the 2014 legal obligation by discharging clauses 6, 7, 11 and 14 as well as Schedules Parts 4, 5, and 6 of the March 2014 obligation (application number 17/05747/OBL).

Main report

3.1 Description Of The Proposal

This application seeks to modify the planning obligation, made under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, regarding the development of the Caltongate/New Waverley and concluded with the Council on 27 March 2014.

The planning obligation has already been authorised to be modified with the discharge of various clauses and schedules under the provisions of the 2018 grant of modification (Reference 17/05747/OBL).

The developer now seeks to modify the planning obligation further by means of a formal discharge of the provisions of clause 9. Those clauses require:

"9. Affordable Business Space

9.1 Contracts shall be let to develop a minimum of 645 square metres of Affordable Business Space within the Site as follows:-

9.1.1 In the event that the Canongate Venture is to be demolished then contracts for the Affordable Business Space shall be let before the demolition commences in terms of listed building consent granted by the Council under Reference Number 13/00101/LBC;

9.1.2 In the event that the Canongate Venture is to be otherwise redeveloped then:-

9.1.2.1 In the event that, at the commencement of such redevelopment, Class 4 business space will be available within the redeveloped Canongate Venture then contract for the Affordable Business Space shall be let before the Practical Completion of the redevelopment of the Canongate Venture; and

9.1.2.2 In the event that, at the commencement of such redevelopment, Class 4 business space will not be available with the redeveloped Canongate Venture then the Canongate Venture may be redevelopment without the provision of the Affordable Business Space and contracts shall be let for the Affordable Business Space prior to the Practical Completion of the Class 4 business space comprised in the Northern Range Development.

'Affordable Business Space' means entry level accommodation which is made available for lease for business purposes (which purposes shall be taken to include any use falling within class 4 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997)."

This clause relates solely to this clause of the obligation.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Agreement Paper Apart; and
- Section 75 review for affordable business space (by GVA Grimley Ltd).

3.2 Determining Issues

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness

3.3 Assessment

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

- (a) the modification of the obligation, as proposed, is considered to be acceptable; and
- (b) finance implications of the decision.

a) The Modification of the Obligation is Acceptable

Circular 3 of 2012, 'Planning Agreements and Good Neighbour Agreements' sets out those matters to be considered by the Planning Authority in the determination of an application, made under section 75A of the Act, for modification or discharge of a section 75 planning obligation, especially at paragraphs 70 to 75.

At paragraph 73 it states that the process by which a planning obligation can be modified or discharged remains to be considered against those same tests as to whether or not an obligation should be sought in the first instance. If the obligation fails on any one of those tests the obligation fails and the application, to modify or discharge the agreement, should be granted. The policy tests are:

- **necessary**; to make the proposed development acceptable in planning terms,
- **serve a planning purpose**; and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans,
- **related to the development**; either as a direct consequence of the development or arising from the cumulative impact of development in the area,
- **relative to the proposed development**; fairly and reasonably relate in both scale and kind to the proposed development, and
- **reasonable**; in all other respects.

In this application the developer's justification for discharging the provisions of clause 9, and thereby modifying the terms of the obligation as a whole, has been made on three grounds:

- 1 Non-compliance with the policy tests;
- 2 Change in circumstances since the obligation was originally concluded; and
- 3 Substantive compliance with the terms of the obligation.

and these will be considered in turn.

Policy Tests

The applicant has considered this part of the obligation in terms of three of the tests, namely; necessity, purpose and reasonableness.

In terms of 'necessity' they consider that the requirement for the Affordable Business Space was a community benefit which, whilst desirable, does not directly serve a planning purpose,

In terms of 'purpose' that the requirement be rooted in the provisions of the development plan, and

In terms of 'reasonableness' that the obligation should be so directly related to the regulation of the proposed development that it should not be permitted without it.

In this regard it should be noted that the provisions of section 75A of the Act, providing a means of modification or discharge of the terms of a planning obligation, apply retrospectively to all planning obligations whether or not they were concluded before or after the new provisions of the Act were introduced.

Accordingly, whilst the Council and the previous developer, at that time, entered jointly and freely into an agreement to secure the provisions of affordable business units and affordable business space within the development of the Caltongate area the Circular tests now relate equally to those provisions.

The agreement was originally concluded in October 2008 with a different developer. In it the requirement for affordable business space required:

- *the provision of affordable business units to not exceed 1,840 square metres, and*
- *that 645 square metres of affordable business space be provided prior to the commencement of demolition of the Canongate Venture.*

Those requirements were necessary to ensure a form of development in terms of 'The Caltongate Masterplan' October 2006. The Masterplan sought a proposed mixed use development to achieve a sustainable and integrated city quarter, supporting development that provides for a mix of housing, serviced apartments, business accommodation including offices and small business units, a hotel, shops, food and drink outlets and community facilities.

After the original developers were 'wound-up' the current applicant sought to renegotiate the terms of the planning obligation for the development of the Caltongate site. The replacement obligation, since revised in 2014, did not include the provisions for affordable business units but retained the affordable business space provisions, as they relate to the Canongate Venture building.

The Edinburgh Local Development Plan 2016 at Section 5, Reference CC2 - New Street, sets out the development principles that proposed applications are expected to provide for a mix of uses, including small business units together with the housing, office and hotel uses, as required by the provisions of the 2006 Masterplan.

This requirement is detailed at policy Del 2(b), Area Specific Policies, which requires development in principle to secure a mix of uses appropriate to the location of the site in accordance with the development principles in CC2.

The terms of a planning obligation are to secure those matters that are necessary to mitigate the impact of a particular development, not to ensure that that development merely complies with the requirements of the Local Development Plan.

In terms of the 'purpose' test mitigation requirements should be rooted in the provisions of the development plan. To that end while policy Del 2 seeks to ensure that the redevelopment of the site provides for small business units; policy Del 1, Developer Contributions, does not require affordable business space to be provided to mitigate the negative impact of that development on the surrounding area.

Accordingly, whilst the provisions of Section 5 and policy Del 2(b) clearly set out Council's expectations for the delivery of a suitable scheme of mixed development across the wider Caltongate site the policy does not constitute a formal requirement for mitigation under the provisions of policy Del 1 and as such does not meet the purpose test requirements.

Also whilst it was deemed to be beneficial to make provision for affordable business space within the overall development and the planning obligation sought to secured those provisions at that time, when considered in terms of the Circular tests the overall development of the Caltongate area would not have been refused in the absence of the provision of a minimum of 645 square metres of affordable business space.

Therefore, in terms of this application it is agreed that the clause 9 provisions to provide affordable business space should be discharged and this application to modify the obligation should be accepted.

Change in Circumstance

Further to the provisions of the tests the applicant also makes the case that, in terms of the Circular provisions, the Council should take account of any changes in circumstances affecting the development and its immediate surroundings.

In terms of the present market the requirements for start-up accommodation require a greater flexibility than that which the Canongate Venture building could provide. It was deemed to provide very poor net to gross floor area ratios and therefore the rent costs would not be economically viable within the city centre to provide the necessary affordable business accommodation. The Canongate Venture space was extensively marketed but with no interest.

Other changes to the wider development of the overall Caltongate site have also resulted in a changed form of development from that which was first authorised or envisaged by the Masterplan or the original grants of planning permission. This includes the development of the New Street office building, originally intended to provide ground floor commercial floor space but, due to the security requirements of the end user, the entire building is now required to be for that single user.

Accordingly, the applicant contends that what may have been appropriate 10 years ago is no longer fit for purpose in today's market.

Substantive Compliance

The applicant has also pointed to the fact that they are not seeking to be absolved from a requirement to provide appropriate business space but that that which has been provided may not be in the form as originally envisaged by the Council. They identify that a substantive provision of entry level business accommodation has been formed within the original boundaries of the Caltongate Masterplan area.

The applicant also considers that the planning obligation definition is not exclusively for class 4 business uses and therefore indicates the 'Arches' development as well as the Cranston Street Community Hub as additional areas providing business space of some 754 square metres, in excess of that required by the planning obligation of 645 square metres.

In terms of that argument it should be noted that the agreement defines 'affordable business space' as entry level accommodation which is made available for lease for business purposes, and it is the further meaning that states, '...which purposes shall be taken to include any use falling within class 4 of the ... Order'.

That interpretation is taken to mean that business purposes means any use within the scope of class 4 as identified by the Order, not the applicants' understanding that the definition is not exclusively for class 4 business uses.

Further to the applicants' contentions it should also be identified that the ground floor areas of the PA1 affordable housing buildings, fronting onto Calton Road, provide commercial office space of 169 square metres (No 51 Calton Road) and 515 square metres (No 20 Calton Road), a total of 684 square metres.

Together, the existing floor space provision would be 1,438 square metres. However, not all of this is class 4 office use, nor is it space that could be identified as being 'affordable'; albeit that the Arches are initially being let on for a 'pepper corn' rent.

Whilst the applicants' contentions are material in the overall assessment of this application, in planning terms it is the assessment against the Circular tests that take precedence in the determination of the application in this instance.

As such the application to modify the provisions of the planning obligation should be agreed in this instance.

b) Finance

The Affordable Business Space clause, subject of this application, seeks to provide accommodation for that purpose either within the Canongate Venture building or elsewhere within the wider development site. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Conclusion

In conclusion, the applicants' request to modify the 2014 legal obligation is accepted and the planning obligation should be modified accordingly.

It is recommended that this application be accepted and the agreement be modified.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

The Affordable Business Space clause, subject of this application, seeks to provide accommodation for that purpose either within the Canongate Venture building or elsewhere within the wider development site. Accordingly, there would be no financial implications to granting this modification to the 2014 obligation.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application, to modify and discharge an obligation, is required to be notified to any other parties to the original agreement, in accordance with the provisions of Regulation 5 of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - Urban Area.

Date registered

6 February 2019

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

Links - Policies

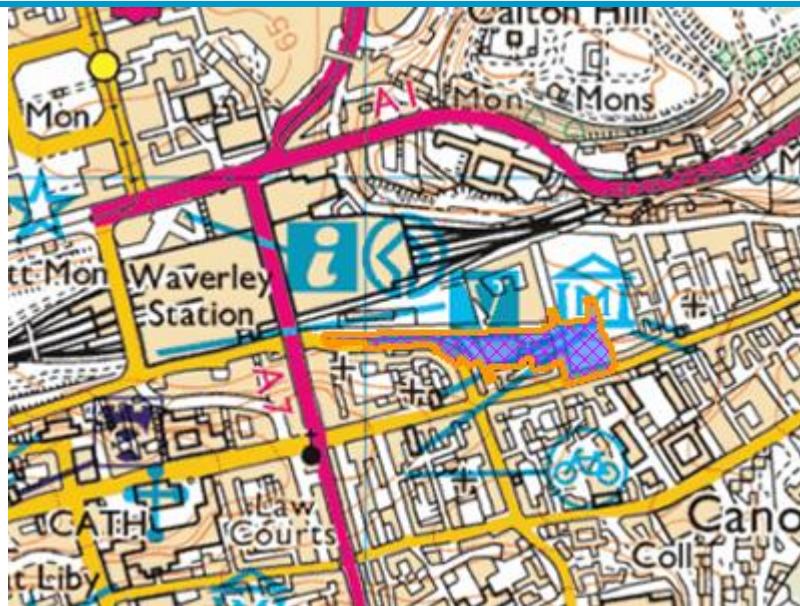
Appendix 1

Application for Planning Obligation 19/00536/OBL At Land Adjacent To, New Street, Edinburgh Application for the discharge of a planning obligation clause relating to the provision of affordable business space

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01108/FUL
At Ravelston Dykes Quarry, Ravelston Dykes Road,
Edinburgh**

**Material and design amendments to approved
dwellinghouse on Plot 1 of planning permission reference
16/05074/FUL. External alterations including changes to
materials, window openings and replacement of pitched
roof with flat roof garden.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance as the proposed development is in the Green Belt, the benefits that the proposals bring outweigh non-compliance. In particular, remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

Links

[Policies and guidance for this application](#)

LDPP, LDES03, LDES04, LDES05, LDES06, LEN10, LEN11, LEN12, LEN15, LEN16, LEN18, LEN21, LEN22, LHOU01, LTRA04, LDES01, LDES02, LDES07, LTRA02, LTRA03, NSG, NSGD02, NSGCGB,

Report

Application for Planning Permission 19/01108/FUL At Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh

Material and design amendments to approved dwellinghouse on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

Recommendations

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

Background

2.1 Site description

The application site relates to the northern section of the former Ravelston Dykes Quarry (Plot 1) situated on the east side of Ravelston Dykes Road, between its junctions with Craigcrook Road and Ravelston Dykes Lane. There is an existing gated access onto Ravelston Dykes Road. The quarry, which has previously been used for landfill, is screened from the road by ancient woodland. Within the quarry there is a small pond and the remainder of the site has been cleared of shrubs and meadow land in preparation for the construction of dwellings previously consented (16/05074/FUL). The area has historically been fenced off from public access because the soil is contaminated due to its past use as landfill.

The site is surrounded by Ravelston Woods to the south and east, residential properties to the north, and Ravelston Golf Course to the west.

The site lies within the Green Belt as defined by the adopted Edinburgh Local Development Plan. It is also covered by Open Space, Special Landscape Area and Local Nature Conservation Site designations.

2.2 Site History

10 June 2009 - Planning application refused for the erection of three dwelling houses and associated landscaping and access provision (application number 08/03202/FUL).

23 December 2009 - Appeal against the above application dismissed (application number P/PPA/230/1100).

19 April 2016 - Planning permission refused for the erection of three dwelling houses, together with associated landscaping and infrastructure works. (as amended) (application number 15/02354/FUL).

9 April 2018 - Planning permission approved for the erection of 3 dwelling houses, associated landscaping and infrastructure works. (application number 16/05074/FUL).

25 June 2018 - Application to vary condition 2 of the decision notice approved (application number 16/05074/VARY).

6 December 2018 - Application approved to vary the approved road layout consented in application 16/05074/FUL. (application number 16/05074/VAR2).

24 December 2018 - Application was not approved to vary the design and materials consented to in application 16/05074/FUL on the basis that the changes were material. (application number 16/05074/VAR3).

4 March 2019 - Two other applications are lodged concurrently to this one, each one for a dwelling on the site of this former quarry. (application numbers 19/01090/FUL & 19/01091/FUL).

Main report

3.1 Description Of The Proposal

This is one of three applications for dwellings on the site of the former quarry. It follows the granting of consent for three houses on the quarry site in 2018.

This particular house will be situated on Plot 1 to the north of the site near the pond in the central grassy area.

The house will be a flat roofed, detached, two storey dwelling with a conservatory and roof terrace on the upper level set within a private garden. The house will be 520 sqm in floor area and external materials will be a combination of stone, timber and curtain walling.

The application differs from the previous application in that it is for one house rather than all three. Although the footprint and overall height is the same, the design has been changed from a sloping roofed structure to a flat roofed building incorporating the roof terrace. Materials and fenestration have also been altered.

Access to the residential properties will be through the existing access off Ravelston Dykes Road. This access road will service the new dwellings from the east beneath the rock face of the quarry, to limit the visual impact of the road from Ravelston Dykes Road.

The perimeter of the site, which is wooded, will be transferred to the council with a sum of money for its continued maintenance. This will be the subject of a legal agreement.

As part of this application, the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement;
- Planning Statement;
- Planning re-submission Report;
- Planning re-submission Summary;
- Transport Statement;
- Tree Survey Report;
- Arboricultural Impact Assessment and Woodland Management Proposals;
- Contamination Report;
- Ecology Study July 2015;
- Ecology Addendum October 2016;
- Site Assessment for Great Crested Newt;
- Drainage Strategy;
- Pre-development Flow Path;
- Post-development Flow Path;
- Revised Post-development Flow Path;
- Revised Pre-development Flow Path;
- Tree Removals; and
- Flood Risk Assessment.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the development will impact on the character and appearance of the Area of Great Landscape Value;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;

- f) the proposals will have any traffic or road safety issues;
- g) the proposals will have detrimental impact on trees;
- h) the proposals will have detrimental impact on wildlife and biodiversity;
- i) there are any other environmental impacts;
- j) there are any other material considerations; and
- k) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site is designated 'Green Belt' in the Local Development Plan (LDP) and is also in an area of 'Open Space'. As such Policy Env 10 - Development in the Green belt and Countryside of the LDP applies. This policy presumes against development in the Green Belt other than for uses appropriate to a rural area. Policy Env 18 - Open Space protection applies with respect to building within Open Space.

The site has an extant consent (16/05074/FUL) in which the principle of three dwellings of the same footprint and overall height has been approved. This is a material consideration in the assessment of the current applications for three dwellings.

The proposed housing development is for private sale and is not for an agricultural, woodland, forestry or horticultural purpose. Therefore the proposal is contrary to Policy Env 10: Green Belt. However, the proposals do comply with Env 18 as it has been demonstrated in the previous application that, subject to mitigation in terms of public access and woodland management secured through a legal agreement, it meets the relevant tests. Specifically, the benefits to the community in the decontamination of the land and the opening up of the woodland with new a path network, will outweigh the loss of land that is currently inaccessible due to the contaminated nature of the soil. It will also ensure that the path network is enhanced and that the existing woodland will be brought up to an appropriate standard before coming into Council ownership.

On balance, the existence of the current live consent for three houses, and the benefits obtained by the scheme, are compelling reasons for accepting the non-compliance of the development plan, as previously decided.

Subject to compliance with criteria listed below, the proposals represent an acceptable development in this location.

b) Impact on Area of Great Landscape Value

The site lies within a designated special landscape Area (SLA). Policy Env 11 - Special Landscape Areas applies and states that "planning permission will not be granted for development which would damage or detract from the overall character and appearance of the Areas of Great Landscape Value". The character of the site was of a large meadow surrounded by a woodland edge and the quarry face. The open quality of the site will be altered by the development and will become suburban rather than rural in character. However, if the woodland area surrounding the development is managed, as outlined in the Woodland Management Proposals and screens the development, the impact on the overall AGLV will be limited. The development of this site for housing would not be detrimental to the larger area's landscape character.

The proposals comply with policy Env 11.

c) Scale, Form and Design

Edinburgh Local Development Plan policy Des 1 - Design Quality and Context states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

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

The amended scheme proposes a two storey, detached dwelling with a conservatory structure and roof deck on the flat roof and using stone, timber and curtain walling as external materials. As there is no immediate urban context, the buildings are not incompatible with the area, and the design can be seen as a stand alone proposal. The houses are large, but these cannot be compared with any immediate neighbours and against the backdrop of the quarry face, the scale is appropriate. The materials and design are acceptable.

The proposals are acceptable in terms of scale, form and design and comply with Policies Des 1 and Des 4.

d) Neighbouring Amenity

Policy Des 5 - Development Design relates in part to neighbouring amenity.

A neighbour has objected to the proposals on the grounds of overlooking and privacy. The shortest distance to the neighbour's property line is approximately 27m and their house is located beyond that line. As the new build will be located a considerable distance away from the nearest house, the proposals comply with the Non-statutory Design Guidance with respect to privacy, overshadowing and daylight.

There will be no detrimental impact on neighbouring amenity and Des 5 is complied with.

e) Amenity of Future Occupiers

Policy Des 5 - Development Design also relates to the amenity of the future occupiers of the development.

The dwelling will receive enough daylight internally, and the garden will receive sufficient sunlight. There is an acceptable amount of private open space.

The dwelling is very large and the future occupiers will have a satisfactory level of amenity.

The amenity of the future occupiers will be acceptable in compliance with Policy Des 5.

f) Traffic or Road Safety Issues

Policy Tra 4 relates to the design of off street car and cycle parking and Policies Tra 2 and 3 relate to the provision of car and cycle parking.

One access point off Ravelston Dykes Road serves a road leading to garage opening to the rear of the property and providing accommodation for two cars and cycle accommodation.

An informative is recommended stating that a travel pack for new occupiers should be provided prior to occupation.

The proposals are acceptable in terms of traffic and road safety and compliance with policies 2, 3 and 4 can be achieved.

g) Impact on Trees

Policy Env 12 relates to trees and woodland.

A tree survey has been submitted and assessed. The main bulk of development will occur in the meadow area and a limited number of trees will be required to be felled. There will be eight trees felled at the entrance area, and a further five trees located more centrally have already been removed under the existing consent. The woodland is currently underused and lacks management. A comprehensive scheme of woodland management would mitigate the loss of healthy trees and would screen the development. The proposals are that the woodland which rings the site will be transferred to the Council, brought up to an appropriate standard and that a contribution of £25,000 per dwelling, be made to ensure that the Council has the means to continue to look after the woodland into the future. This will be secured through a legal agreement. The principle of this tree loss and the tree management proposal was approved under application 16/05074/FUL.

The small loss of trees on the site is within an acceptable range, given the overall benefits that an appropriate scheme of woodland management can bring to the whole of the site and this outweighs the losses. The impact on the trees is acceptable and compliance with Policy Env 12 is achieved.

h) Impact on Wildlife and Biodiversity

The site is located within a Local Nature Conservation Site which covers the wider area of Ravelston Woods and Corstorphine Hill. Policy Env 15 - Sites of local Importance applies, which presumes against development within a Local Nature Conservation Site, unless the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site and the adverse consequences of allowing the development have been minimised and mitigated in an acceptable manner. The principle of this was accepted under application 16/05074/FUL. It is considered that the benefits that the development offers in remediating the contaminated land on the site and the creation of paths and reinforcing of existing path networks, justify the loss of a small area of the Local Conservation Site. As the site is relatively small the overall integrity of the conservation site will be retained. In this respect, the adverse impact of the development is minimised and public accessibility enhanced.

Policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law. Both an Ecology Survey and an Amphibian Assessment have been submitted. There is no evidence of active badger sets on the site and continued badger camera traps are monitoring possible sets on adjacent land. Conditions are recommended in this respect. Fences shall be constructed with a 225 mm gap at their base so as to allow badgers to traverse the site.

No bats have been found to be roosting on the site, however as they do use trees for commuting, no felling should be done without checking for bats.

Sufficient evidence has been provided to ensure that measures are in place to limit the impact on wildlife and their habitat and the proposed development within the Local Nature Conservation Site is acceptable. Policy compliance with Env 15 and 16 can be achieved.

i) Environmental Impacts

Flooding:

Policy Env 21 relates to flood protection. Information has been submitted with respect to drainage and flood risk. This can be seen on the Planning and Building Standards Online Services. The information provided indicates that drainage is satisfactory and there is no additional risk of flooding.

Contamination:

The applicant has submitted a remediation strategy to address the contamination of land due to its former use as a landfill. Environmental Services does not object to this subject to the conditions attached.

Overall, the environmental concerns of contaminated soil and flooding will be appropriately addressed.

j) Other Material Considerations

The previous application (16/05074/FUL) approved the principle of three dwellings on this former quarry site. The three applications that have currently been submitted are different only in terms of the external design of the buildings. The granting of this previous consent for an application has established that the principle and layout of dwelling on this site, subject to compliance with attached conditions.

k) Public Comments

Material objections:

- Amenity of Neighbouring Properties - Assessed in section 3.3.d).

Non-material Representations:

There are no non-material representations.

Conclusion

In conclusion, the principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance in that the proposed development is in the Green Belt, the benefits that the proposals bring in remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance and outweigh non-compliance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

The recommendation is subject to conditions on landscaping, materials, contaminated land and badgers, as well as the conclusion of a legal agreement for the conveyancing of land to the Council, which is to include a contribution of £25,000 towards the expense that will be incurred by the Council for the maintenance of the woodland that it will take into its care.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the commencement of construction works on site:

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

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

3. A fully detailed landscape plan, including the location of the public path, details of all hard and soft surfaces, and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site and to be implemented within six months of the date of first occupation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992, as amended, gates, fences walls and other means of enclosure shall be constructed with 225mm gaps at their base so as to allow badgers to traverse the site. Such gaps shall be 1 metre wide and constructed at centres of not more than 10 metres along the boundary.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In the interest of protected species

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement to ensure public access and woodland management in perpetuity on the part of the site outwith plots 1, 2 and 3 as specified on the proposed location plan.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Clearance of vegetation/trees from the proposed construction areas has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
6. The programme of removal of Japanese Knotweed is to be continued.
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent, i.e. the road leading to the properties will be built to an adoptable standard. The main access will be required to be brought up to an adoptable standard.
8. Any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.
9. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.
10. Any works affecting the existing carriageway/footway on Ravelston Dykes Road must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.
11. The applicant should include a 7KW (type 2) electric vehicle charging point.
12. All trees to be checked for bats before felling.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will require a financial contribution for the continued maintenance of the surrounding woodland.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 11 March 2019. One neighbour has objected on the grounds of loss of privacy and overlooking from the roof terrace and windows.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site lies within Green Belt in the Edinburgh Local Development Plan and is within an area of Open Space, a Special Landscape Area and a Local Nature Conservation Site.

Date registered

4 March 2019

Drawing numbers/Scheme

1-9,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

**Application for Planning Permission 19/01108/FUL
At Ravelston Dykes Quarry, Ravelston Dykes Road,
Edinburgh
Material and design amendments to approved dwellinghouse
on Plot 1 of planning permission reference 16/05074/FUL.
External alterations including changes to materials, window
openings and replacement of pitched roof with flat roof
garden.**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

The site occupies an historic 18th/19th century quarry situated to the NW of the late Georgian House of Ravelston. The current Georgian (now occupied by Mary Erskine's School) is the last of a series of estate centres dating back to the medieval period with the site first recorded in the 14th century. The application site lies within the historic former grounds of this estate and as such occurs within an area of archaeological potential.

As the development is contained within the footprint of the former quarry no significant buried remains will be affected and as such there are no known archaeological implications upon this application.

Transport

No objections to the application.

Flooding

Thanks for the consultation request. Provided the FFL of Plot 1 has not been lowered from the previously agreed 53.900mAOD on the lower ground floor level then we have no further comment to make. This email covers applications 19/01108/FUL, 19/01090/FUL & 19/01091/FUL.

Environmental Services

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997

Material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden. (19/01108/FUL).

The applicant proposes the erection of a dwelling house at Ravelston Dykes Quarry. Environmental Protection have commented on a similar proposal for this site previously. This is currently an undeveloped site of mature woodland with some existing dwellings approximately 50m to the north. Ravelston Dykes borders the site to the west.

This is a fairly quiet site with the only noise source being road traffic on Ravelston Dykes to the west; this is not considered to be of a level which will have a negative impact on amenity.

Previous uses of the site indicate that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended end use. A condition is recommended in this regard.

As the application includes parking provisions Environmental Protection would recommend that the applicant includes a 7KW (type 2) electric vehicle charging point.

Environmental Protection has no objections to this proposed development, subject to the following condition:

Prior to the commencement of construction works on site:

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

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

Informative

- 1. The applicant should include a 7KW (type 2) electric vehicle charging point.*

Parks and Greenspace

No comments.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01090/FUL
At Ravelston Dykes Quarry, Ravelston Dykes Road,
Edinburgh**

**Material and design amendments to approved dwelling
house on Plot 2 of planning permission reference
16/05074/FUL. External alterations including changes to
materials, window openings and replacement of pitched
roof with flat roof garden.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance as the proposed development is in the Green Belt, the benefits that the proposals bring outweigh non-compliance. In particular, remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

Links

[Policies and guidance for this application](#)

LDPP, LDES03, LDES04, LDES05, LDES06, LEN10, LEN11, LEN12, LEN15, LEN16, LEN18, LEN21, LEN22, LHOU01, LTRA04, NSG, NSGD02, NSGCCB,

Report

Application for Planning Permission 19/01090/FUL At Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh Material and design amendments to approved dwelling house on Plot 2 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

Recommendations

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

Background

2.1 Site description

The application site relates to the central section of the former Ravelston Dykes Quarry (Plot 2) situated on the east side of Ravelston Dykes Road, between its junctions with Craigcrook Road and Ravelston Dykes Lane. There is an existing gated access onto Ravelston Dykes Road. The quarry, which has previously been used for landfill, is screened from the road by ancient woodland. Within the quarry there is a small pond and the remainder of the site has been cleared of shrubs and meadow land in preparation for the construction of dwellings previously consented (16/05074/FUL). The area has historically been fenced off from public access because the soil is contaminated due to its past use as landfill.

The site is surrounded by Ravelston Woods to the south and east, residential properties to the north, and Ravelston Golf Course to the west.

The site lies within the Green Belt as defined by the adopted Edinburgh Local Development Plan. It is also covered by Open Space, Special Landscape Area and Local Nature Conservation Site designations.

2.2 Site History

10 June 2009 - Planning application refused for the erection of three dwelling houses and associated landscaping and access provision (application number 08/03202/FUL).

23 December 2009 - Appeal against the above application dismissed (application number P/PPA/230/1100).

19 April 2016 - Planning permission refused for the erection of three dwelling houses, together with associated landscaping and infrastructure works. (as amended) (application number 15/02354/FUL).

9 April 2018 - Planning permission approved for the erection of 3 dwelling houses, associated landscaping and infrastructure works. (application number 16/05074/FUL).

25 June 2018 - Application to vary condition 2 of the decision notice approved (application number 16/05074/VARY).

6 December 2018 - Application approved to vary the approved road layout consented in application 16/05074/FUL. (application number 16/05074/VAR2).

24 December 2018 - Application was not approved to vary the design and materials consented to in application 16/05074/FUL on the basis that the changes were material. (application number 16/05074/VAR3).

4 March 2019 - Two other applications are lodged concurrently to this one, each one for a dwelling on the site of this former quarry. (application numbers 19/01108/FUL & 19/01091/FUL).

Main report

3.1 Description Of The Proposal

This is one of three applications for dwellings on the site of the former quarry. It follows the granting of consent for three houses on the quarry site in 2018.

This particular house will be situated on Plot 2 and is centrally located on the site in the central grassy area.

The house will be a flat roofed, detached, two storey dwelling with a conservatory and roof terrace on the upper level set within a private garden. The house will be 535 sqm in floor area and external materials will be a combination of stone, timber and curtain walling.

The application differs from the previous application in that it is for one house rather than all three. Although the footprint and overall height is the same, the design has been changed from a sloping roofed structure to a flat roofed building incorporating the roof terrace. Materials and fenestration have also been altered.

Access to the residential properties will be through the existing access off Ravelston Dykes Road. This access road will service the new dwellings from the east beneath the rock face of the quarry, to limit the visual impact of the road from Ravelston Dykes Road.

The perimeter of the site, which is wooded, will be transferred to the council with a sum of money for its continued maintenance. This will be the subject of a legal agreement.

As part of this application, the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement;
- Planning Statement;
- Planning re-submission Report;
- Planning re-submission Summary;
- Transport Statement;
- Tree Survey Report;
- Arboricultural Impact Assessment and Woodland Management Proposals;
- Contamination Report;
- Ecology Study July 2015;
- Ecology Addendum October 2016;
- Site Assessment for Great Crested Newt;
- Drainage Strategy;
- Pre-development Flow Path;
- Post-development Flow Path;
- Revised Post-development Flow Path;
- Revised Pre-development Flow Path;
- Tree Removals; and
- Flood Risk Assessment.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the development will impact on the character and appearance of the Area of Great Landscape Value;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;

- f) the proposals will have any traffic or road safety issues;
- g) the proposals will have detrimental impact on trees;
- h) the proposals will have detrimental impact on wildlife and biodiversity;
- i) there are any other environmental impacts;
- j) there are any other material considerations; and
- k) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site is designated 'Green Belt' in the Local Development Plan (LDP) and is also in an area of 'Open Space'. As such Policy Env 10 - Development in the Green belt and Countryside of the LDP applies. This policy presumes against development in the Green Belt other than for uses appropriate to a rural area. Policy Env 18 - Open Space protection applies with respect to building within Open Space.

The site has an extant consent (16/05074/FUL) in which the principle of three dwellings of the same footprint and overall height has been approved. This is a material consideration in the assessment of the current applications for three dwellings.

The proposed housing development is for private sale and is not for an agricultural, woodland, forestry or horticultural purpose. Therefore the proposal is contrary to Policy Env 10: Green Belt. However, the proposals do comply with Env 18 as it has been demonstrated in the previous application that, subject to mitigation in terms of public access and woodland management secured through a legal agreement, it meets the relevant tests. Specifically, the benefits to the community in the decontamination of the land and the opening up of the woodland with new a path network, will outweigh the loss of land that is currently inaccessible due to the contaminated nature of the soil. It will also ensure that the path network is enhanced and that the existing woodland will be brought up to an appropriate standard before coming into Council ownership.

On balance, the existence of the current live consent for three houses, and the benefits obtained by the scheme, are compelling reasons for accepting the non-compliance of the development plan, as previously decided.

Subject to compliance with criteria listed below, the proposals represent an acceptable development in this location.

b) Impact on Area of Great Landscape Value

The site lies within a designated special landscape Area (SLA). Policy Env 11 - Special Landscape Areas applies and states that "planning permission will not be granted for development which would damage or detract from the overall character and appearance of the Areas of Great Landscape Value". The character of the site was of a large meadow surrounded by a woodland edge and the quarry face. The open quality of the site will be altered by the development and will become suburban rather than rural in character. However, if the woodland area surrounding the development is managed, as outlined in the Woodland Management Proposals and screens the development, the impact on the overall AGLV will be limited. The development of this site for housing would not be detrimental to the larger area's landscape character.

The proposals comply with policy Env 11.

c) Scale, Form and Design

Edinburgh Local Development Plan policy Des 1 - Design Quality and Context states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

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

The amended scheme proposes a two storey, detached dwelling with a conservatory structure and roof deck on the flat roof and using stone, timber and curtain walling as external materials. As there is no immediate urban context, the buildings are not incompatible with the area, and the design can be seen as a stand alone proposal. The houses are large, but these cannot be compared with any immediate neighbours and against the backdrop of the quarry face, the scale is appropriate. The materials and design are acceptable.

The proposals are acceptable in terms of scale, form and design and comply with Policies Des 1 and Des 4.

d) Neighbouring Amenity

Policy Des 5 - Development Design relates in part to neighbouring amenity.

The new build will be located a considerable distance away from the nearest house and therefore the proposals comply with the Non-statutory Design Guidance with respect to privacy, overshadowing and daylight.

There will be no detrimental impact on neighbouring amenity and Des 5 is complied with.

e) Amenity of Future Occupiers

Policy Des 5 - Development Design also relates to the amenity of the future occupiers of the development.

The dwelling will receive enough daylight internally, and the garden will receive sufficient sunlight. There is an acceptable amount of private open space.

The dwelling is very large and the future occupiers will have a satisfactory level of amenity.

The amenity of the future occupiers will be acceptable in compliance with Policy Des 5.

f) Traffic or Road Safety Issues

Policy Tra 4 relates to the design of off street car and cycle parking and Policies Tra 2 and 3 relate to the provision of car and cycle parking.

One access point off Ravelston Dykes Road serves a road leading to garage opening to the rear of the property and providing accommodation for two cars and cycle accommodation.

An informative is recommended stating that a travel pack for new occupiers should be provided prior to occupation.

The proposals are acceptable in terms of traffic and road safety and compliance with policies 2, 3 and 4 can be achieved.

g) Impact on Trees

Policy Env 12 relates to trees and woodland.

A tree survey has been submitted and assessed. The main bulk of development will occur in the meadow area and a limited number of trees will be required to be felled. There will be eight trees felled at the entrance area, and a further five trees located more centrally have already been removed under the existing consent. The woodland is currently underused and lacks management. A comprehensive scheme of woodland management would mitigate the loss of healthy trees and would screen the development. The proposals are that the woodland which rings the site will be transferred to the Council, brought up to an appropriate standard and that a contribution of £25,000 per dwelling, be made to ensure that the Council has the means to continue to look after the woodland into the future. This will be secured through a legal agreement. The principle of this tree loss and the tree management proposal was approved under application 16/05074/FUL.

The principle of this tree loss and the tree management proposal was approved under application 16/05074/FUL.

The small loss of trees on the site is within an acceptable range, given the overall benefits that an appropriate scheme of woodland management can bring to the whole of the site and this outweighs the losses. The impact on the trees is acceptable and compliance with Policy Env 12 is achieved.

h) Impact on Wildlife and Biodiversity

The site is located within a Local Nature Conservation Site which covers the wider area of Ravelston Woods and Corstorphine Hill. Policy Env 15 - Sites of local Importance applies, which presumes against development within a Local Nature Conservation Site, unless the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site and the adverse consequences of allowing the development have been minimised and mitigated in an acceptable manner. The principle of this was accepted under application 16/05074/FUL. It is considered that the benefits that the development offers in remediating the contaminated land on the site and the creation of paths and reinforcing of existing path networks, justify the loss of a small area of the Local Conservation Site. As the site is relatively small the overall integrity of the conservation site will be retained. In this respect, the adverse impact of the development is minimised and public accessibility enhanced.

Policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law. Both an Ecology Survey and an Amphibian Assessment have been submitted. There is no evidence of active badger sets on the site and continued badger camera traps are monitoring possible sets on adjacent land. Conditions are recommended in this respect. Fences shall be constructed with a 225 mm gap at their base so as to allow badgers to traverse the site.

No bats have been found to be roosting on the site, however as they do use trees for commuting, no felling should be done without checking for bats.

Sufficient evidence has been provided to ensure that measures are in place to limit the impact on wildlife and their habitat and the proposed development within the Local Nature Conservation Site is acceptable. Policy compliance with Env 15 and 16 can be achieved.

i) Environmental Impacts

Flooding:

Policy Env 21 relates to flood protection. Information has been submitted with respect to drainage and flood risk. This can be seen on the Planning and Building Standards Online Services. The information provided indicates that drainage is satisfactory and there is no additional risk of flooding.

Contamination:

The applicant has submitted a remediation strategy to address the contamination of land due to its former use as a landfill. Environmental Services does not object to this subject to the conditions attached.

Overall, the environmental concerns of contaminated soil and flooding will be appropriately addressed.

j) Other Material Considerations

The previous application (16/05074/FUL) approved the principle of three dwellings on this former quarry site. The three applications that have currently been submitted are different only in terms of the external design of the buildings. The granting of this previous consent for an application has established that the principle and layout of dwelling on this site, subject to compliance with attached conditions.

k) Public Comments

Material objections:

- Amenity of Neighbouring Properties - Assessed in section 3.3.d).

Non-material Representations:

There are no non-material representations.

Conclusion

In conclusion, the principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance in that the proposed development is in the Green Belt, the benefits that the proposals bring in remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance and outweigh non-compliance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

The recommendation is subject to conditions on landscaping, materials, contaminated land and badgers, as well as the conclusion of a legal agreement for the conveyancing of land to the Council, which is to include a contribution of £25,000 towards the expense that will be incurred by the Council for the maintenance of the woodland that it will take into its care.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

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

3. A fully detailed landscape plan, including the location of the public path, details of all hard and soft surfaces, and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site and to be implemented within six months of the date of first occupation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992, as amended, gates, fences walls and other means of enclosure shall be constructed with 225mm gaps at their base so as to allow badgers to traverse the site. Such gaps shall be 1 metre wide and constructed at centres of not more than 10 metres along the boundary.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In the interest of protected species.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement to ensure public access and woodland management in perpetuity on the part of the site outwith plots 1, 2 and 3 as specified on the proposed location plan.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Clearance of vegetation/trees from the proposed construction areas has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
6. The programme of removal of Japanese Knotweed is to be continued.
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent, i.e. the road leading to the properties will be built to an adoptable standard. The main access will be required to be brought up to an adoptable standard.
8. Any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.
9. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.
10. Any works affecting the existing carriageway/footway on Ravelston Dykes Road must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.
11. The applicant should include a 7KW (type 2) electric vehicle charging point.
12. All trees to be checked for bats before felling.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will require a financial contribution for the continued maintenance of the surrounding woodland.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

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The site lies within Green Belt in the Edinburgh Local Development Plan and is within an area of Open Space, a Special Landscape Area and a Local Nature Conservation Site.

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Drawing numbers/Scheme

1-9,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

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Relevant Policies:

Relevant policies of the Local Development Plan.

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Relevant Non-Statutory Guidelines

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

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Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

The site occupies an historic 18th/19th century quarry situated to the NW of the late Georgian House of Ravelston. The current Georgian (now occupied by Mary Erskine's School) is the last of a series of estate centres dating back to the medieval period with the site first recorded in the 14th century. The application site lies within the historic former grounds of this estate and as such occurs within an area of archaeological potential.

As the development is contained within the footprint of the former quarry no significant buried remains will be affected and as such there are no known archaeological implications upon this application.

Transport

No objections to the application.

Flooding

Thanks for the consultation request. Provided the FFL of Plot 1 has not been lowered from the previously agreed 53.900mAOD on the lower ground floor level then we have no further comment to make. This email covers applications 19/01108/FUL, 19/01090/FUL & 19/01091/FUL.

Environmental Services

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997

Material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden. (19/01108/FUL).

The applicant proposes the erection of a dwelling house at Ravelston Dykes Quarry. Environmental Protection have commented on a similar proposal for this site previously. This is currently an undeveloped site of mature woodland with some existing dwellings approximately 50m to the north. Ravelston Dykes borders the site to the west.

This is a fairly quiet site with the only noise source being road traffic on Ravelston Dykes to the west; this is not considered to be of a level which will have a negative impact on amenity.

Previous uses of the site indicate that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended end use. A condition is recommended in this regard.

As the application includes parking provisions Environmental Protection would recommend that the applicant includes a 7KW (type 2) electric vehicle charging point.

Environmental Protection has no objections to this proposed development, subject to the following condition:

Prior to the commencement of construction works on site:

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

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

Informative

- 1. The applicant should include a 7KW (type 2) electric vehicle charging point.*

Parks and Greenspace

No comments.

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01091/FUL
At Ravelston Dykes Quarry, Ravelston Dykes Road,
Edinburgh**

**Material and design amendments to approved dwelling
house on Plot 3 of planning permission reference
16/05074/FUL. External alterations including changes to
materials, window openings and replacement of pitched
roof with flat roof garden.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance as the proposed development is in the Green Belt, the benefits that the proposals bring outweigh non-compliance. In particular, remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

Links

[Policies and guidance for this application](#)

LDPP, LDES03, LDES04, LDES05, LDES06, LEN10, LEN11, LEN12, LEN15, LEN16, LEN18, LEN22, LHOU01, LTRA04, NSG, NSGD02, NSGCGB,

Report

Application for Planning Permission 19/01091/FUL At Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh Material and design amendments to approved dwelling house on Plot 3 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

Recommendations

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

Background

2.1 Site description

The application site relates to the eastern section of the former Ravelston Dykes Quarry (Plot 3) situated on the east side of Ravelston Dykes Road, between its junctions with Craigcrook Road and Ravelston Dykes Lane. There is an existing gated access onto Ravelston Dykes Road. The quarry, which has previously been used for landfill, is screened from the road by ancient woodland. Within the quarry there is a small pond and the remainder of the site has been cleared of shrubs and meadow land in preparation for the construction of dwellings previously consented (16/05074/FUL). The area has historically been fenced off from public access because the soil is contaminated due to its past use as landfill.

The site is surrounded by Ravelston Woods to the south and east, residential properties to the north, and Ravelston Golf Course to the west.

The site lies within the Green Belt as defined by the adopted Edinburgh Local Development Plan. It is also covered by Open Space, Special Landscape Area and Local Nature Conservation Site designations.

2.2 Site History

10 June 2009 - Planning application refused for the erection of three dwelling houses and associated landscaping and access provision(application number 08/03202/FUL).

23 December 2009 - Appeal against the above application dismissed (application number P/PPA/230/1100).

19 April 2016 - Planning permission refused for the erection of three dwelling houses, together with associated landscaping and infrastructure works. (as amended) (application number 15/02354/FUL).

9 April 2018 - Planning permission approved for the erection of 3 dwelling houses, associated landscaping and infrastructure works. (application number 16/05074/FUL).

25 June 2018 - Application to vary condition 2 of the decision notice approved (application number 16/05074/VARY).

6 December 2018 - Application approved to vary the approved road layout consented in application 16/05074/FUL. (application number 16/05074/VAR2).

24 December 2018 - Application was not approved to vary the design and materials consented to in application 16/05074/FUL on the basis that the changes were material. (application number 16/05074/VAR3).

4 March 2019 - Two other applications are lodged concurrently to this one, each one for a dwelling on the site of this former quarry. (application numbers 19/01108/FUL & 19/01090/FUL).

Main report

3.1 Description Of The Proposal

This is one of three applications for dwellings on the site of the former quarry. It follows the granting of consent for three houses on the quarry site in 2018.

This particular house will be situated on Plot 3 and is located on the eastern part of the site in the central grassy area.

The house will be a flat roofed, detached, two storey dwelling with a conservatory and roof terrace on the upper level set within a private garden. The house will be 615 sqm in floor area and external materials will be a combination of stone, timber and curtain walling.

The application differs from the previous application in that it is for one house rather than all three. Although the footprint and overall height is the same, the design has been changed from a sloping roofed structure to a flat roofed building incorporating the roof terrace. Materials and fenestration have also been altered.

Access to the residential properties will be through the existing access off Ravelston Dykes Road. This access road will service the new dwellings from the east beneath the rock face of the quarry, to limit the visual impact of the road from Ravelston Dykes Road.

The perimeter of the site, which is wooded, will be transferred to the council with a sum of money for its continued maintenance. This will be the subject of a legal agreement.

As part of this application, the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement;
- Planning Statement;
- Planning re-submission Report;
- Planning re-submission Summary;
- Transport Statement;
- Tree Survey Report;
- Arboricultural Impact Assessment and Woodland Management Proposals;
- Contamination Report;
- Ecology Study July 2015;
- Ecology Addendum October 2016;
- Site Assessment for Great Crested Newt;
- Drainage Strategy;
- Pre-development Flow Path;
- Post-development Flow Path;
- Revised Post-development Flow Path;
- Revised Pre-development Flow Path;
- Tree Removals; and
- Flood Risk Assessment.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the development will impact on the character and appearance of the Area of Great Landscape Value;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;

- f) the proposals will have any traffic or road safety issues;
- g) the proposals will have detrimental impact on trees;
- h) the proposals will have detrimental impact on wildlife and biodiversity;
- i) there are any other environmental impacts;
- j) there are any other material considerations; and
- k) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site is designated 'Green Belt' in the Local Development Plan (LDP) and is also in an area of 'Open Space'. As such Policy Env 10 - Development in the Green belt and Countryside of the LDP applies. This policy presumes against development in the Green Belt other than for uses appropriate to a rural area. Policy Env 18 - Open Space protection applies with respect to building within Open Space.

The site has an extant consent (16/05074/FUL) in which the principle of three dwellings of the same footprint and overall height has been approved. This is a material consideration in the assessment of the current applications for three dwellings.

The proposed housing development is for private sale and is not for an agricultural, woodland, forestry or horticultural purpose. Therefore the proposal is contrary to Policy Env 10: Green Belt. However, the proposals do comply with Env 18 as it has been demonstrated in the previous application that, subject to mitigation in terms of public access and woodland management secured through a legal agreement, it meets the relevant tests. Specifically, the benefits to the community in the decontamination of the land and the opening up of the woodland with new a path network, will outweigh the loss of land that is currently inaccessible due to the contaminated nature of the soil. It will also ensure that the path network is enhanced and that the existing woodland will be brought up to an appropriate standard before coming into Council ownership.

On balance, the existence of the current live consent for three houses, and the benefits obtained by the scheme, are compelling reasons for accepting the non-compliance of the development plan, as previously decided.

Subject to compliance with criteria listed below, the proposals represent an acceptable development in this location.

b) Impact on Area of Great Landscape Value

The site lies within a designated special landscape Area (SLA). Policy Env 11 - Special Landscape Areas applies and states that "planning permission will not be granted for development which would damage or detract from the overall character and appearance of the Areas of Great Landscape Value". The character of the site was of a large meadow surrounded by a woodland edge and the quarry face. The open quality of the site will be altered by the development and will become suburban rather than rural in character. However, if the woodland area surrounding the development is managed, as outlined in the Woodland Management Proposals and screens the development, the impact on the overall AGLV will be limited. The development of this site for housing would not be detrimental to the larger area's landscape character.

The proposals comply with policy Env 11.

c) Scale, Form and Design

Edinburgh Local Development Plan policy Des 1 - Design Quality and Context states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

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

The amended scheme proposes a two storey, detached dwelling with a conservatory structure and roof deck on the flat roof and using stone, timber and curtain walling as external materials. As there is no immediate urban context, the buildings are not incompatible with the area, and the design can be seen as a stand alone proposal. The houses are large, but these cannot be compared with any immediate neighbours and against the backdrop of the quarry face, the scale is appropriate. The materials and design are acceptable.

The proposals are acceptable in terms of scale, form and design and comply with Policies Des 1 and Des 4.

d) Neighbouring Amenity

Policy Des 5 - Development Design relates in part to neighbouring amenity.

The new build will be located a considerable distance away from the nearest house and therefore the proposals comply with the Non-statutory Design Guidance with respect to privacy, overshadowing and daylight.

There will be no detrimental impact on neighbouring amenity and Des 5 is complied with.

e) Amenity of Future Occupiers

Policy Des 5 - Development Design also relates to the amenity of the future occupiers of the development.

The dwelling will receive enough daylight internally, and the garden will receive sufficient sunlight. There is an acceptable amount of private open space.

The dwelling is very large and the future occupiers will have a satisfactory level of amenity.

The amenity of the future occupiers will be acceptable in compliance with Policy Des 5.

f) Traffic or Road Safety Issues

Policy Tra 4 relates to the design of off street car and cycle parking and Policies Tra 2 and 3 relate to the provision of car and cycle parking.

One access point off Ravelston Dykes Road serves a road leading to garage opening to the rear of the property and providing accommodation for two cars and cycle accommodation.

An informative is recommended stating that a travel pack for new occupiers should be provided prior to occupation.

The proposals are acceptable in terms of traffic and road safety and compliance with policies 2, 3 and 4 can be achieved.

g) Impact on Trees

Policy Env 12 relates to trees and woodland.

A tree survey has been submitted and assessed. The main bulk of development will occur in the meadow area and a limited number of trees will be required to be felled. There will be eight trees felled at the entrance area, and a further five trees located more centrally have already been removed under the existing consent. The woodland is currently underused and lacks management. A comprehensive scheme of woodland management would mitigate the loss of healthy trees and would screen the development. The proposals are that the woodland which rings the site will be transferred to the Council, brought up to an appropriate standard and that a contribution of £25,000 per dwelling, be made to ensure that the Council has the means to continue to look after the woodland into the future. This will be secured through a legal agreement. The principle of this tree loss and the tree management proposal was approved under application 16/05074/FUL.

The principle of this tree loss and the tree management proposal was approved under application 16/05074/FUL.

The small loss of trees on the site is within an acceptable range, given the overall benefits that an appropriate scheme of woodland management can bring to the whole of the site and this outweighs the losses. The impact on the trees is acceptable and compliance with Policy Env 12 is achieved.

h) Impact on Wildlife and Biodiversity

The site is located within a Local Nature Conservation Site which covers the wider area of Ravelston Woods and Corstorphine Hill. Policy Env 15 - Sites of local Importance applies, which presumes against development within a Local Nature Conservation Site, unless the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site and the adverse consequences of allowing the development have been minimised and mitigated in an acceptable manner. The principle of this was accepted under application 16/05074/FUL. It is considered that the benefits that the development offers in remediating the contaminated land on the site and the creation of paths and reinforcing of existing path networks, justify the loss of a small area of the Local Conservation Site. As the site is relatively small the overall integrity of the conservation site will be retained. In this respect, the adverse impact of the development is minimised and public accessibility enhanced.

Policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law. Both an Ecology Survey and an Amphibian Assessment have been submitted. There is no evidence of active badger sets on the site and continued badger camera traps are monitoring possible sets on adjacent land. Conditions are recommended in this respect. Fences shall be constructed with a 225 mm gap at their base so as to allow badgers to traverse the site.

No bats have been found to be roosting on the site, however as they do use trees for commuting, no felling should be done without checking for bats.

Sufficient evidence has been provided to ensure that measures are in place to limit the impact on wildlife and their habitat and the proposed development within the Local Nature Conservation Site is acceptable. Policy compliance with Env 15 and 16 can be achieved.

i) Environmental Impacts

Flooding:

Policy Env 21 relates to flood protection. Information has been submitted with respect to drainage and flood risk. This can be seen on the Planning and Building Standards Online Services. The information provided indicates that drainage is satisfactory and there is no additional risk of flooding.

Contamination:

The applicant has submitted a remediation strategy to address the contamination of land due to its former use as a landfill. Environmental Services does not object to this subject to the conditions attached.

Overall, the environmental concerns of contaminated soil and flooding will be appropriately addressed.

j) Other Material Considerations

The previous application (16/05074/FUL) approved the principle of three dwellings on this former quarry site. The three applications that have currently been submitted are different only in terms of the external design of the buildings. The granting of this previous consent for an application has established that the principle and layout of dwelling on this site, subject to compliance with attached conditions.

k) Public Comments

Material objections:

- Amenity of Neighbouring Properties - Assessed in section 3.3.d).

Non-material Representations:

There are no non-material representations.

Conclusion

In conclusion, the principle of the development of this site was approved under the extant consent (16/05074/FUL). Whilst the proposals are contrary to the Local Development Plan and relevant non-statutory guidance in that the proposed development is in the Green Belt, the benefits that the proposals bring in remediating contaminated land, creating new path networks and enhancing existing ones, increasing accessibility to some parts of the site and improvement to areas of woodland, justify a departure from the development plan in this instance and outweigh non-compliance. The proposals will not prejudice nature conservation or protected species, residential amenity or traffic and road safety.

The recommendation is subject to conditions on landscaping, materials, contaminated land and badgers, as well as the conclusion of a legal agreement for the conveyancing of land to the Council, which is to include a contribution of £25,000 towards the expense that will be incurred by the Council for the maintenance of the woodland that it will take into its care.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

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

3. A fully detailed landscape plan, including the location of the public path, details of all hard and soft surfaces, and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site and to be implemented within six months of the date of first occupation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992, as amended, gates, fences walls and other means of enclosure shall be constructed with 225mm gaps at their base so as to allow badgers to traverse the site. Such gaps shall be 1 metre wide and constructed at centres of not more than 10 metres along the boundary.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In the interest of protected species.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement to ensure public access and woodland management in perpetuity on the part of the site outwith plots 1, 2 and 3 as specified on the proposed location plan.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Clearance of vegetation/trees from the proposed construction areas has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
6. The programme of removal of Japanese Knotweed is to be continued.
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent, i.e. the road leading to the properties will be built to an adoptable standard. The main access will be required to be brought up to an adoptable standard.
8. Any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.
9. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.
10. Any works affecting the existing carriageway/footway on Ravelston Dykes Road must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.
11. The applicant should include a 7KW (type 2) electric vehicle charging point.
12. All trees to be checked for bats before felling.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will require a financial contribution for the continued maintenance of the surrounding woodland.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site lies within Green Belt in the Edinburgh Local Development Plan and is within an area of Open Space, a Special Landscape Area and a Local Nature Conservation Site.

Date registered

4 March 2019

Drawing numbers/Scheme

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

Contact: Barbara Stuart, Senior Planning Officer
E-mail:barbara.stuart@edinburgh.gov.uk Tel:0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

**Application for Planning Permission 19/01091/FUL
At Ravelston Dykes Quarry, Ravelston Dykes Road,
Edinburgh
Material and design amendments to approved dwelling
house on Plot 3 of planning permission reference
16/05074/FUL. External alterations including changes to
materials, window openings and replacement of pitched roof
with flat roof garden.**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden.

The site occupies an historic 18th/19th century quarry situated to the NW of the late Georgian House of Ravelston. The current Georgian (now occupied by Mary Erskine's School) is the last of a series of estate centres dating back to the medieval period with the site first recorded in the 14th century. The application site lies within the historic former grounds of this estate and as such occurs within an area of archaeological potential.

As the development is contained within the footprint of the former quarry no significant buried remains will be affected and as such there are no known archaeological implications upon this application.

Transport

No objections to the application.

Flooding

for the consultation request. Provided the FFL of Plot 1 has not been lowered from the previously agreed 53.900mAOD on the lower ground floor level then we have no further comment to make. This email covers applications 19/01108/FUL, 19/01090/FUL & 19/01091/FUL.

Environmental Services

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997

Material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden. (19/01108/FUL).

The applicant proposes the erection of a dwelling house at Ravelston Dykes Quarry. Environmental Protection have commented on a similar proposal for this site previously. This is currently an undeveloped site of mature woodland with some existing dwellings approximately 50m to the north. Ravelston Dykes borders the site to the west.

This is a fairly quiet site with the only noise source being road traffic on Ravelston Dykes to the west; this is not considered to be of a level which will have a negative impact on amenity.

Previous uses of the site indicate that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended end use. A condition is recommended in this regard.

As the application includes parking provisions Environmental Protection would recommend that the applicant includes a 7KW (type 2) electric vehicle charging point.

Environmental Protection has no objections to this proposed development, subject to the following condition:

Prior to the commencement of construction works on site:

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

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

Informative

- 1. The applicant should include a 7KW (type 2) electric vehicle charging point.*

Parks and Greenspace

No comments.

Location Plan



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END

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/10304/FUL
At Royal Botanic Nursery, Inverleith Avenue South,
Edinburgh
Construction of Plant Health Suite, Sustainable Energy
Centre, multi service trench, oil tanks, landscape works
and related infrastructure at RBGE Nursery (as amended).**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the development plan. The proposal is acceptable in this location will preserve the character and appearance of the conservation area, is of an appropriate design, mass and scale and will have no detrimental impact on residential amenity, traffic and road safety, flooding, trees or wildlife. There are no other considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES06, LEN06, LEN16, LEN18, LRS01, NSG, NSGD02, NSLBCA, OTH, CRPINV,

Report

Application for Planning Permission 18/10304/FUL At Royal Botanic Nursery, Inverleith Avenue South, Edinburgh Construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to an area of open space that is an annexe the Royal Botanic Gardens of Edinburgh (RBGE), and is used as a nursery to the main botanical garden site which is located to the south. The application site, which includes Inverleith Avenue South and Inverleith Place, is 1.97 ha in area, but the nursery itself is 1.50 ha in area.

The site is private to the RBGE and therefore not open to the public. It supplies support functions to the main garden.

Currently, it accommodates:

- Several glasshouses, polytunnels and mesh tunnels
- Storage sheds and potting sheds
- Outdoor growing areas
- Staff facilities building (kitchen, WCs etc)
- Outdoor composting area
- Storage areas for materials
- Car parking

The nursery is bordered on north, east and west sides by large residential properties. To the west, it is bordered by Edinburgh Academy Junior School. It is accessed from the unadopted road to the south which is Inverleith Avenue South. There are a number of trees in the southern portion of the site. The site slopes gently down from north to south.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

12 March 2008 - planning permission granted for the conversion of an existing building to accommodate meeting / office area, changing area, kitchen and upgraded WCs (planning reference 08/00348/FUL).

13 June 2008 - planning permission granted for the erection of one shade hall and one polytunnel (planning reference 08/01012/FUL).

12 June 2008 - planning permission was granted (in retrospect) for the provision of two areas of hardcore for car parking with lighting and screen planting (planning reference 07/01559/FUL).

11 December 2012 - withdrawn application to erect 6 polytunnels, 2 mesh tunnels and wind break and alter vehicle access paths (planning reference 12/03785/FUL).

25 January 2013 - withdrawn application to erect new vehicle storage building, glasshouse, quarantine building, welfare building and associated plant room, fuel store and diesel tanks. Alter vehicle access gates to site, vehicle access paths and associated hard and soft landscaping (planning reference 12/04134/FUL).

30 August 2013 - a mixed decision was issued for an application for new buildings in existing nursery of Royal Botanic Garden including polytunnels, glasshouses, vehicle storage shed, staff facilities building and ancillary buildings, alterations to entrance gates and associated external works. (planning reference 13/00723/FUL) The vehicle shed and external lighting were refused planning permission.

27 September 2013 - associated conservation area consent to 13/00723/FUL granted for the demolition of structures on site (planning reference 13/00724/CON).

7 September 2014 - Permission granted for the demolition of existing glasshouses, polytunnels and mesh tunnels, erection of new glasshouses, polytunnels and mesh tunnels, alterations to existing potting shed, alterations to existing site entrance and associated external works in the nursery. (Planning references 14/02916/FUL and 14/02916/CON).

Main report

3.1 Description Of The Proposal

The application is for the following two buildings to be constructed on this site:

a) Sustainable Energy Centre.

This will be a single storey, flat roofed, brick building with some grills in the external walls and boiler flues projecting above the roof height. It will be 19m by 28m or 532sqm in area. It would be set into a slight slope and from the lowest point at the entry on south elevation, it would be 8.67m the top of the parapet.

The building would be constructed mid-way up the western edge of the site, approximately 15m from the boundary with the playing fields.

The building will provide the heat and power for the glass houses on the main Botanical Gardens site. An underground route for the services to that site will be under the road at Inverleith Avenue South and Inverleith Place. It will use a combination of ground-source heat pumps (GSHP), combined heat and power (CHP) engines and gas boilers to produce both heat and electricity. The boreholes for the GSHP will be located in the nursery in the vicinity of the proposed buildings. In case of failure of the mains gas supply, a back-up fuel source is essential, which will be provided by oil tanks adjacent to the proposed Energy Centre.

b) Plant Health Suite.

This will be a two storey, flat roofed, brick building with three ranges of glass houses on the south side and a single range of glass houses to its west. The main structure, excluding its glass houses, will be approximately 25.5m by 21.7m and 8.1 m high. The glass houses will be aluminium framed with pitched roofs.

Also proposed is a green GRP structure for housing the gas meter that is to be 2.5m X 4m X 2.25m high.

As part of this application, three trees will be removed.

Scheme 1

The application as originally submitted proposed two flues instead of three on the Energy Centre.

Supporting Documentation

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design-Access Statement
- Surface Water Management Plan
- Extended Phase 1 Ecological Survey
- Geo- environmental Interpretive Report
- Supporting Statement
- Tree Survey
- Noise Impact Assessment
- Air Quality Assessment

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the conservation area;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will have any traffic or road safety issues;
- f) the proposals will have detrimental impact on flooding issues;
- g) the proposals will have detrimental impact on trees;
- h) the proposals will have detrimental impact on wildlife and biodiversity; and
- i) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The nursery site is in an area of 'open space' as defined by the LDP. As such Policy Env 18 applies. This states that:

Proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment and*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either*
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.*

There has been a previous mixed decision granted in 2013 that approved the principle of a new staff facility building and isolation house with extended glasshouse. The principle of new buildings in the open space was approved in this instance.

The building of the Energy Centre and the Plant Health Suite will necessitate some loss of the open space within the current nursery. However, the open garden character of the nursery will still predominate and therefore they will not significantly impact on the quality or character of the local environment. The proposals therefore meet test a).

In terms of its area, the proposed buildings represent a small part of an area that is not accessible to the general public although it provides visual amenity to the surrounding houses. However, the nursery itself is a small part of a much larger area that includes the publicly accessible RBGE main garden and Inverleith Park. The loss of approximately 1150 sqm of open space within what is a private nursery area will be an insignificant loss to the larger network. Therefore the proposal meets test b).

Subject to conditions as explored below, with respect to biodiversity, the loss of open space required to construct these buildings will not be detrimental to the wider open space network or biodiversity. The proposals therefore meet test c).

No alternative or equivalent provision will offset the loss of this space and no improvement will be made to any other open space. The proposals do not, therefore, comply with test d).

However, the proposed Health Suite and Energy Centre are a key component in supporting growth and vitality of the main RBGE site in its ongoing research and plant collection. The Plant Health Suite is essential as a quarantine location for the importing of live plants. The Sustainable Energy Centre will ensure that the glass houses in the main site have a reliable energy source and aims to reduce current CO2 emissions overall for the RBGE. In terms of how these facilities will support the world class work of the RBGE and its considerable contribution to the amenity of Edinburgh in terms of an invaluable community asset, the benefits of the proposed development will outweigh any loss of open space in the nursery site. The development therefore will comply with test e).

The proposals comply with Policy Env 18. The proposed development represents an exceptional circumstance where the loss of open space to the new buildings can be justified under the tests set out in Policy Env 18 and where the benefits derived from the proposed development in supporting the research and collection of the RBGE can justify the small dis-benefits to visual amenity of surrounding residential neighbours.

Subject to compliance with points below, the proposals are appropriate in this location.

b) The Impact on the Character and Appearance of the Conservation Area

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. It notes that *landscaped spaces dominate the area, contrasting with surrounding, denser development* and that *the substantial amount of open space allows panoramic views across to the city skyline*.

Policy Env 6 relates to development within conservation areas. This states that development within a conservation area should preserve or enhance the character and appearance of the conservation area, be consistent with the character appraisal and demonstrate a high standard of design utilising materials appropriate to the historic environment.

The two new principal buildings will be a contemporary addition to the conservation area. As flat roofed structures they will be uncharacteristic forms compared to the traditional buildings in the area but will not be unlike the adjacent Edinburgh Academy buildings. The buildings will be brick but the design incorporates a pattern of projecting headers and perforated screens that will add interest to the design and will break down the mass of the buildings. The area surrounding the nursery site is characterised by traditional stone villas although the adjacent Edinburgh Academy buildings are brick. There are also brick boundary walls. In this instance, the design and materials reflect the more modern additions to the conservation area and are not inappropriate to the garden character of the site. The proposals comply with Env 6 and the character and appearance of the conservation area will be preserved.

The proposals comply with policy Env 6.

c) Scale, Form and Design

Policies Des 1 and Des 4 relate to design quality, context and setting.

The designs are utilitarian structures and their interest is primarily derived from the complexity of the brick design as well as a perforated metal panel used in the Plant Health Suite. The two storey Energy Centre will be partially set into the slope of the site to reduce its mass. The buildings will be lower than the surrounding villas and not of a dissimilar height to that at the Edinburgh Academy buildings. The buildings will not be characteristic of the setting but will sit quietly within the surrounding environment. Materials, massing, scale and design are acceptable.

The proposals comply with policies Des 1 and Des 4.

d) Neighbouring Amenity

Des 5 relates to the amenity of surrounding area. The buildings are sufficiently far away from the neighbouring residential properties to not have an impact in terms of privacy, daylighting or overshadowing.

Noise Impact and Air Quality Impact Assessments have been submitted. These indicate that the impact on neighbouring properties from noise or air quality will be negligible.

There will be no adverse impact on neighbouring amenity. The proposals comply with policy Des 5.

e) Traffic or Road Safety Issues

Policies Tra 2 and Tra 3 relate to the design of vehicular and cycle parking. The Edinburgh Design Guidance expands on this.

The existing access from Inverleith Avenue South will be retained. The number of vehicular on-site parking spaces will be reduced from 46 to 40 spaces. This complies with the standards set out in the Design Guidance.

Cycle parking is provided within the main site.

No significant additional traffic is expected to be generated as a result of this development.

The proposals will have no adverse impact in terms of traffic and road safety and comply with policies Tra 2 and Tra 3.

f) Flooding Issues

Policy Env 21 relates to flood protection.

Upon submission of a surface water management plan and self-certification certificate, Flood Planning is satisfied that there will be no additional risk of flooding as a result of this development.

g) Impact on Trees

Policy Env 12 relates to development that may impact trees.

The buildings proposed will result in the loss of some minor trees and vegetation. The trees noted for removal are not part of the greater collection of the Botanics. The proposed tree loss is acceptable. The proposals comply with policy Env 12.

h) Impact on Wildlife and Biodiversity

Policy Env 16 relates to species protection.

The applicant has submitted an Extended Phase 1 Ecological Survey. Due to the potential for impacts on badgers, a protected species, a licence from SNH for disturbance will be required. Conditions and informatives are added to ensure that pre-work surveys are conducted on any trees that have bat roosting potential.

Subject to compliance with these conditions there will be no adverse impact on wildlife and biodiversity and the proposals comply with policy Env 16.

i) Public Comments

Material objections

- Impact on the conservation area - Materials not appropriate to the stone built character of the area. This is addressed in section 3.3.b).
- Design - height and mass. This is addressed in section 3.3.c).
- Noise - this is addressed in section 3.3.d).
- Traffic - this is addressed in section 3.3.e).

- Increased reliance on oil and gas. The proposals will use a combination of ground-source heat pumps (GSHP), combined heat and power (CHP) which will reduce the RBGE's dependence on fossil fuels although these are required as a back-up.

Non-material objections

- Views from residential properties. This is not protected under the planning system.
- The maintenance and condition of the unadopted Inverleith Avenue South. This is a matter for the owners.

Conclusion

In conclusion, the proposal complies with the development plan. The proposal is acceptable in this location, will preserve the character and appearance of the conservation area, is of an appropriate design, mass and scale and will have no detrimental impact on residential amenity, traffic and road safety, flooding, trees or wildlife. There are no other considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on materials, noise, trees and protected species.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Details of brickwork and metal screen shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Arcadis, Royal Botanical Gardens Edinburgh, Nursery Development, Sustainable Energy Centre and Plant Health Suite, Fixed plant Noise Assessment, April 2019 Sections 1.3 and 3.3).
4. Prior to any construction taking place, a Badger Protection Plan, detailing any licence requirements, should be submitted to the Planning Authority for approval.
5. Pre-works surveys should be undertaken on trees identified as TN2, TN3 with low bat roost potential.

6. Any trees on or overhanging the site, should be protected in accordance with British Standards 5837:2012 " Trees in relation to design, development and construction". Protection should be installed on site prior to the commencement of works.
7. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard protected species.
5. In order to safeguard protected species.
6. In order to safeguard protected trees.
7. In order to safeguard protected species.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. The report makes recommendations for biodiversity improvements, through the provision of either integral or external bird and bat boxes. This is welcomed and would be in accordance with policy Des 3 and the Edinburgh Biodiversity Action Plan 2019-21.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 25 January 2019.

There has been one petition lodging comments from residents of 16 addresses in Inverleith Avenue South and Inverleith Place, and two letters of objection from neighbouring residents.

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

Background reading/external references

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

- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is located within an area of Open Space and the Urban Area as defined by the Local Development Plan.

Date registered

16 January 2019

Drawing numbers/Scheme

1, 2a, 3a, 4a, 5a, 6a, 7, 8, 9a, 10a, 11-16, 17a, 18a, 19a, 20a, 21, 22,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail:barbara.stuart@edinburgh.gov.uk Tel:0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Application for Planning Permission 18/10304/FUL At Royal Botanic Nursery, Inverleith Avenue South, Edinburgh Construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (as amended).

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery

The site has bene occupied by the RBG Nurseries since the 19th century and is regarded as an area of archaeological potential. However, evaluations by CFA archaeology in 2015 & 2016 across the northern half of the nurseries has indicated that such potential is limited due to recent activities by the RBG. Accordingly, given the scale and location of these proposed works it has been concluded that its impact would be low and that therefore there are no known archaeological implications regarding this application.

Transport

No objections to the application.

Flooding

This satisfactorily addresses all Flood Prevention's comments and we are happy for this to proceed to determination with no further comment from our department.

Environmental Services

Environmental Protection would offer no objection to this application subject to the following:

The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Arcadis, Royal Botanical Gardens Edinburgh, Nursery Development, Sustainable Energy Centre and Plant Health Suite, Fixed plant Noise Assessment, April 2019 Sections 1.3 and 3.3).

The construction phase of the development shall proceed employing the recommended control measures of the air quality impact assessment (Arcadis, Royal Botanic Gardens Edinburgh - Nursery Site, April 2019, Table 25).

The design of the elements of the energy centre including the ground source heat pump, combined heat and power plant and boiler plant shall be in accordance with the design in drawing numbers BIOM-HAH-ENC-GF-DR-ME-59100 and BIOM-HAH-SEC-01-DR-ME-59100/P02. The emission mitigation measures relating to the combined heat and power and boiler plant as indicated the Process Conditions section (p21) of the Air Quality Impact Assessment, Arcadis, Royal Botanic Gardens Edinburgh - Nursery Site, April 2019, shall be incorporated.

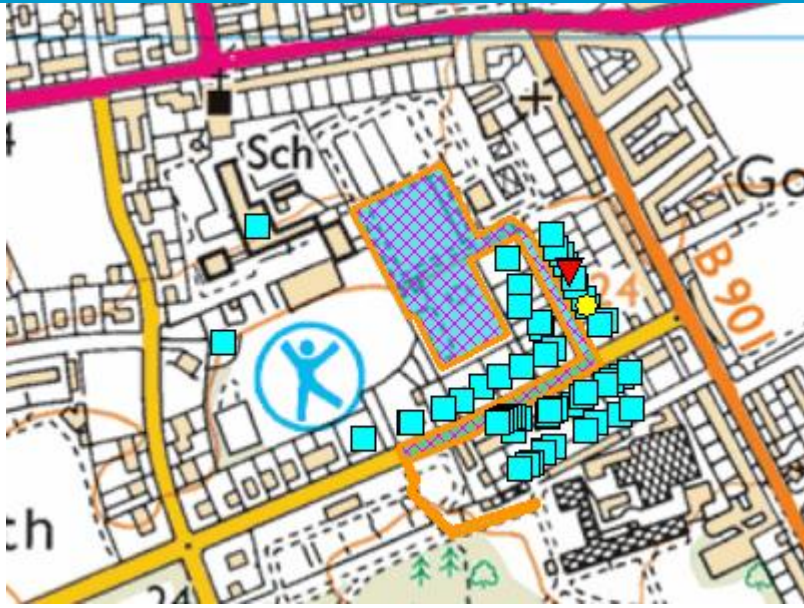
This application concerns the development of a plant health suite and sustainable energy centre at the Royal Botanic gardens nursery site on Inverleith Gardens South. The development site is bordered by residential properties to the south and east, the playing fields of Edinburgh Academy junior school to the west and the nursery of the Royal Botanic Gardens to the North. The Inverleith Air Quality Management Area, declared due to exceedances of the air quality objectives for nitrogen dioxide, is situated less than 100 metres from the development site.

Noise Impact and Air Quality Impact Assessments have been submitted in support of the proposed development.

The Noise Impact assessment considered the potential effects of the plant to be installed at the site and the design of the proposed Plant Health Suite and Energy Centre. It concluded that the noise generated would not be considered to be detrimental to the amenity of the residential properties closest to the development.

The energy centre will include a ground source heat pump, a combined heat and power plant and boilers to meet the heat and electrical requirements of the Botanic Gardens. The design intent of the system is to maximise the use of the ground source heat pump and the combined heat and power unit. The Air Quality Impact assessment considered the potential effects of construction of the development and the impact of emissions from the combined heat and power plant and boilers associated with the proposed energy centre on local air quality concentrations. Flue gas recirculation and a catalytic converter are to be included in the design of the boiler plant and combined heat and power plant respectively. The assessment concluded that employment of the relevant mitigation measures will result in a negligible dust impact. In relation to the energy centre, it is predicted that the plant as designed will have a negligible to slightly beneficial (compared to existing) effect on air quality.

Location Plan



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Development Management Sub-Committee

10.00 am, Wednesday, 31 July 2019

Stopping Up Order – Parts of Muirhouse Avenue, Muirhouse Avenue North, Muirhouse Crescent and Muirhouse Way, Edinburgh PO/18/05

Item number	
Report number	
Executive/routine	
Ward	04 Forth

Executive summary

The purpose of this report is to request that the Sub-Committee confirm as unopposed The City of Edinburgh Council (Muirhouse Avenue, Muirhouse Avenue North, Muirhouse Crescent, Muirhouse Way, Edinburgh) (Stopping Up) Order 2018.

Links

Coalition pledges	
Council outcomes	CO25 – The Council has efficient and effective services that deliver on objectives.
Single Outcome Agreement	

Stopping Up Order – Parts of Muirhouse Avenue, Muirhouse Avenue North, Muirhouse Crescent and Muirhouse Way, Edinburgh PO/18/05

Recommendations

- 1.1 That the Sub-Committee confirms as unopposed The City of Edinburgh Council (Muirhouse Avenue, Muirhouse Avenue North, Muirhouse Crescent, Muirhouse Way, Edinburgh) (Stopping Up) Order 2018 – PO/18/05 (see Appendix 1).

Main report

- 2.1 To facilitate implementation of a grant of approval of full planning permission (reference 17/03774/AMC) for the regeneration masterplan, Pennywell, Muirhouse, Pennywell Road, Edinburgh, a stopping up order is required.
- 2.2 The stopping up of roads was progressed under the terms of the Town and Country Planning (Scotland) Act 1997, Section 207 and 208, and was advertised to the public from 11 January 2019 to 8 February 2019. There are no outstanding objections to the Order.

Measures of success

- 3.1 The planning permission will be implemented in full.

Financial impact

- 4.1 Associated costs will be met by the applicants.

Risk, policy, compliance and governance impact

- 5.1 All statutory procedures for the making of the Order will be correctly followed.

Equalities impact

- 6.1 This was assessed in the previous report to the Development Management Sub-Committee and is contained within the Assessment section of that report.

Sustainability impact

- 7.1 This was assessed in the previous report to the Development Management Sub-Committee and it was considered that these met the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

- 8.1 The consultation period as required by the legislation has been carried out.

Background reading / external references

Development Management Sub-Committee report of 24 January 2018 - Application for Approval of Matters Specified in Conditions 17/03774/AMC At Regeneration Masterplan Pennywell Muirhouse, Pennywell Road, Edinburgh Application for Approval of Matters Specified in Conditions in respect of Application no. 12/00996/PPP relating to Pennywell Phase 3. Residential development comprising 315 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development (as amended).

David R. Leslie

Service Manager & Chief Planning Officer

Contact: John Richmond, Senior Professional Officer

E-mail: john.richmond@edinburgh.gov.uk | Tel: 0131 469 3765

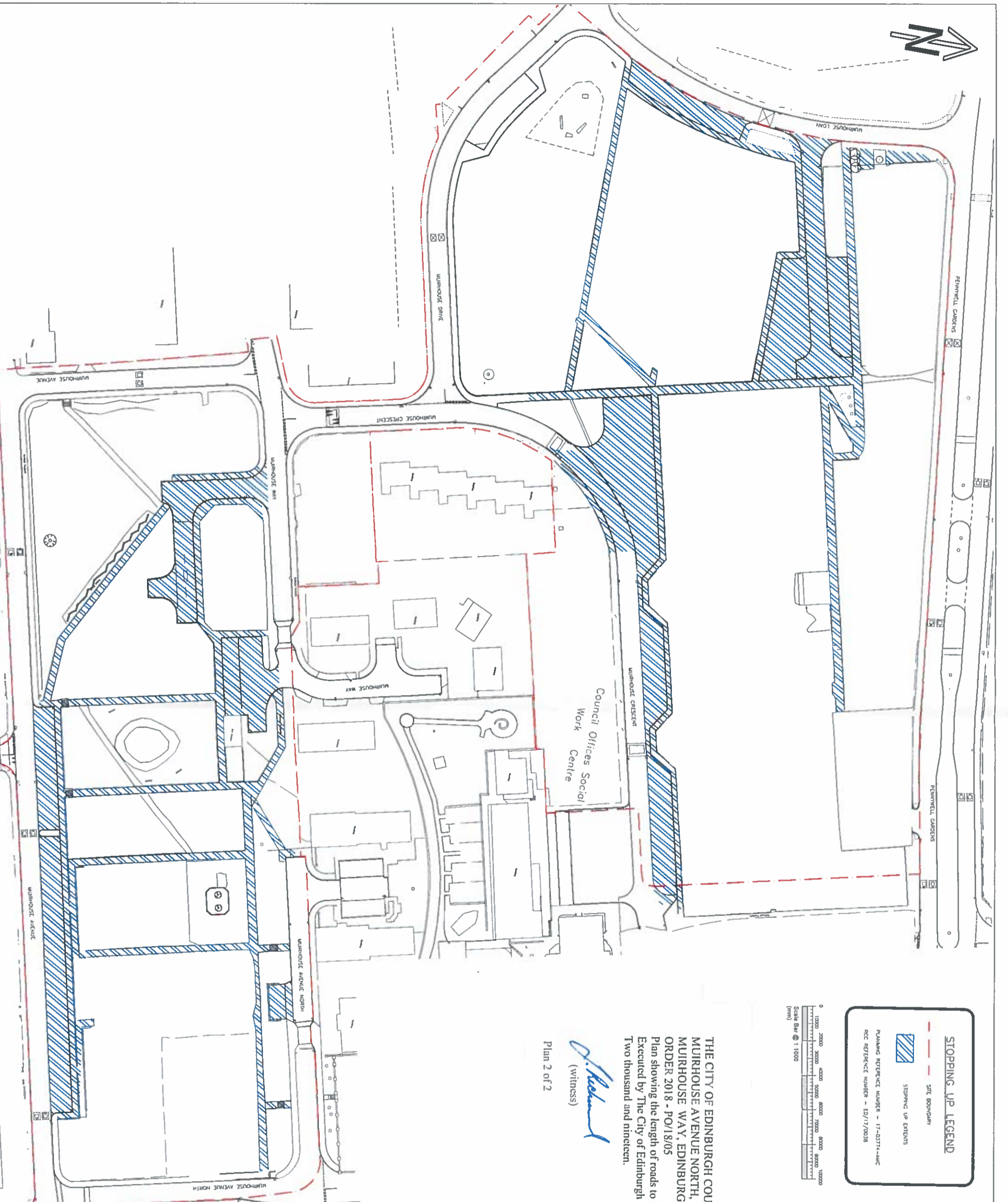
Links

Coalition pledges

Council outcomes CO25 – The Council has efficient and effective services that deliver on objectives.

Single Outcome Agreement

Appendices Appendix 1
Plan of the roads to be stopped up.

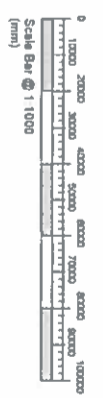


STOPPING UP LEGEND

— SITE BOUNDARY

— STOPPING UP EXTENSIONS

PLANNING REFERENCE NUMBER - 17-03774-AWC
RCC REFERENCE NUMBER - ED/17/0038



THE CITY OF EDINBURGH COUNCIL (MURHOUSE AVENUE, MURHOUSE AVENUE NORTH, MURHOUSE CRESCENT, MURHOUSE WAY, EDINBURGH) (STOPPING UP) ORDER 2018 - PO/18/05

Plan showing the length of roads to be stopped up in terms of the above Order. Executed by The City of Edinburgh Council This Ninth day of January Two thousand and nineteen.

A. Adam
(witness)

Plan 2 of 2

D. N. Leake
Chief Planning Officer

NOTES

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3. THE CONTRACTOR IS TO BRING TO THE NOTICE OF THE ENGINEER ANY DISCREPANCY OR OMISSION IN THE DRAWING PRIOR TO WORK COMMENCING. RELEVANT DESIGN DRAWINGS & SPECIFICATIONS
4. ALL WORK TO CONFORM TO THE RELEVANT EUROPEAN & BRITISH STANDARDS AS APPLICABLE
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Rev	Description	By	CHK	Date
E	Notes updated	SMF	SMF	04.12.18
D	Contractor enquiries etc. removed as instructed by CEC	SMF	SMF	03.12.18
C	Revised working and 1:1000 scale shown as required by CEC	SMF	SMF	22.11.18
B	This drawing is shown when proposed CWC	SMF	SMF	03.10.18
A	Signs to be installed, stopped up on Murhouse Drive removed as not adopted	SMF	SMF	14.08.18

Bayne Stevenson Associates Ltd
consulting civil, structural and geo-environmental engineers
1st Floor, 17 South Colinton Road, Edinburgh, Scotland, EH11 3JH
T: +44 (0)131 5213171 B: +44 (0)131 5213172 W: www.baynestevenson.com

Client: **Urban Union Ltd**

Project: **Phase 3 Pennymill, Edinburgh**

Drawing Title: **Existing Public Roads, Parking Areas and Footways to be Stopped Up**

Issue Status: **Approval**
Drawing Number: **J3756-012**
Scale: **1:1000** @ A3 Date: **28.08.17** Drawn: **SMF** Chk: **DP** Revision: **E**

THE CITY OF EDINBURGH COUNCIL (MUIRHOUSE AVENUE,
MUIRHOUSE AVENUE NORTH, MUIRHOUSE CRESCENT,
MUIRHOUSE WAY, EDINBURGH) (STOPPING UP)
ORDER 2018 - PO/18/05

Plan showing the location of roads to be stopped up in terms of the above Order.
Executed by The City of Edinburgh Council This Ninth day of January
Two thousand and nineteen.



J. Richmond
(witness)

D.A. Leitch
Chief Planning Officer

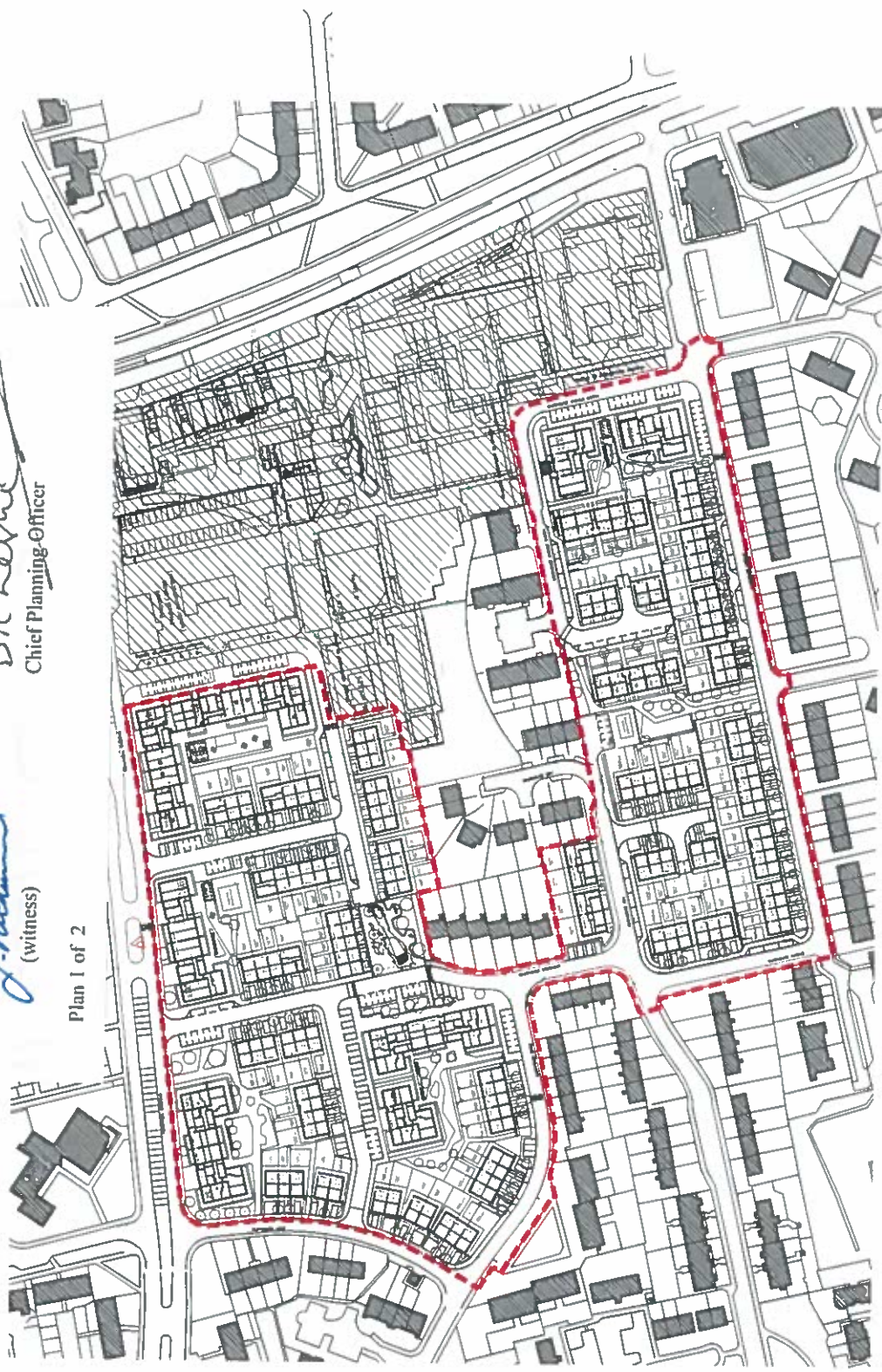
Plan 1 of 2

LEGEND

--- SITE BOUNDARY

--- PLANNING REFERENCE NUMBER - 17-03774-AAC

--- RCC REFERENCE NUMBER - ED/17/0038



NOTES

- 1 THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMAINING THE PROPERTY OF BAYNE STEVENSON ASSOCIATES LTD.
- 2 THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL SERVICES AND UTILITIES THROUGHOUT THE PROJECT.
- 3 DO NOT SCALE THIS DRAWING. ONLY LINE DIMENSIONS CAN BE USED TO DETERMINE THE LOCATION OF THE SITE OF THE PROPOSED DEVELOPMENT.
- 4 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL SERVICES AND UTILITIES THROUGHOUT THE PROJECT.
- 5 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL SERVICES AND UTILITIES THROUGHOUT THE PROJECT.
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- 10 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL SERVICES AND UTILITIES THROUGHOUT THE PROJECT.

REVISIONS

NO.	DATE	DESCRIPTION
1		ISSUED FOR TENDER
2		REVISIONS TO THE DRAWING

THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE CITY OF EDINBURGH COUNCIL'S LOCAL DEVELOPMENT PLAN AND THE CITY OF EDINBURGH COUNCIL'S LOCAL DEVELOPMENT PLAN (LDP) 2015-2023.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL SERVICES AND UTILITIES THROUGHOUT THE PROJECT.

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1:2500 Scale as indicated by the RCC
Site boundary as indicated by the RCC
Road boundary as indicated by the RCC
RCC boundary as indicated by the RCC

Rev: Description No: Date

Bayne Stevenson Associates Ltd
Planning and Urban Design and other architectural services
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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Development Management Sub Committee

Wednesday 31 July 2019

Application for Planning Permission 18/10372/FUL At West Bonnington Farm, Bonnington, Kirknewton Erection of farmhouse in connection with agricultural use (as amended).

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The applicant has provided sufficient supporting information to show compliance with policy Env 10. The proposed farmhouse is essential for the agricultural use proposed and it will have no adverse impact on the landscape quality and rural character of the surrounding area. Subject to a legal agreement tying the new farmhouse to agricultural use, the development is acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LDES01, LDES03, LDES04, LTRA02, LTRA03, LEN03, LEN21, NSG, NSGCGB, NSGD02,

Report

Application for Planning Permission 18/10372/FUL At West Bonnington Farm, Bonnington, Kirknewton Erection of farmhouse in connection with agricultural use (as amended).

Recommendations

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

Background

2.1 Site description

The application sites lies on the west side of Edinburgh in a countryside area surrounded by agricultural uses. The site extends to 1.18 hectares and previously included de-commissioned piggery buildings, which comprised a number of low-rise sheds, tanks and silos. These have now been demolished and the rubble and debris from this demolition remains on site. Existing agricultural buildings which are being retained are also included - these consist of large barns. There is currently no agricultural activity on the site.

The site is bounded by a mixture of stone dyke, post and wire fence and open boundaries. There is tree planting outwith but adjacent to the west and north east boundaries of the site. The site is located to the west of the village of Bonnington and is accessed via a private road from the B7030 to the east, which also provides a secondary access to Bonnington House to the west of the site.

West Bonnington Farm is a working farm, predominantly engaged in arable farming. The applicant currently farms approximately 391 hectares of land within the Bonnington area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

It is proposed to erect a farmhouse for a farm manager. The applicant wishes to re-introduce cattle into the operations at West Bonnington Farm, making use of the currently underutilised cattle shed within the site. The total floor area of the house (excluding garage) is 244.1 sqm. The size is dictated by a requirement to provide an office in the house for administration/management of the farm and external meetings. The provision of the office, with access without entering the living accommodation, and a boot room are non-typical requirements which have informed the ground floor layout.

The house is of a traditional design with a two storey central section containing a kitchen/dining room, study, farm office, boot room and four bedrooms. The living room is contained within a single storey side section and on the other side there is a two car garage. The materials are stone, dry dash render, timber cladding, slate roof and timber windows and doors.

Access to the proposed farmhouse will be provided through the existing agricultural access through the stone dyke from the private road running along the north of the site. The driveway and parking area will be compacted gravel hard standing.

The proposals include the integration of roof mounted PV solar panels and ground source heat pump.

Scheme 1

The total floor area of the house (excluding garage) has been reduced from 322.7 sqm to 244.1 sqm. This reduction has been achieved by removing the secondary living room above the garage and reducing the width of the two storey element by 1.8m. This has also resulted in the height of the garage element reducing by approximately 1m and no longer suitable for living accommodation.

Supporting Documentation

The following documents have been submitted in support of the application:

- Planning statement
- Design statement
- Operational needs assessment
- Accountant's letter

The first three documents are available to view on the Planning and Building Standards Portal. However, due to commercial confidentiality, Appendix 3 of the Operational Needs Assessment and the accountant's letter have not been placed online.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of a farmhouse in this location is acceptable;
- b) the design, form and mass detract from the landscape quality and/or rural character of the area;
- c) other material planning matters have been addressed; and
- d) any comments have been addressed.

a) Principle of Development

The site lies within a countryside policy area and Policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it meets one of the four criteria and would not detract from the landscape quality and/or rural character of the area. In this case, criteria a) applies and this states the development should be:

For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

In addition to the statutory policy, the non-statutory Guidance on Development in the Countryside and Green Belt (February 2019) provides guidance on new build dwellings. This states the following criteria should be met:

- a) a functional need for the dwelling is established;*
- b) the need relates to one or more fulltime worker(s), or one who is employed primarily in agriculture, and does not relate to a part time requirement;*
- c) the unit and the rural activity/business are financially sound, and have a clear prospect of remaining so;*

d) the functional need could not be reasonably fulfilled by an existing building which is suitable and available for occupation by the workers concerned, either on the holding or nearby (this could be an existing dwelling or involve the conversion of a building currently in an alternative use); and
e) the design, scale and layout of the building accords with Local Development Plan and Edinburgh Design Guidance.

The proposal is the erection of farmhouse for a farm manager at West Bonnington Farm. West Bonnington Farm is a working farm, predominantly engaged in arable farming. The applicant currently farms approximately 391 hectares of land within the Bonnington area. These farming operations form part of a larger business which includes approximately 594 hectares in total across Bonnington, south east Edinburgh and East Lothian. It is the intention of the applicant to re-introduce cattle into the operations at West Bonnington Farm, making use of the currently underutilised cattle shed within the grounds. The location has an agricultural farm code and is classed as Grade 2 highly productive land. Maps of the land holdings have been provided and this shows the farm is on the western boundary of the farmed area. There is therefore potential for severance of this land from the wider farmed area.

The planning statement accompanying the application states - *West Bonnington Farm is the most appropriate location to introduce this operation, given the availability of existing infrastructure and available space to provide an associated isolation paddock and additional accommodation for a farm manager.*

It is accepted that the farmhouse would be for the purposes of agriculture but it also has to be established that this countryside location is essential and no other options are available. The applicant has submitted an Operational Needs Assessment to support the case and this is used to assess the proposals against the criteria in the non-statutory guidance.

Functional need and potential to use existing buildings

The Operational Needs Assessment demonstrates that there is insufficient housing available to accommodate the existing and future labour requirement from the operations, and optimise the full economic potential of the farm business. The existing farming operations at West Bonnington Farm have a standard labour requirement of 3.3. The total labour requirement for the whole farming business is 5. The business currently employs two staff plus the farm owner (the applicant).

Only one worker currently resides within the land associated with West Bonnington Farm at Clifton Cottage to the north of the Farm. This cottage is not suitable in terms of size or location for a farm manager. The other worker resides off site and the farm owner lives 12 miles away at West Edge Farm. Bonnington Cottage to the immediate north east of West Bonnington Farm is currently let out to a long-term tenant and is not available for an agricultural worker.

The re-introduction of livestock into West Bonnington Farm will increase the labour requirement from 3.3 to 4.6 at West Bonnington Farm and to 6.35 for the whole business. This will further exacerbate the lack of sufficient and appropriate accommodation for agricultural workers, specifically a farm manager.

The operational size of the business would justify a farm manager and in order to carry out the farming activities properly it is essential that this person lives on the farm. In order to comply Welfare of Farmed Animal Regulations, a sufficient level of labour is required and must be available quickly for animals in distress. West Bonnington is the most suitable location because it is within the largest arable area of the three farm holdings and it is where the proposed cattle enterprise will be located. The farmhouse will need to be of a suitable size for a farm manager and their family and include an office. There is no suitable property on the farm that meets this requirement.

Is it accepted that there is a functional need for the farmhouse and there are no other suitable buildings on the farm to meet this requirement. However, as stated above, as the farm lies on the western boundary of the wider farmed area, it could easily be severed from these activities and there could be pressure to change it from agricultural to residential use. A legal agreement is therefore required to ensure it stays in agricultural use.

Full time worker

The applicant has confirmed that the farm manager will be employed full time and solely in agricultural activities.

Financial position of the business

The Operational Needs Assessment confirms that the proposed cropping and stocking are profitable enterprises and there is a good outlook for the business financially. The business is one of the largest specialist cereal farms in Scotland which enhances its viability. Documentary evidence has been provided to show that the business is profitable and financially sound.

The business plan for the farm is to continue cropping with a mixture of winter and spring combinable crops but also introduce cattle into the farming system so utilising the cattle shed at Bonnington. The current building is approximately 2000 square metres and could accommodate at least 200 cattle.

Design and Layout

This is assessed below.

In conclusion, the principle of the farmhouse is acceptable provided it would not detract from the landscape quality and/or rural character of the area.

b) Impact of Landscape Quality/Rural Character

LDP Policy Des 1 (Design Quality and Context) requires new development to be of a high standard of design, and to create or contribute to a sense of place. In addition, LDP Policy Des 4 (Development Design -Impact on Setting) requires new development to have a positive impact on its surroundings, including surrounding landscape and townscape character, and impact on existing views. This includes in terms of height and form, scale and proportions, positioning of buildings, and materials and detailing.

A design statement has been submitted with the application.

In terms of the immediate surroundings, the new house will be built on the site of the former piggeries of Bonnington Farm which have now been demolished. These consisted of low rise sheds, tanks and silos. The new house will be partly two storey and so higher than the piggery sheds but lower than the adjacent barn and around the same height as the previous silos. The new house will be surrounded by generous garden ground and a large isolation paddock will be formed between the new house and the large barn and livestock barn. It will be of a traditional design with slate roof and stone/render walls and will fit with the rural aesthetic of the area and in particular Bonnington Village to the east. Its mass will be significantly less than the piggery buildings which previously filled the site and it will lie adjacent to the road this respecting the ribbon form of development along the access road.

The site at West Bonnington Farm lies to the south of the private road leading west from Bonnington Village to Bonnington House and the 'Jupiter Artland' sculpture park. To the north, south and east is agricultural land which is also under the ownership of the applicant. The surrounding rural landscape has an open aspect, with views towards the Forth Bridges and the Lomond and Ochil hills to the north, and to the Pentland hills to the south. The site lies on a slight ridge running east to west, and although the surrounding farmland is undulating, the existing cottage and barns are clearly visible from the north, south and east. The mature woodland around Bonnington House and its sculpture park screens the site when viewed from the west.

Although the site is visible from the B7030 Bonnington Road/Cliftonhall Road, the new house would be screened by the existing barn. However, it will be visible from the north but looking out over the landscape there are a number of two storey farmhouses and other buildings and so this development will blend in well and have a minimal impact on the rural character of the surrounding area.

Views from the A71 to the south will be largely unaffected with the large barn remaining the predominant feature.

Overall the design is of good quality and will contribute positively to the farm complex and surrounding rural landscape. It is compatible with the rural character of the area in terms of height, form, mass, design and materials and there will be no adverse impacts on landscape quality.

The proposals comply with policies Des 1 and Des 4.

c) Other Planning Considerations

Setting of adjacent listed buildings

Policy Env 3 (Listed Buildings -Setting) seeks to protect the setting of listed buildings.

The category A listed Bonnington House lies to the west of the site. However, it is screened from the site by an extensive tree belt so there will be no impact on its setting. The nearest listed building is the lodge of Bonnington House but this is sufficiently distant from the site and there would be no impact.

Parking and Road Safety

Policies Tra 2 (Private Car Parking) and Tra 3 (Cycle Parking) set out the relevant requirements. The proposals include a two car garage and surface parking with adequate space for cycle storage. These policies are complied with.

Flooding and Drainage

DP Policy Env 21 (Flood Protection) requires that development does not result in increased flood risk on or off site. SEPA flood maps do not indicate that the site is in an area at risk of flooding, either pluvial or fluvial. There is no known risk to flooding on the site.

Policy RS 6 (Water and Drainage) also requires appropriate water supply and sewerage arrangements to be available to grant planning permission. It is proposed that the farmhouse will utilise the existing foul drainage via a private septic tank located in the adjacent field to the east of Bonnington Cottage. Connections required into this system will be within the site boundary. Hard surfaces proposed will comprise porous surfaces.

The proposals comply with policies Env 21 and RS 6.

Occupancy Restrictions and Rural Housing

The Scottish Government issued a letter on 4 November 2011 titled Occupancy Restrictions and Rural Houses. This letter set out Scottish Government's concerns over the use of planning conditions or legal restrictions on the occupancy of rural houses through the planning process. This includes tying houses to businesses such as farming. The letter states that the Scottish Government believes that occupancy restrictions are rarely appropriate and should generally be avoided.

Whilst the applicant has provided a good case for compliance with policy Env 10, there is no guarantee that the cattle farming business will be successful and the need for a farm manager's house may no longer be required. In addition, the location of the farm on the western side of the business could make severance a possibility. The applicant has agreed to a legal agreement restricting the occupancy to agricultural use and it is proposed that this is applied in this case although it is not encouraged by the Scottish Government.

d) Public Comments

Material Comments - Support:

One support comment was received from Ratho and District Community Council. This is on the understanding that the need for the proposed dwelling-house is purely for agricultural purposes and that planning conditions will be set to satisfy the requirements of LDP Policy Env 10.

Conclusion

In conclusion, the applicant has provided sufficient supporting information to show compliance with policy Env 10. The proposed farmhouse is essential for the agricultural use proposed and it will have no adverse impact on the landscape quality and the rural character of the surrounding area. Subject to a legal agreement tying the new farmhouse to agricultural use, the development is acceptable.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Development shall not commence until details of a Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:
 - Attenuation times
 - Profiles and dimensions of water bodies
 - Details of marginal planting

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

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

Reasons:-

1. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded restricting the occupancy of the new farmhouse to agricultural employees only.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. **Cranes**
Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

One support comment was received from the community council.

A number of late support comments were also received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is situated within the designated Countryside of the adopted Edinburgh Local Development Plan (2016) (LDP).

Date registered

14 December 2018

Drawing numbers/Scheme

01, 02B, 03A, 04A, 05A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail:nancy.jamieson@edinburgh.gov.uk Tel:0131 529 3916

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

Application for Planning Permission 18/10372/FUL At West Bonnington Farm, Bonnington, Kirknewton Erection of farmhouse in connection with agricultural use (as amended).

Consultations

Road Authority

No objections

Archaeology

The site lies within an area of archaeological interest occurring adjacent to the site of the historic 19th century Wester Bonnington Steading. As no historic farm buildings are known from this site and given recent ground disturbance it has been concluded that there are no known archaeological implications regarding this application.

Flood Planning

Whilst the applicant has not submitted a self-certification certification and all the information usually required to support an application as this is a single dwelling we are prepared to accept the application and allow it to proceed to determination.

The application notes the proposal is to drain surface water to a soakaway. Usually we request that the applicant either confirm the ground's suitability to act as a soakaway prior to determination or to develop an alternative location to drain surface water to. In this instance however there is adequate land available around the property to construct a soakaway that results are not required prior to determination but should still be undertaken as part of the applicant's design process to determine the size of soakaway required.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of SUDS Details

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

- Attenuation times*
- Profiles and dimensions of water bodies*

- Details of marginal planting

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

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>) We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Waste Planning

Compliance with Waste Strategy (Domestic Waste Only)

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

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

It is usually most appropriate for townhouses to have individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food bin and kitchen caddy. Garden Waste is a subscription service, but space should be allowed for this 240L wheelie bin too. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times, so space should be provided within the curtilage of the properties for three wheelie bins, and two boxes.

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

Waste Management Responsibilities

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

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

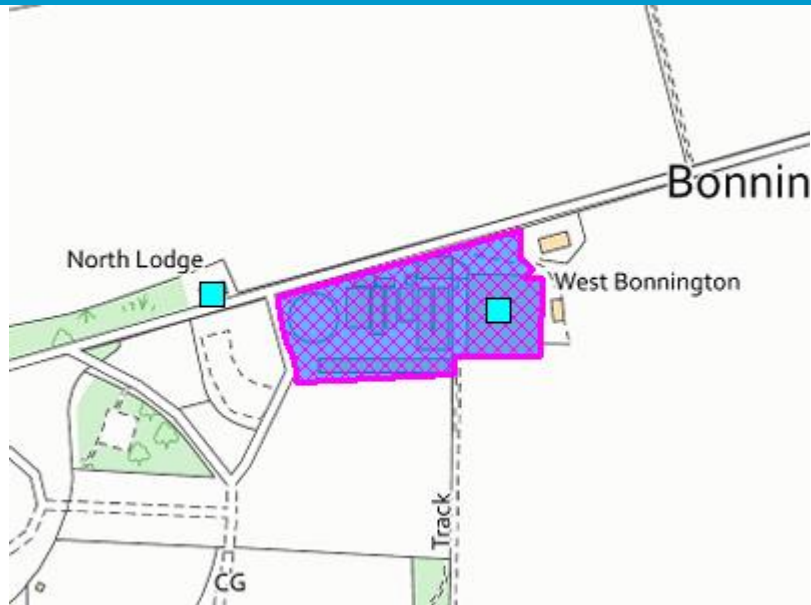
Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. Although this is a private road, existing properties are currently serviced so I would assume this would continue, with bins being presented for collection on the roadside.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

Location Plan



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Development Management Sub-Committee

10.00am, Wednesday 31 July 2019

Protocol Note for Pre-Determination Hearing

**Planning Application Nos 19/01481/FUL and 19/01032/FUL
South East Wedge, Old Dalkeith Road, Edinburgh**

Item number	6.1
Report number	
Ward	

Laurence Rockey

Head of Strategy and Communications

Contacts: Veronica MacMillan

Email: veronica.macmillan@edinburgh.gov.uk

Tel: 0131 529 4283

Summary

Protocol Note for Pre-Determination Hearing

Summary

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

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

As agreed by the Council on 17 December 2009, ward councillors who are not members of the Development Management Sub-Committee may not participate in the pre-determination hearing.

Committee Protocol for Hearings

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

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

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 – 10.30
2	Representors or Consultees Jeff Stevenson, Objector Lee Mullen, Supporter	10.35 –10.40 10.45 –10.50
3	Applicant and Applicant’s Agent Jim Ravey, Springfield Homes	10.55 –11.10
4	Debate and Decision on Application by Sub-Committee	11.15

Scheduled times are approximate but within this the time limits for speakers will have to be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. At the conclusion, the Sub-Committee will take a decision and which will form a recommendation to the City of Edinburgh Council at their meeting on 27 June 2019, where the final decision on the application will be taken.

If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can attend the meeting to observe the discussion from the gallery.

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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01481/FUL
At South East Wedge, Old Dalkeith Road, Edinburgh
Erection of 505 residential dwellings, 350 sq m of retail,
open space and associated infrastructure.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposal would deliver 502 residential units, of which 25% would be affordable and this would help contribute towards meeting Edinburgh's affordable housing needs.

The application raises a number of issues which will require to be negotiated through a legal agreement if planning permission was granted. These relate to infrastructure issues including education, transport and healthcare. Further information would be required regarding noise, biodiversity, some design elements and cumulative transport impacts.

However, the principle of housing on this site is not supported and the development is contrary to the Edinburgh Local Development Plan (LDP).

The land is allocated as green belt in the LDP and has been identified as a greenspace proposal in order to provide a landscaped, multi-functional parkland, woodland and country park, linking to Midlothian. Although the applicant is proposing to deliver and maintain the remainder of the site as a parkland, the construction of houses would result in the loss of a significant part of the park in perpetuity. This would remove the opportunity to provide a strategic parkland for the benefit of the city as well as the immediately adjoining neighbourhood areas.

The development is also not supported by the Strategic Development Plan (SESPlan) in that it would prejudice the delivery of the green network.

In terms of the landscape, it is acknowledged that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this reinforces the site as an area of strategic importance in providing parkland and cycle/footpath links between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle and beyond. This would be impacted to a significantly detrimental degree if the site was developed.

Furthermore, the design, scale and layout of the proposal does not accord with policies and guidance.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The visual impact on the landscape has been assessed and is not acceptable. This site was assessed during the preparation of the LDP and it was not supported due to its importance as a strategic green space. There are no overriding material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	SDP, SDP06, SDP07, LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES06, LDES07, LEN07, LEN08, LEN09, LEN10, LDES09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU04, LHOU06, LHOU10, LTRA08, LTRA09, LTRA10, SPP, OTH, NSGD02,
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Report

Application for Planning Permission 19/01481/FUL At South East Wedge, Old Dalkeith Road, Edinburgh Erection of 505 residential dwellings, 350 sq m of retail, open space and associated infrastructure.

Recommendations

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

Background

2.1 Site description

The site comprises Little France Park and covers approximately 36 hectares in area. It is green belt land, mainly utilised as parkland in the Edmonstone area of south-east Edinburgh. It comprises open grassland and scrubland with occasional mature trees and informal paths and desire lines traversing the site. There is also the formalised active travel walking/cycle route connecting Little France Drive to The Wisp to the immediate south of the site. The site undulates throughout, sloping from east to west towards the valley at Little France Drive.

The Edinburgh Royal Infirmary and the initial phases of the Edinburgh BioQuarter development are situated to the west of the site, beyond which lies the A7 Old Dalkeith Road and the suburb of Moredun. Residential properties forming the area of Danderhall (within the jurisdiction of Midlothian Council) are located adjacent to the south east, immediately beyond The Wisp. The A6106 (The Wisp) is adjacent to the east of the site and forms the boundary with Midlothian Council. The areas of Craigmillar, Greendykes and Niddrie are situated to the north. New residential properties are currently under construction adjacent to the north of the site in the vicinity of Greendykes.

Along a portion of the eastern boundary of the site is the Home Farm Enclosure, which is a scheduled monument.

The ruins of the former Edmonstone House are located to the south of the site.

2.2 Site History

This site:

8 August 2013 - The Craigmillar Urban Design Framework is approved.

4 November 2016 - Application withdrawn for proposed residential development, community parkland and a primary school on Land at Edmonstone, the Wisp, South East, Edinburgh (application number: 15/05074/FUL).

11 January 2017 - Application withdrawn for the development of an area of existing open space into public parkland, to include new active travel links with lighting, paths, landscaping, habitat creation/enhancement and tree planting (application number: 16/02661/FUL).

19 September 2017 - Application withdrawn for proposed residential development, community parkland and a primary school on land at Edmonstone, the Wisp, South East Edinburgh (application number: 16/05417/PPP).

The Applicant is currently seeking planning permission for residential-led development, through the submission of two detailed planning applications:

- An application for 199 dwellings within the eastern portion of the Site, on Springfield-owned land, referred to as Wisp 2A, (application number: 19/01032/FUL); and
- This application for up to 505 dwellings and 350 square metres of retail space, covering the western part of the Site (on City of Edinburgh Council owned land) and a small portion of land in the north-eastern corner of the Site, referred to as Wisp 2B (application number 19/01481/FUL).

Other relevant applications within the area:

14 February 2008 - outline planning permission for an 80 bed private hospital on the site of the former Edmonstone House, granted subject to a legal agreement to secure the reinstatement of the designed landscape including use of the policies as a country park and transport contributions (application number: 04/03551/OUT).

27 July 2010 - outline planning permission for a residential care village on the field to the south of the hospital site (and south and west of this application site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (application number: 08/00934/OUT).

27 July 2010 - outline planning permission for the erection of a care home in the walled garden (to the west of this site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (application number: 08/00936/OUT).

6 December 2011 - Proposal of Application Notice for residential development of two storey houses with associated roads and landscaping on land to the west of the site (and access to the north) (application number: 11/03928/PAN).

8 November 2011 - full planning permission granted to form access road at the north of the site to serve private hospital, care home, care village (application number: 11/02143/FUL).

11 November 2011 - listed building consent granted to relocate existing stone gate posts at the East Lodge (application number: 11/02145/LBC).

11 October 2012 - planning permission for residential development with associated roads and landscaping refused on land largely to the west of the site in the walled garden and eight acre field. The decision to refuse the application was appealed to the Scottish Ministers. The appeal was allowed, subject to a legal agreement, and a decision notice was issued on 20 September 2013 (application number: 12/01624/FUL).

15 April 2014 - listed building consent granted to alter and renovate derelict listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse, with associated access and landscaping (application number: 14/00695/LBC).

24 April 2014 - application granted for renovations and alterations to the listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse with associated accesses and landscaping (application number: 14/00694/FUL).

25 November 2014 - application granted to amend existing consent 12/01624/FUL (residential development) to revise housing mix and elevations (application number: 14/00578/FUL).

12 February 2015 - Reporter from the Department of Planning and Environmental Appeals granted planning permission in principle for residential development, ancillary uses and associated development (application number: 14/01057/PPP).

23 April 2015 - planning permission was granted for ground stabilisation works (application number: 14/01166/FUL).

23 April 2015 - application granted for a cemetery (including provision for woodland burials), memorial garden, chapel of rest and associated development (application number: 13/05235/PPP).

24 April 2015 - application granted on the same site for a cemetery, crematorium, memorial garden, chapel of rest and associated development (application number: 13/05302/PPP).

2 February 2017 - section 42 application granted to extend the outline hospital consent (04/03551/OUT) for a further 3 years (application number: 12/00764/FUL).

Main report

3.1 Description Of The Proposal

Full planning permission is sought for the erection of 502 residential units and 350 square metres of retail space (although the applicant has indicated some flexibility in terms of the units for commercial/residential space, so the total number of units could be up to 505). While the site is 36 hectares in area, development would only cover around 16.3 hectares. The rest would be retained as a park.

The residential units comprise 144 houses and 358 flats. The houses are all two storeys, while the flats are three, four and five storeys. The commercial space is proposed in the north-eastern part of the site.

There is a range of semi-detached and detached properties across the site, as well as cottage flats and traditional flats. There are 144 affordable flats in two locations across the site and comprise over 25% of the total number of units.

Vehicular and pedestrian access to the site would be afforded via two primary vehicular access points from the north, along Tobias Street and Milligan Drive, which connect to the main Greendykes access road.

Pedestrian access is proposed to be taken from a number of points along Tobias Street, with one connection onto The Wisp. There are also paths proposed to connect into the existing active travel route in the park.

A total of 676 car parking spaces are proposed to be provided and would include 288 private driveways spaces for the detached/semi-detached dwellings and 388 on-street parking bays for flats. All detached and semi-detached dwellings would be equipped with electricity charging points and all parking courts for flats would be enabled to accommodate electric charging points in the future.

All detached and semi-detached dwellings are designed to have space to accommodate sufficient bike storage (e.g. within the secure rear gardens). For the flatted buildings (including the cottage flats), dedicated cycle parking provisions in the form of cycle racks would be provided at a ratio of two per dwelling, in accordance with guidance, and would therefore provide a total of 722 spaces.

Affordable housing is proposed to be provided at a rate of 25% of the total number of units.

Open space for the site is proposed to be provided within the existing parkland, as well as within new areas of woodland on the northern boundary along the primary access road. Within the remaining parkland, paths are proposed to be formed, linking the site to the existing active travel route that traverses the park.

Supporting Information

An Environmental Statement was submitted in support of the application. It covered the following topics:

- Noise and Vibration Assessment;
- Air Quality Assessment;
- Tree Survey;
- Historic Environment;
- Ground Conditions and Water Resources Assessment; and
- Cumulative Impact Assessment.

Other supporting documents include:

- Planning Statement;
- Transportation and Access Appraisal;
- Pre-application Consultation Report;
- Landscape and Visual Impact Assessment;
- Design and Access Statement;

- Site Investigation Report; and
- Drainage Strategy.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of residential development is acceptable;
- b) the design, scale and layout of the proposed development is acceptable;
- c) there is sufficient amenity for existing neighbours and future occupiers, and the affordable housing provision is acceptable;
- d) the proposal would have acceptable transport impacts;
- e) there are any infrastructure constraints;
- f) the development would have an adverse impact on the landscape, including the historic landscape;
- g) the proposal would have an adverse impact on the biodiversity or ecology of the area;
- h) the proposal would raise drainage, flooding, ground stability or contamination issues;
- i) the proposal would have any detrimental air quality impacts;
- j) the development would have any adverse impact on any archaeological remains or the scheduled ancient monument;
- k) the proposal would meet sustainability criteria; and

l) the comments raised by third parties have been addressed.

a) The Principle of the Development

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that any determination under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the South East Scotland Strategic Development Plan (SESplan) and the adopted Edinburgh Local Development Plan (LDP). Other material considerations include Scottish Planning Policy (SPP) and the Craigmillar Urban Design Framework.

Conformity with SESplan

SESplan was approved in June 2013. The Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth up to 2032. Policy 1A, supported by Figure 1, identifies the Strategic Development Areas (SDAs) where there will be a focus on development and to which new strategic development is to be directed. These locations maximise the potential for development, meeting sustainability and environmental objectives. The site falls within the South East Edinburgh SDA.

Policy 1B (Spatial Strategy Development Principles) sets out the broad principles for LDPs in bringing development forward. Broadly, these principles seek to protect areas with national and local environmental designations and conserve and enhance the natural and built environments.

As noted, the application site is located within the South East Edinburgh SDA. Although this means that the location of the site does not conflict with SESplan's overall spatial strategy, this does not mean that all land within the SDA is required for housing or suitable for housing development in principle. The SDP requires the provision in LDPs of a green belt around Edinburgh for a number of stated purposes, namely to direct planned growth to the most appropriate locations; support regeneration objectives; protect and enhance the quality, character, landscape setting and identity of towns and the city; and protect and give access to open space within and around Edinburgh. Several areas of significance to the Edinburgh Green Belt lie within the South East Edinburgh SDA, and SDP Policy 1A requires LDPs to take account of such environmental constraints. This is assessed further below.

SDP Policy 12 (Green Belts) continues to require that the relevant Local Development Plans define and maintain a green belt around Edinburgh. Paragraph 129 of the SDP further states that in preparing Local Development Plans, authorities should seek to minimise the loss of land from the green belt and effort should be made to minimise the impact on green belt objectives and secure long term boundaries. The policy contains four criteria.

Criterion a) of Policy 12 aims to maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the local development plan settlement strategy. In assessing this proposal against Policy 12, it has the potential to undermine the identity and character of Edinburgh due to its prominent ridge location. It would have an impact on the greenspace leading into Midlothian and prejudice the delivery of the Holyrood to Dalkeith green network as set out in the SESplan Main Issues Report. It would also result in the coalescence of settlements due to the proximity of Danderhall and other local plan allocations in the Proposed Midlothian Local Development Plan.

The development would therefore not meet the first criterion.

Criterion b) states that one of the purposes of the defined Edinburgh Green Belt is to 'direct planned growth to the most appropriate locations and support regeneration'. Since the proposal does not conform in principle to the development plan, this application does not constitute planned growth. The Environmental Report (2013) that supports the LDP assessed part of this site in terms of its suitability for development (identified as South East Wedge Parkland, North). The assessment concluded that through the realisation of the parkland proposals, this site will have an important role in providing open space and path routes connecting the settlements of Little France, Danderhall and Craigmillar. It was therefore not considered appropriate for housing development. In addition, a release of additional greenfield sites would be likely to undermine the redevelopment of brownfield sites, and so would not support regeneration.

The proposal does not meet the second criterion.

Criterion c) states that maintaining the landscape setting of Edinburgh is one of the purposes of the green belt. The proposal fails to place sufficient weight upon the importance of the site and its location along a sensitive ridgeline. The development of the site's ridge top location would impact upon the wider landscape setting of the city. The site is visually prominent in views from Craigmillar Castle and throughout the city skyline (including from Queen's Drive) and from the surrounding road network. The current landform visually contains the existing urban edge and provides an undeveloped skyline in eastward views. In views from within the site, parkland forms a foreground element in views towards the city with a near continuous backdrop of Edinburgh's hills.

The impact on the landscape is further assessed in 3.3(f) below.

Criterion d) states that green belts should 'provide opportunities for access to open space and the countryside'. The proposals would remove 16 hectares (40 acres) of strategic parkland. While some parkland would remain between the proposed housing and the BioQuarter, the main consideration is whether the area of open space that is left would provide adequate opportunities for access to open space and the countryside. The resultant area of parkland between the proposed housing and the BioQuarter would provide some amenity, and it is noted that the proposed plans show a network of paths and routes connecting the surrounding residential areas and there is potential for connections to Midlothian.

These actions are supported in principle, particularly the formation of the paths and routes. However, these are only providing access from the proposed development, and would not benefit existing surrounding properties.

Furthermore, the delivery of a strategic area of open space in this location has been a fundamental aim of the LDP (and preceding adopted local plans), as well as the Craigmillar Urban Design Framework, which underwent significant local community consultation. The loss of the large area of parkland would remove an opportunity to create strategic open space for residents of Edinburgh and beyond. The scale of the South East Wedge Parkland is identified in the LDP to provide a strategic area of parkland to benefit the whole of the city and Midlothian, and the proposed development would prejudice this delivery.

The site also forms an important part of the Central Scotland Green Network (CSGN), as contained within National Planning Framework 3 (NPF3) and the removal of the parkland would prejudice the delivery of the CSGN in this location.

Therefore, despite its benefits in terms of providing linkages and retaining some areas of open space, the application does not accord with this objective.

The provisions of SDP policy 12 confirms that:

- Despite an increased need for more housing land, the Edinburgh LDP must also designate land as green belt in places where it will help meet green belt objectives.
- This process should not be undermined by approving housing proposals on land identified as green belt in the emerging LDP.

As stated above, granting planning permission on this site would undermine green belt objectives in a number of ways. Overall, the proposal does not comply with SDP Policy 12.

Conformity with the Local Development Plan (LDP)

The site is within the green belt in the adopted LDP. It is also identified as a specific greenspace proposal (GS4).

With regards to the green belt, policy Env 10 (Development in the Green Belt and Countryside) only permits new development for the purposes of agriculture, woodland and forestry, or where a countryside location is essential. Development of this site for housing would not comply with policy Env 10.

The greenspace proposal (GS4) seeks to retain the land around Craigmillar/Greendykes in the green belt, in order to provide a landscaped multi-functional parkland, woodland and country paths, linking to Midlothian. In assessing the proposal against GS4, a degree of parkland is proposed to be retained as part of the proposal.

The issue that requires consideration is whether the remaining area of parkland would provide a sufficient area of land in order to provide a multi-functional parkland for the future residents of the adjacent housing developments, as well as providing an area of valuable strategic open space for the city.

The applicant has asserted that the ground levels and poor environmental management have previously prevented this area of land from realising its full potential as a parkland. In addition, the site has been subject to large amounts of fly-tipping in the past, which has prevented it from being utilised to its full extent.

However, the parkland has undergone a series of recent improvements and investment, and is now being utilised for its intended purpose by the new population in the surrounding Greendykes housing developments. The representations submitted by surrounding residents demonstrates how the parkland is becoming a valuable asset for the surrounding communities.

In this context, it is important to consider that the wider area is undergoing considerable amounts of regeneration. At Greendykes there are over 1000 homes with planning permission under construction, as well as the development of the BioQuarter and new Royal Hospital for Sick Children. The character and function of the area will intrinsically change as a result of all this development. This will have a consequential impact on the function, use and need of the parkland.

Although the application site is not fully within Council ownership, and the land which is in Council ownership is still undergoing a transition from unmaintained land to parkland, housing development on this site would remove this land from the green belt in perpetuity. This would prevent the site from realising its full potential in the future as a multi-functional parkland which would benefit the new residents of the adjoining housing areas and the wider city, as well as providing a landscape setting for the BioQuarter. Development of the land would also prejudice the green link from Holyrood Park to Shawfair and hence prejudice the function of the green belt at this location.

However, during the LDP examination process, the Reporter concluded that whilst the planned open space will be substantially reduced by the housing allocations to the north and south of this site, the site forms part of a continuous green wedge running from the wider green belt westwards between Greendykes and the BioQuarter. The Reporter considered that its retention is important in providing open space and recreational routes connecting through these areas, and that development of this site would effectively dislocate the green belt to the west with the wider countryside in Midlothian to the east, to the significant detriment of green belt objectives.

Furthermore, whilst development at The Wisp results in a consequent change to the green belt to the north, the Reporter stated the circumstances for this site are different given that the objective of open space proposal GS4, South East Wedge Parkland, is described as multifunctional parkland, woodland and country paths linking with parallel developments in Midlothian. The site forms part of the city's green network in the Open Space Strategy and secures a green link through to Midlothian. Development of the sites to the north and south will accentuate the importance of this remaining area in maintaining continuity of this green corridor and its contribution to green belt objectives in terms of recreational access. Consequently, the Reporter concluded that he did not consider the site should be identified for housing and that it should be retained in the greenbelt and as open space.

Therefore, at this stage, the proposal cannot be justified in terms of policy Env 10 and greenspace proposal GS4 on the basis that it is not an appropriate form of development in the green belt and is removing the opportunities for a multi-functional strategic parkland.

Scottish Planning Policy 2014 (SPP)

SPP introduces a presumption in favour of development that contributes to sustainable development. Paragraph 110 of SPP states that the planning system should:

- Identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times;
- Enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

SPP Paragraph 29 lists a number of sustainable development principles which should be used to guide decisions. It states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

In terms of assessing the proposal against the principles of SPP, the applicant has provided justification as to why this site is suitable for development based on the fact that the adjacent developments have diluted the original setting of the parkland from a remote countryside location to a strategic investment area. The applicant also asserts that the aspirations and proposals for the parkland should be revisited and that it should become a more formal parkland setting, as opposed to a country park-type aspiration. The applicant also states that since the land ownership is not solely with the Council, the applicant's land will never become integrated into the park unless development potential is realised.

While it is acknowledged that the land is not solely within the control of the Council, this site has been considered in line with green belt objectives and SPP. The key aim of SPP is to deliver sites in a plan-led manner and as SPP sets out, the aim is to achieve the right development in the right place; it is not to allow development at any cost. The potential economic benefits of developing this site cannot outweigh the environmental cost and irreversible impact on the landscape setting of the city. The land was formerly part of a designed landscape, providing setting for Craigmillar Castle and the views outward from the castle can still be appreciated from an historical viewpoint as the structure of the designed landscape can still be seen.

Housing Land Supply

The applicant has asserted that the Council area currently does not have an adequate five-year housing land supply and that the current local development plan is out of date, and therefore paragraphs 32-35 and 125 of SPP apply.

This is not the case. LDP Policy Hou 1 relates to the location of housing development and consists of two parts. The first part gives priority to housing development in the urban area as defined in the LDP.

The application site lies in the green belt as defined in the LDP and so is not supported by part 1 of Policy Hou 1. Should there be a deficit in the maintenance of the five year housing land supply, the site may be assessed in terms of part 2 of Policy Hou 1.

Policy Hou 1 Housing Development (part 2) states that where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:

- a) The development will be in keeping with the character of the settlement and the local area;
- b) The development will not undermine green belt objectives;
- c) Any additional infrastructure required as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time;
- d) The site is effective or capable of becoming effective in the relevant timeframe;
- e) The proposal contributes to the principles of sustainable development.

The latest assessment of the housing land supply in the City of Edinburgh is the 2018 Housing Land Audit and Completions Programme (HLACP), which was reported to Planning Committee on 3 October 2018. The capacity of effective housing land and the anticipated programme of completions within the HLACP were agreed as reasonable with Homes for Scotland.

The HLACP examines both the supply of effective housing land (an input) and the expected delivery of new homes (the output). The 2018 HLACP demonstrates that there is more than sufficient effective housing land to meet the housing land requirements set by the SDP. The HLACP also demonstrates that the five year completions programme (previously referred to as the five year effective land supply) is above the five year completions target.

There is, therefore, no shortfall in either the supply of effective housing land or the expected delivery of new homes over the next five years. As there is no deficit in the maintenance of the five year land supply, Policy Hou 1 part 2 does not apply. Paragraphs 32-35 of SPP are also not relevant.

The landscaping and landscape setting is examined further below. At this stage, development of the site is not in accordance with the principles of the SDP, LDP or SPP.

Craigmillar Urban Design Framework (Updated 2013) and the BioQuarter and South East Wedge Parkland Supplementary Guidance

The Craigmillar Urban Design Framework (CUDF) sets out a vision and planning principles for development of the Craigmillar area. This application site is within the CUDF and is identified as a being retained as a parkland.

Similarly, the BioQuarter and South East Wedge Parkland Supplementary Guidance contains development principles which relate to the parkland. These detail that the parkland should have a clearly defined landscape structure; maximise biodiversity throughout the design; be a visually stimulating environment which provides a clear transition between the urban area and Edinburgh's rural hinterland; and through its design, walkways and planting, protect views to Craigmillar Castle, Arthur's Seat and Edinburgh Castle.

The proposal to build houses on the parkland does not accord with the CUDF or the Supplementary Guidance.

Conclusion

The principle of residential development is not acceptable on this site. It is therefore important to assess whether there are other material considerations which could indicate acceptability of the proposal. These are examined below.

b) Design, Scale and Layout

In assessing the design, scale and layout of the proposals, there is a framework of design policies contained with the LDP, as well as the requirements of the Craigmillar Urban Design Framework, the BioQuarter and South East Wedge Parkland Supplementary Guidance, the Edinburgh Design Guidance, Designing Streets: A Policy Statement for Scotland and PAN 67 (Housing Quality).

Design

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

Similarly, the CUDF states that "The design of new areas should be conceived as a whole rather than as a collection of disparate housing estates and business parks. Dwellings, shops and public and private institutions should be located close to each other, within the same building or block or with easy access between these... The relationship between built form and the public realm allied to landscape character should generate a lively, distinctive character. It is the design of the space between the buildings which helps to give a place its character, and determines whether or not people feel comfortable within that space. There must be careful and considered design of various elements - street type, building type and the treatment of the public realm."

PAN 67 (Housing Quality) states that the design of new housing should reflect a full understanding of its context, in terms of both its physical location and market conditions.

In assessing this proposal against this framework of policies and guidance, the proposed buildings along the edges of the site do not address any of the surrounding streets or parkland in a positive way. Along the northern boundary, this is partly due to the ground levels between the proposed development and the new Greendykes housing to the north. Here, the land falls considerably over a short distance. This means that in long views (as demonstrated in the Landscape and Visual Impact Assessment (LVIA) that accompanied the application), this site is particularly prominent on the ridge. It appears that little consideration has been given to its location sitting higher than the surrounding existing properties at Greendykes, and therefore gives the proposed development the appearance of being disjointed and not relating to surrounding housing.

The housing along the western boundary does not address The Wisp, and the proposal forms an awkward boundary with this road. Similarly, the proposed housing along the southern boundary fails to provide a suitable edge to the park. The proposed houses do not address the park, while the flats are a dominant feature along this boundary and, given the ground levels, would appear incongruous and dominant in the landscape. Across the site, the levels plan shows the extent of the retaining walls, underbuilding and embankments. In some areas, there is a level difference in the finished floor levels of up to 5 metres between adjoining plots. The underbuilding is also substantial, where there can be up to a metre of underbuilding on the plots. While retaining walls and underbuilding is not uncommon on new housing sites, this proposal presents an engineering solution to the development of the site and takes little cognisance of the unique topography and landscape quality.

In the absence of a detailed landscape plan, it is difficult to assess whether there is any mitigation proposed, or whether the boundary treatments are suitable.

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land, or the comprehensive development and regeneration of a wider area.

In this instance, Midlothian Council has expressed concern at the reduction in green space and narrowing of the corridor which would be caused by the development.

The location of this site is important in strategic terms due to the proximity of the boundary with Midlothian Council (MLC). Immediately across The Wisp are housing allocations within Midlothian for an extension to Danderhall and a new development at Cauldcoats. In addition, the Shawfair development site lies to the east.

The 2002 masterplan for the Shawfair development (which forms part of the outline application for Shawfair, planning application 02/00660/OUT, approved in 2014) contains a landscape framework which considers linkages between Shawfair and the surrounding area. The landscape concept is to provide a strategic green link between Holyrood Park and Dalkeith Park and the overall aspiration for this large green network is to provide safe off-road routes from Midlothian through to Edinburgh and into the City Centre.

While this aspiration could still be achieved through the delivery of a housing proposal if appropriate paths and connections were provided, development of the application site would create a narrowed section of green space which would erode the potential for a robust green link between the two local authority areas. The visual impact of the narrowed green space is seen to the greatest extent from viewpoints on the north east of the site. According to the applicant's Landscape and Visual Impact Assessment, views from Queen's Drive and Craigmillar Castle are where the greatest impact on the narrowing of the green link is particularly prevalent. The visual impression of the green space is that of a considerably narrowed area. This would discourage walkers or cyclists from utilising the green link, and while sensitive design could improve a reduced green link, the width is not sufficient within its context.

In summary, there are significant implications for allowing housing development on this site, including the impact on the potential for good visual and physical connections and the erosion of the strategic green link. While the connectivity impacts could be mitigated if paths and networks from the site are connected to Midlothian at appropriate locations, the contextual and visual impact cannot be mitigated and there is no compelling argument to suggest that the narrowed green link is appropriate.

Layout

LDP Policy Des 7 (Layout Design) states that planning permission will be granted for development where it meets a number of criteria relating to issues of the layouts of buildings, streets, footpaths and taking an integrated approach to new streets, and whether the development will encourage walking, cycling and the use of public transport.

There are very few amenities for residents within a 10 minute walking distance. This would suggest that the site is not suitable for a predominantly residential development with the obvious result being high car dependency and a negative impact on infrastructure and air quality. The applicant proposes to address this deficiency by providing a unit of up to 350 square metres at the site entrance that could accommodate a range of uses, including a small shop or doctor surgery.

In addition, the applicant is proposing to connect the site via a series of footpaths to the main Greendykes access road which is served by a bus route, as well as links to the existing active travel route through the parkland. These measures are acceptable in terms of Policy Des 7.

In terms of the details of the layout, Designing Streets offers guidance on the importance of creating successful places through good streets design. One example is given as to how street length can have a significant effect on the quality of a place. Acknowledging and framing vistas and landmarks can help bring an identity to a neighbourhood and orientate users. However, long straights can encourage high traffic speeds, which should be mitigated through careful design.

With regards to the proposed layout, there appears to have been little consideration given to how the streets could be used to frame vistas and landmarks. The surrounding landmarks include Arthur's Seat, Craigmillar Castle and the Firth of Forth. Neither the orientation of the buildings, nor the street layout pays cognisance to these features. Similarly, the long stretches of road within the site give priority to the car, and the pedestrian routes are compromised by the driveways that cross the footway. These are not principles which are supported by Designing Streets.

Scale

LDP Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

In assessing whether this scale of development is appropriate, the Craigmillar Urban Design Framework states that the edge of the housing areas facing parklands should be well designed and should take into account the surrounding landscape. The proposal in this case does not appropriately address the park, as the edge is formed by fragmented blocks of flats set behind a road. In particular, the flats at the far western end of the site do not create a strong or attractive urban edge, and the lack of a comprehensive landscape plan makes it difficult to assess how the buildings will sit within the landscape. Similarly, the houses at the eastern end of the site turn their backs onto the park, so this boundary will not be an attractive edge to the park.

With regards to policy Des 4, the scale and proportions of the proposed development do not sit comfortably within the landscape. The areas of parking are dominant across the development, and the scale and massing of the flats are incongruous at this location.

Design Conclusion

The finer details of the design have not been adequately considered. The streets are not legible for pedestrians, the massing of the flats is inappropriate and the layout does not present any innovative ways of addressing the unique landscape and topography of this site.

c) Amenity and Affordable Housing

The design policies in the LDP are supported by the Edinburgh Design Guidance, which provides more specific advice on site development with regards to providing appropriate levels of amenity. LDP Policy Des 5 (Development Design - Amenity) is relevant for assessing the impact of proposals on amenity for existing and new residents.

Existing Residents

The residents most affected by the proposals are located to the north in the New Greendykes development. However, due to considerable distances between the properties, there would be no impact on privacy or amenity. There would be some loss of immediate outlook as the existing properties sit lower than the floor levels of the proposed properties, however the green buffer would remain, and the height of this would retain a green outlook for existing residents.

However, the proposal to remove an area of parkland, will have an impact on the wider area. The areas around the site are within the most deprived areas in Scotland (the immediately adjoining areas in Craigmillar and Niddrie are in the 10% most deprived communities in Scotland, based on 2016 SIMD deciles). Reducing the parkland to such a degree would remove the potential for these deprived communities to access a strategic area of countryside parkland.

New Residents

The main impact on new residents will be noise arising from road traffic and nearby hospital operations.

The development is proposed to be situated directly beneath an existing flight path as presently utilised by the emergency helicopters coming to and going from the hospital. The new Royal Hospital for Sick Children (RHSC) includes a new helipad. The new helipad is likely to increase the number of flights over the proposed development albeit two other routes to and from the hospital are available for use by the helicopter pilots.

Therefore in summary, the applicant must submit further detailed assessments in relation to industrial, commercial and general hospital operations, helicopter and road traffic noise with mitigation measures designed, if planning permission was granted.

In relation to community facilities, the applicant has indicated that there is a site commercial/local shop of up to 350 square metres within the site. This would be secured through conditions if planning permission was granted.

Affordable Housing

This application is for a development consisting of up to 505 homes and as such, LDP Policy Hou 6 (Affordable Housing) applies. There will be a requirement for a minimum of 25% (126) homes of approved affordable tenures. The developer has been in contact with Dunedin Canmore Housing Association and they are satisfied with the range of housing that has been offered which is an integrated and representative mix of affordable housing on site. In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities.

The applicant has stated that the affordable housing will account for 25% of the new homes on site. This is supported in terms of policy Hou 6 and will be secured by a legal agreement if planning permission is granted.

In conclusion, the amenity of existing and future residents is adequate under policy Des 5, and the affordable housing provision is acceptable in terms of policy Hou 6.

d) Transport Impacts

This proposal requires to be assessed against relevant transport policies in the LDP, primarily Tra 8 (Provision of Transport Infrastructure).

This site is not an allocated housing site within the LDP and, therefore, its transport impact on the strategic road network has not been assessed cumulatively. The LDP states that development proposals relating to major housing or other development sites which would generate a significant amount of traffic must demonstrate that individual and cumulative transport impacts can be timeously addressed.

The Roads Authority has advised that the submitted Transport Assessment does not include specific figures for committed development outside the City of Edinburgh Council area. A high National Road Traffic Forecast (NRTF) growth rate is used as a proxy instead, but it is unclear whether this adequately reflects the likely traffic impact from development in Midlothian and elsewhere.

Midlothian Council (MLC) has notable concerns regarding the cumulative impact on the transport network arising from this proposal. MLC is concerned to ensure that the road network in the locality of development continues to operate efficiently if the proposed development is added to committed developments. It is particularly important to fully assess proposals such as this, which have not come through the plan-led system and do not benefit from a development plan transport assessment. The recent Scottish Ministers' decision on SDP2 indicates the strong concern of the Scottish Government that interactions between transport and land use planning are taken into account.

The applicant makes points relating to: adequacy of using NRTF growth rates in lieu of assessment of committed development in a neighbouring authority; need for improvements at The Wisp junction/ Old Dalkeith Road in advance of the development; and significance of traffic impact on junctions.

Midlothian Council is concerned that the NRTF growth rate (given as 1.045% between 2018 and 2021) does not adequately reflect the quantity of growth associated with Midlothian's share of the South East Wedge development, which will lead to a near four-fold increase in housing numbers from the part of Midlothian adjacent to the development. The applicant's Transport Assessment has incorporated assessment of significant committed developments in the CEC area in proximity to the development site, and Midlothian Council wishes this approach extended to the developments in the Shawfair area so that the whole of the south east wedge is accounted for in the TA.

The Shawfair new settlement (3423 units) and Danderhall South extensions (351 units) have planning permission and have commenced construction. The 2017 Midlothian Local Development Plan (MLDP) allocation at Newton Farm has planning permission (622 units). Although not yet consented, the 2003 Shawfair Local Plan allocation at North Danderhall (190 units) and the 2017 MLDP allocation at Cauldcoats (350 units) are committed sites and should be taken into account in assessing future transport impacts.

In reference to the significance of traffic growth on junctions, the significance of a traffic impact depends not only on the percentage increase but the available capacity. A 10% increase on a lightly trafficked road may not be significant whereas a 1% increase on a congested road will be. This approach is supported in Transport Scotland's Transport Assessment Guidance.

Transport Scotland also made comments on the proposal. It stated that although it would not propose to advise against the granting of planning permission, Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision (should the application be recommended for approval and if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal) for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

Transport Scotland also advised that with regards to LDP Policy Tra 8, the Transport Assessment (TA) does not undertake a cumulative and a cross boundary transport assessment. The assessment has included a number of committed developments in the immediate vicinity to the proposed development (New Greendykes; the new hospital for sick children; Edmonstone Policies & Walled Garden); Edinburgh BioQuarter and Shawfair but does not appear to include allocations in the adopted LDP that have not yet obtained consent. The road network considered only extends as far south as the A7 Old Dalkeith Road/Link Road/Shawfair Park and Ride roundabout and does not go as far south as the A720 Sheriffhall Roundabout.

Transport Scotland notes that the site is not allocated in the LDP and the related policy requires the applicant to do a cumulative, cross boundary transport assessment. Transport Scotland considers that this hasn't been undertaken. However, it is difficult to conclude that this development has an effective role in delivering the cumulative, cross boundary transport assessment referred to in LDP Policy Tra 8, given the fact it contributes only 1.6% of the traffic on the A7 and therefore significantly less than this in terms of overall impact on Sheriffhall.

Transport Conclusion

Overall, the junction of Old Dalkeith Road and The Wisp is currently operating over capacity at present and would be worsened when all the committed developments in the area are fully constructed and operational. The proposed development would have an impact on this junction. Midlothian Council have requested a number of improvements and these could be secured by a legal agreement if planning permission was issued.

e) Infrastructure Constraints

Education

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'. This site is not supported by the LDP and therefore was not accounted for in the Council's Education Appraisal. Using the pupil generation rates set out in the Appraisal, the development would be expected to generate 117 additional primary school pupils and 76 additional secondary school pupils.

In terms of secondary school provision, the replacement Castlebrae High School will have an expansion strategy so additional capacity could be delivered if this was required. Contributions towards the provision of additional secondary school capacity would therefore be required to mitigate the impact of the proposed development. As per the Council's Supplementary Guidance, this should be £980 per flat (as at Q4 2107) and £6,536 per house (as at Q4 2017).

In terms of primary school provision, the site is within the catchment area of Castleview Primary School. The school's catchment area is undergoing significant change with new housing development progressing quickly. School roll projections indicate that the roll of this school will exceed its current capacity in 2021.

The Council's Action Programme identifies a requirement for a three-class extension to mitigate the impact of housing development proposed by the LDP. This action will not mitigate the impact of this additional development.

In addition to the new housing proposed in the LDP there is significant previously committed development still to be completed in the area. Therefore longer-term projections indicate that the school roll could rise above 630 pupils. This is the normal capacity of a three stream (21 class) school. The Council does not have a primary school bigger than three streams.

Communities and Families cannot therefore support new development over and above what is already committed or proposed in the Local Development Plan in this area at this time as sufficient infrastructure is not already available and it has not been demonstrated that an appropriate solution to delivering additional primary school capacity can be provided at an appropriate time.

If planning permission was to be granted despite an appropriate solution to delivering additional primary school capacity not being identified, the Council would then have to consider if a new primary school was required. In line with the Supplementary Guidance, the development would be required to make a financial contribution that is sufficient to cover the costs of any education infrastructure action that is required because of that new development, including a new primary school.

If planning permission was granted, the contributions would be required under LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) and this would require to be negotiated under the terms of a legal agreement.

Transport

The site does not constitute planned development and therefore is not included within a contribution zone of the approved Developer Contribution and Infrastructure Delivery Supplementary Guidance.

Nevertheless, the Council's Transport Action Programme indicates that any development in this area will require to contribute to transport measures. However, it is unclear whether the additional traffic from this site can be accommodated within the improvement works set out in the Action Programme. Additional information will be required if planning permission was granted, and will be developed in conjunction with Midlothian Council. Potential improvement works include a contribution to the Sheriffhall Transport Contribution Zone; contribution towards the upgrading of The Wisp/Old Dalkeith Road signals (including MOVA); installation of traffic signals at the northern and southern ends of The Wisp (including The Wisp/Millerhill Road as necessary) and appropriate toucan crossings.

These requirements could be negotiated through a legal agreement if planning permission was granted.

Health Care

The site is within the north east contribution zone for health care. This requires contributions towards a new medical practice at Niddrie/Craigmillar. The cost of this is set out in the approved supplementary guidance and is at a cost of £945 per dwelling.

Conclusion

The educational infrastructure for the site requires a potentially significant financial contribution, as well as transport and health care contributions. If the costs as above can be met fully by the applicant, this is acceptable.

f) Landscape Impact

LDP Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

In assessing this application against Policy Des 4, there is the consideration of the impact of development on the landscape character of the site, and also the impact of the development on the wider landscape setting of the city, as well as the impact of the development at a more local level. Further to these considerations is the weight which is given to the overall potential of the site to deliver a quality parkland for the residents of surrounding approved housing developments, users of the BioQuarter and the wider city.

LDP Policy Des 9 (Urban Edge Development) states that planning permission will only be granted for development on sites at the green belt boundary where it conserves and enhances the landscape setting and special character of the city, promotes access to the surrounding countryside, and includes landscape improvement proposals that will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhanced biodiversity.

Landscape Character

The landscape has the potential to provide many services for the population of Craigmillar and beyond. It is part of a strategic network of green corridors and parks, designed to complement existing and new urban development. Currently, the character of the landscape is semi-rural and whilst development has encroached into the parkland, this section of the parkland remains intact. The semi-rural nature of the character has the potential to provide an open landscape that is characterised by wildlife that is associated with the countryside. This will be damaged by the loss of parkland area. In the future, a large park would allow for recreational activities to be developed for the benefit of local residents and other residents of Edinburgh that would not be possible in a smaller area. Loss of this landscape to development prevents the creation of a semi-rural park.

An area of parkland would remain, but is of a different scale. The applicant has commented that the semi-rural nature of the park is not appropriate in this location and that the character of the park should change to become more of a managed urban parkland. The applicant has stated that it will contribute towards the management and maintenance of the park if planning permission was granted, on the basis of an urban park. However, this is not the Council's aspirations for this land, and as noted in the letters of representation, this semi-rural parkland is already providing a valuable area for the new residents of Greendykes.

In addition, as this large-scale landscape character is part of the setting of the city, the reduction in the parkland would impact on the setting of the city and the remaining setting of Craigmillar Castle.

Therefore, the proposal does not conserve or enhance the landscape setting and special character of the city. It also does not include landscape improvement proposals that will strengthen the green belt boundary, or contribute to multi-functional green networks by improving amenity and enhanced biodiversity, as required as part of LDP Policy Des 9.

Scottish Natural Heritage (SNH) commented on the application. SNH acknowledge that this is a new application encompassing several changes from previous proposals on this site. It is noted that the extent of development proposed on the parkland has been reduced and that there may be scope that the development could partially contribute to Plan objectives providing information on the detail and delivery of the parkland proposal and the green infrastructure is secured by the Council in the most appropriate manner.

Nevertheless, SNH note that there remains adverse impacts. The introduction of housing to areas of proposed parkland as set out in the LDP will have adverse impacts on local landscape character and visual amenity, as well as the resulting scale and diversity of uses for the parkland. Reducing the size of the parkland will affect its intended role as a large multi-functional open space serving neighbouring and wider communities in south east Edinburgh, compromising to some extent, the Council's ambitions for the creation of a strategic open space as set out in the various Plans and Strategies for the area.

However it is noted that the current proposals incorporate access linkages into the new parkland from surrounding neighbourhoods, to ensure continued access to the new parkland. Green infrastructure is proposed including woodland, street trees and SUDS, demonstrating good placemaking principles. However, these principles do not appear to be applied consistently to both applications for this site, for example, the houses with their backs onto the open space is questioned.

LDP policy Des 1: 'Design Quality and Context' states that planning permission will not be granted for '...proposals that would be damaging to the character or appearance of the area around it particularly where this has special importance.'

The proposals would damage the open landscape character that is important as a location for recreation and amenity and is part of the National Planning Framework 3. Part of the landscape character is the experiential aspects of the character.

It is acknowledged that the site is surrounded by urban interventions and encroachment, and views across the site looking west are interrupted by urban developments such as the hospital, BioQuarter and Greendykes. However, from higher viewpoints looking eastwards, there are sweeping views of greenspace and countryside beyond. A development of the extent proposed would have a detrimental impact on these important views and the landscape setting of the city.

The proposal is therefore contrary to policies Des 1 and Des 9.

Visual Amenity

The sweeping views across the landscape from Craigmillar Castle and Hawkhill Wood draw the eye to the green areas beyond. These would be affected by the development on this site. The undeveloped landscape connection between Craigmillar Castle parkland and the ridge is a strong visual characteristic and the views lead the eye down into the valley and then back up to the ridge. The proposal narrows this green space and it no longer appears as a strategic landscape between developments.

The existing development at Greendykes nestles into the valley bottom and its setting is the landscape that surrounds it.

LDP policy Des 4: 'Development Design: Impact on Setting' states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

The proposals do not have a positive impact on the views and do not enhance the setting of the city. This is noted in the applicant's Landscape and Visual Impact Assessment, which indicates that the development will have a major adverse effect on many views. Also, it will not have a positive impact on the landscape character as, for a large part of the site, the open landscape is lost and replaced with an urban character that is not suitable for this area of landscape due to its function as potential parkland and part of the setting of the City and the role it plays in providing strategic green infrastructure.

The proposal is therefore contrary to policy Des 4.

Future Potential of the Site to Deliver Parkland

The LDP Action Programme, adopted in December 2016, identified specific funding towards the delivery of the parkland. It states that the delivery of an 86 hectare multi functional parkland, woodland and country paths will be carried out by the Council in collaboration with the Edinburgh and Lothians Greenspace Trust and would link in to parallel developments in Midlothian.

LDP Policy Des 2: 'Co-ordinated Development' states that planning permission will not be granted for development which might compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan or development brief approved by the Council.

The Craigmillar Urban Design Framework showed this area for the future development of parkland to provide recreation and a setting for the designed development of Greendykes, the BioQuarter and the City. There is no open space provision within the New Greendykes development as it was envisaged that the open space for this development would be provided by the parkland. It was never envisaged that this would be lost.

While it is acknowledged that some parkland is proposed to be retained as part of the proposals, it is not sufficient to provide the useable open space for New Greendykes or the strategic parkland as envisaged in the Craigmillar Urban Design Framework, nor the multi-functional parkland/woodland, linking with parallel developments in Midlothian, as stated in Greenspace Proposal (GS 4) of the LDP.

The proposal is therefore contrary to policy Des 2.

Historic Landscape

The Council's 2013 Craigmillar Urban Design Framework recognises the significance of the historic landscapes occupying this site, identifying them as an area of valuable open space and parkland. This is the last piece of landscape setting that was part of the original setting for Craigmillar Castle.

As noted previously, there are a number of urban interventions that are prevalent in various views across the site towards the castle. However, the sweeping nature of the remaining landscape forms an appropriate visual link to the castle and the urban developments around the castle reinforces the need to retain a substantial landscape setting.

Policy Env 7 (Historic Gardens and Designed Landscapes) states that development will not be permitted if it has a detrimental impact upon views to and from the site.

Historic Environment Scotland (HES) commented on the application in relation to the scheduled monument adjacent to the site. Although HES did not object to the proposed development in principle, it held some concerns regarding the applicant's overall methodology of measuring the impact of the development on the scheduled monument.

HES made no comment regarding the impact on views from Craigmillar Castle. Previous comments received from HES in relation to development on this site also do not consider that the proposal would challenge the castle for dominance within its setting or disrupt the key relationship between the castle and its policies. While acknowledging that there will be an impact on setting, HES does not consider that this impact will raise issues of national significance.

Landscape Conclusion

It is acknowledged that the landscape has been eroded by urban developments surrounding the site. However, this reinforces the strategic importance of the parkland in delivering an appropriate landscape setting for these urban developments and the wider City.

The proposal does not demonstrate how it can comfortably sit in this important landscape and therefore cannot be supported.

g) Biodiversity and Ecology

Policy Des 3 (Development Design) and the Edinburgh Design Guidance (Chapter 3) aim to identify opportunities, through development, to enhance local biodiversity.

Little France Park is a key strategic location in Edinburgh's habitat network. The park is a link between the rural setting in adjacent Midlothian and a habitat node along a green corridor to important sites such as Duddingston Loch SSSI (1.5 kilometres to the north-west), Bawsinch and the wider Holyrood Park. It is also well linked with three adjacent smaller Local Nature Conservation Sites - Edmonstone, Hawkhill Wood and the green corridor of Niddrie Burn. This green wedge creates a crucial link in the wider habitat network in Edinburgh and has been identified as a priority area by the Edinburgh Living Landscape, the Local Development Plan (GS4) and North East Open Space Action Plan.

The Scottish Wildlife Trust (SWT) made representations regarding the impact of the development on the opportunities for the continued delivery of Little France Park. SWT stated that with the arrival of the new buildings at the BioQuarter and a range of other new developments, Little France Park provides a valuable green asset to new and existing communities. The Edinburgh Living Landscape partners (including the City of Edinburgh Council) have been working to create Edinburgh's biggest new park in a generation. Transport Scotland awarded £662,000 to the Edinburgh and Lothian Greenspace Trust to deliver two phase of a new high-quality walking and cycling network through the park. This was supported with additional funding from City of Edinburgh Council, EDI, Scottish Enterprise and NHS Lothian. The park is now well used by local people as an active travel route, and as a place to relax and a place to enjoy wildlife watching. Further investment is planned and there is currently a £174,000 application to the Scottish Natural Heritage Biodiversity Challenge Fund to address habitat loss in a fragmented urban environment.

The Edinburgh Biodiversity Action Plan 2019-2021 sets out a vision with Edinburgh as the Natural Capital of Scotland: "To make Edinburgh a greener city with more opportunities for wildlife, enabling people to engage with nature." A management framework commissioned by the Edinburgh and Lothian Greenspace Trust in 2019 identified that the diversity of natural habitats and size of the park make it ecologically valuable in the urban context.

The site benefits from a wide range of plant species that supports a number of wildlife habitats, foraging and commuting. While the impact of development on these habitats can be alleviated to some degree by appropriate mitigation (such as replacement habitats and appropriate landscaping), the remaining parkland would not provide the same level of biodiversity that is currently supported on the site.

Within the context of the development of other greenfield sites, and subsequent loss of biodiversity and habitats across the city, development on this site would further erode the city's biodiverse landscape. On a site that is not allocated for development, and where there is no justification for housing development, the loss of biodiversity and habitats is unacceptable and the development is therefore contrary to policy Des 3 (Development Design).

h) Drainage, Flooding, Ground Stability and Contamination

Drainage and Flooding

A Flood Risk Assessment (FRA) was submitted as part of this planning application.

Review of the SEPA Flood Map indicates that the site lies outwith the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at low risk of flooding. SEPA holds no records of flooding at this location. A Flood Risk Assessment (FRA) has been provided in support of this application and covers a wider site extending west to Pringle Drive. SEPA agrees that the site is sufficiently elevated above the Niddrie and Magdalene Burns that it is unlikely at flood risk from these watercourses. However, the site lies on sloping ground and the FRA notes that a flood risk from higher ground to the south of the site may exist. It is proposed to capture any runoff from the south and route it round the site to the existing drainage to the north constructed as part of the adjacent development which in turn conveys runoff to the Magdalene Burn.

Ground levels are elevated above the drainage channel for the site to the north and finished floor levels appear to be elevated above ground levels which should reduce any risk of surface water flooding. SEPA recommends that ground levels slope away from properties to ensure no water can pond against property.

SEPA notes that the upstream catchment is small at approximately 0.05 square kilometres and the existing site is steep so will provide limited attenuation, but SEPA would recommend that any surface water to the south is attenuated prior to discharge to the existing drainage network.

Therefore, at this stage, it can be concluded that issues of flood risk have been addressed, although further details would be required in future applications in relation to ground levels and SUDS, if permission was granted.

Contamination

The Environmental Statement submitted with the application contained information regarding ground conditions. It found that the site is underlain by strata that has been extensively worked in the past.

Environmental Assessment recommends that a condition is attached to any consent to ensure that contaminated land is fully addressed.

Ground Stability

The application site falls within the defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Records also indicate that thick coal seams outcropped across the site and the presence of one recorded mine entry within, or within 20 metres of the planning boundary.

The Coal Authority notes the supporting information from Mason Evans (April 2018), the content of which confirms that as a result of preliminary site investigations shallow coal mine workings have been identified, which pose a risk to ground stability and which will require stabilising.

On account of the above, The Coal Authority has no objection to this planning application, subject to a condition to ensure the remediation of the shallow coal mine workings.

i) Air Quality

LDP Policy Env 22 requires that new development will not have a significant adverse effects on air quality.

Environmental Protection has serious concerns with the principle of the proposed development on allocated greenspace. This greenspace is in a location which has significant levels of development committed in the area, including in the neighbouring local authority. Environmental Protection has also highlighted the potential impacts the works on the Sherrifhall Roundabout will have on traffic flows on The Wisp. The levels of traffic will likely increase and lead to congestion on the Wisp. The site is not well linked to public transport or high-quality pedestrian/cycling routes for commuting.

Environmental Assessment have also queried the levels of parking across the site, and the potential detrimental impacts on local air quality that would result from this proposal. Environmental Protection state that this proposal will have to provide additional justification for the development of greenspace with such a car-centric development.

Environmental Protection recommends the application is refused on adverse impact this proposal will have on local air quality.

However, the Air Quality Assessment that was submitted as part of the Environmental Statement stated that the development is predicted to have a negligible impact on local air quality and therefore the effect of the development would be not significant. However, the applicant has suggested that a Travel Plan would be prepared to encourage car sharing and reduce the number of car trips associated with the development, and to encourage walking and cycling and use of public transport, which would also reduce emissions to air. In addition, an appropriate number of electric vehicle charging points would be provided within the development.

While these measures can help reduce the impact on air quality of the development, there is not a clear commitment to reducing the car-centric nature of the proposals.

Nevertheless, the proposal is acceptable in terms of policy Env 22.

j) Archaeological Impacts and Impact on Scheduled Monument

In terms of archaeology, LDP Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) are relevant, as well as the 2013 Craigmillar Urban Design Framework. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Archaeological evidence shows that the area has been occupied since the prehistoric period, with the nationally important Home Farm Enclosure (Ref 6038) located immediately to the south west on Edmonstone ridge plus the site of Woolmet Iron Age Fort located to the south on the opposite side of the Wisp. Roman occupation is possible with Roman finds discovered nearby in from Hawkhill Wood.

The Council's 2013 Craigmillar Urban Design Framework identifies this site as forming part of an area of valuable open space and parkland in part due to its surviving post-medieval landscape.

Further details would be required in order to understand how the proposals would impact upon archaeological remains and what level of mitigation would be appropriate. This could be dealt with as a condition of planning permission if it was granted.

k) Sustainability

The applicant has completed the Sustainability Statement form, indicating the measures taken to contribute towards sustainability. The applicant has indicated that there will be gas saver-type boilers and roof-mounted photo voltaic panels on the flats, as well as ground source heat pumps for the houses.

However, the applicant has not committed to using an alternative to uPVC on the windows. The applicant has also stated that the site is located in a sustainable location that will assist in the delivery of improvements to the park. As noted above, the proposed site layout does not discourage the use of cars and it is not the Council's strategy to develop this area as it offers a valuable resource for surrounding properties and the wider city.

Although the materials could potentially be a matter for conditions if planning permission was granted, the principle of development on this site is not sustainable.

l) Representations

Material Objections

- Not in accordance with green belt policy (addressed in 3.3(a));
- There is no need for additional houses (addressed in 3.3(a));

- Removal of the park would be detrimental to the community (addressed in 3.3(c);
- Lack of services and amenities to support the development (addressed in 3.3(b);
- Loss of green space and wildlife habitat (addressed in 3.3(f);
- Impact on traffic and congestion (addressed in 3.3(d);
- The retail unit is unnecessary (addressed in 3.3(b);
- Too many blocks of affordable housing in one area (addressed in 3.3(c); and
- The heights of the blocks are inappropriate (addressed in 3.3(b).

Support Comments

- Development would help the local economy and would help tidy the area.

General Comments

- There should be connections to the new active travel route to the site.

The Danderhall Community Council made comments with regards to the loss of greenbelt and parkland, traffic impact, the damage to the appreciation of Edinburgh's setting and the effect on landscape character and visual amenity both external to and internally within the Little France Park and along The Wisp. The consenting of such a proposal would give rise to the fundamental erosion of the city of Edinburgh's credibility in promoting the South East Wedge Parkland within the South East Scotland Plan's Strategic Green Network Priority Area.

Overall Conclusion

The proposal would deliver 502 residential units, of which 25% would be affordable and this would help contribute towards meeting Edinburgh's affordable housing needs.

The application raises a number of issues which will require to be negotiated through a legal agreement if planning permission was granted. These relate to infrastructure issues including education, transport and healthcare. Further information would be required regarding noise, biodiversity, some design elements and cumulative transport impacts.

However, the principle of housing on this site is not supported and the development is contrary to the Edinburgh Local Development Plan (LDP).

The land is allocated as green belt in the LDP and has been identified as a greenspace proposal in order to provide a landscaped, multi-functional parkland, woodland and country park, linking to Midlothian. Although the applicant is proposing to deliver and maintain the remainder of the site as a parkland, the construction of houses would result in the loss of a significant part of the park in perpetuity. This would remove the opportunity to provide a strategic parkland for the benefit of the city as well as the immediately adjoining neighbourhood areas.

The development is also not supported by the Strategic Development Plan (SESPlan) in that it would prejudice the delivery of the green network.

In terms of the landscape, it is acknowledged that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this reinforces the site as an area of strategic importance in providing parkland and cycle/footpath links between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle and beyond. This would be impacted to a significantly detrimental degree if the site was developed.

Furthermore, the design, scale and layout of the proposal does not accord with policies and guidance.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The visual impact on the landscape has been assessed and is not acceptable. This site was assessed during the preparation of the LDP and it was not supported due to its importance as a strategic green space. There are no overriding material considerations which outweigh this conclusion.

It is recommended that planning permission is refused subject to referral to Council.

Due to the fact that the development is a significant departure from the development plan and currently in Council ownership, the application requires to be referred to the Scottish Ministers if it is granted.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to SDP Policy 12, Edinburgh Local Development Plan Policies Env 10 and Hou 1 as there are no compelling reasons to override the strong policy presumption against development in the Green Belt.
2. The proposal is contrary to policy Des 2 of the Edinburgh Local Development Plan as it would compromise the comprehensive development and regeneration of the wider area, specifically the South East Wedge Parkland, as provided for in the Local Development Plan and the Craigmillar Urban Design Framework.
3. The proposals are contrary to Greenspace Proposal GS4 of the Edinburgh Local Development Plan which states that the land around Craigmillar/Greendykes is retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths, linking with parallel developments in Midlothian. This proposal would not support GS4 and would prejudice the delivery of the parkland.

4. The proposal is contrary to Edinburgh Local Development Plan Policies Des 1 and Des 4 as the development will not have a positive impact on its setting, the wider landscape and views.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council are land owners for the eastern portion of the site.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

The applicant has completed a Sustainability Statement, indicating measures taken to contribute towards sustainability.

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 1 February 2018. Copies of the Notice were also issued to:

Craigmillar Community Council;
Gilmerton and Inch Community Council;
Danderhall and District Community Council;
Craigmillar Neighbourhood Alliance;
Portobello and Craigmillar Neighbourhood Partnership;
Liberton and Gilmerton Neighbourhood Partnership;
Ward Councillors, including Midlothian Council; and
Local MSPs.

Public events were held on 27 February and 21 March 2018.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online services.

A pre-application report on the proposals was presented to the Committee on 7 March 2018. The Committee noted the key issues in the report.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 5 April 2019 and 58 letters of representations were received. These comprised 56 letters of objection, one letter of support and one letter of general comment.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the green belt and is in an area designated for a greenspace proposal (GS4).

Date registered

22 March 2019

Drawing numbers/Scheme

01-42,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant Policies of the Strategic Development Plan

SDP06 (Housing Land Flexibility) Policy 6 requires that a 5 year effective housing land supply is maintained. It allows the granting of planning permission for the earlier development of sites which are allocated for a later period in the LDP to maintain the land supply.

Policy 7 requires that a 5 year housing land supply is maintained. Sites within or outwith Strategic Development Areas may be allocated in LDPs or granted consent subject to the development; being in accord with the character of the settlement or area, not undermining green belt objectives and any additional infrastructure required is either committed or to be funded by the developer

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

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

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

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

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

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

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

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

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 19/01481/FUL At South East Wedge, Old Dalkeith Road, Edinburgh Erection of 505 residential dwellings, 350 sq m of retail, open space and associated infrastructure.

Consultations

Environmental Protection - 19 March 2019

The site is to be developed to include up to 505 residential dwellings, commercial space and associated parking spaces and landscaping. The site is currently undeveloped land with existing residential properties located to the north with other residential units to the north under construction. To the south of the proposed development site there is a builder's yard. The site is bounded to the east by The Wisp. To the west is open green space with the Royal Infirmary located just beyond. The applicant should note that the proposed level of development exceeds the level set out in the Local Development Plan (LDP) and associated Transport Appraisal. It is understood that this land is classified as Greenspace in the LDP

With regards some of the neighbouring committed development, on the north side of Wisp 2a there is currently a large residential development of some 1200 houses known as New Greendykes under construction. Planning permission has also been granted for residential development of the Edmonstone Policies, Edmiston House, Walled Garden and Eight Acre Field, with potential for a combined total of over 800 houses. It is also noted that upgrades to the Sheriffhall Roundabout have begun which will likely result in increased traffic along The Wisp in the future.

Environmental Protection raise concerns regarding this development including the impacts the development may have on local air quality, noise impacts on future residents, and contaminated land. The applicant has not addressed all these areas and has only submitted a contaminated land supporting document. Nothing has been submitted regarding noise and local air quality impacts.

Local Air Quality

Due to the size and density of the development Environmental Protection would require a detailed air quality impact assessment before we could even consider supporting such an application. However, it should be noted that Environmental Protection have serious concerns with the proposed development on LDP allocated Greenspace. This Greenspace is in an location which has significant levels of development committed in the area, including in the neighbouring local authority. Environmental Protection have also highlighted the potential impacts the works on the Sherrifhall Roundabout will have on traffic flows on The Wisp. The levels of traffic will likely increase and lead to congestion on the Wisp. The site is not well linked to public transport or high-quality pedestrian/cycling routes for commuting. The applicant's proposal for car parking spaces

is excessive and we would also request confirmation that this parking number includes all driveways and proposed double/single garages. The applicant has not submitted an air quality impact. Such an assessment would be required to address the local air quality impacts this proposal will have and to justify the development of Greenspace with such a car centric development.

Local Air Quality is a material planning consideration. Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where development is proposed inside or adjacent to an Air Quality Management Area (AQMA):

- Large scale proposals.*
- If they are to be occupied by sensitive groups such as the elderly or young children.*
- If there is the potential for cumulative effects.*

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Edinburgh LPD. The LDP also states growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority for the Council and continued investment in public transport, walking and cycling is a central tenet of the Council's revised Local Transport Strategy 2014-19.

Environmental Protection recommends the application is refused on adverse impact this proposal will have on local air quality.

Noise

The application is juxtaposing The Wisp which is a considerable source of transport noise that affects the development site. The applicant should have assessed the noise impacts and how it affects the proposed development site. It should also consider the potential for increased traffic and noise on Then Wisp due to committed development and Sherrifhall Roundabout works. Environmental Protection requires a noise impact assessment that demonstrates that satisfactory outdoor and internal noise levels can be achieved. It's likely an acoustic barrier will be required to protect garden areas proposed along The Wisp. Furthermore, upgraded glazing for the same affected proposed residential properties will be required. A noise impact assessment would also need to address the potential for noise from the neighbouring builders yard located to the south of the proposed development. The Royal Infirmary development has almost been completed and once operational there will be an increase in helicopter movements. The application site is in an area that may be affected by increased helicopter movements. Helicopter noise is impossible to mitigate with regards impacts on outdoor areas such as gardens.

As the applicant has not submitted a noise impact assessment it is not possible to support this application based on the submitted information. There are no noise mitigation measures proposed. Therefore, Environmental Protection recommend the application is refused due to the potential noise impacts transport and the builders yard may have on the proposed residential development.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Environmental Protection have concerns with the overall level of car parking, development of Greenspace, cumulative levels of development and the related adverse impact this shall have on local air quality. The poor standard of amenity proposed for the future occupant with regards noise. Based on the current submissions Environmental Protection recommend refusal based on the potential adverse impacts the development may have on local air quality and noise impacts.

Historic Environment Scotland - 15 April 2019

Thank you for your consultation which we received on 14 March 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We do not object to the proposed development. We note that in our scoping response, dated 21 August 2018, we identified the potential for impacts on Home farm scheduled monument (SM 6038). As the development boundary has now been altered, we are content that such impacts are unlikely.

From the details provided it appears that any impacts on the setting of historic environment assets covered by our interests will not be significant. We therefore have no further advice to offer on specific impacts. However, we do have some comments on the assessment provided.

We note that table 9.1 of the assessment states that impacts of a moderate adverse magnitude should be avoided where possible, and those of a major adverse magnitude should be avoided. We do not see how it is possible to make statements of this nature without taking into account the sensitivity of the asset affected, which is key in considering the significance of effect. This criteria appears to effectively skip a step in the assessment process.

We welcome the fact that reference is made to our Managing Change guidance note on Setting. However, we do not consider the methodology to be in line with this guidance.

The assessment is structured around three types of value - intrinsic, contextual and associative. These appear to be based on the scheduling criteria used to determine national importance. As such, these categories may not apply as clearly to other asset types, such as gardens and designed landscapes.

Laying out the assessment in this way does not lead to a simple and clear conclusion on levels of impact. This is particularly the case as all of these value types may contribute to the setting of a historic asset. There is therefore no clear overall narrative supporting the conclusions on impacts on setting.

We are content that none of the predicted impacts will be significant for our interests. However, we recommend that these comments are taken into account when considering the weight to be given to the conclusions of the assessment.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object.

Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

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

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

Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

Scottish Water - 16 April 2019

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. A Water Impact Assessment will be required to fully assess the impact of this proposed development on the existing Scottish Water network. Any network mitigation measures identified via this process will need to be funded and delivered by the developer prior to making new water and wastewater connections.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. A Drainage Impact Assessment will be required to fully assess the impact of this proposed development on the existing Scottish Water network. Any network mitigation measures identified via this process will need to be funded and delivered by the developer prior to making new water and wastewater connections.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused. In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link:

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants. If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link: <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

Parks and Greenspace - 29 May 2019

Parks, Greenspace and Cemeteries object to the siting of housing in Little France Park for the following reasons:

- 1. Little France Park (LFP) is a Council maintained public park, having been officially publicly opened by the Convenor of the Transport & Environment Cttee on 28/09/2018.*
- 2. LFP's green space importance to the local community and wider city has been recognised by the Council following its agreement at the Transport & Environment Cttee to execute a protective Minute Of Agreement with Fields in Trust. This is now in process. This will make it necessary that the owner (the Council) seeks permission from Fields in Trust before unsympathetic developments can take place.*
- 3. Significant capital and revenue sums have already been invested in creating park and access infrastructure in LFP. This includes contributions from third-party funders.*
- 4. Parks are important public health solutions in urban communities. Research evidence confirms that nearby parks, gardens, and other green spaces support human health and wellness. Active living opportunities that reduce the likelihood of obesity and chronic diseases (such as diabetes, heart disease and respiratory problems) are particularly improved where people can enjoy walking, cycling, play, and other physical recreation in their local park or green space. Little France Park is situated in a deprived area that has high levels of obesity and ill-health as reflected in the latest Scottish Index of Multiple Deprivation figures.*
- 5. The Council's Open Spaces Strategy, as approved by the Planning Committee in 2016, makes it clear that green spaces that are cared for and well-connected matter for our health, wildlife and economy and that new parks and green spaces are to be created as the city grows, as they help people get to know each other, grow food, play, keep fit, see nature, get around by foot and by bike. Parks will also be improved and made wildlife friendly, helping the city to be ready for changes to our climate. LFP is now being improved and cared for by the Council and partner organisations (including Edinburgh & Lothians Greenspace Trust and Scottish Wildlife Trust) as a "Living Landscape", with management emphasis on physical and mental health, recreation, nature and accessibility to nature, and as a critical green reservoir/corridor within Edinburgh's green space network.*

The Coal Authority - 3 April 2019

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Our records also indicate that thick coal seams outcropped across the site and the presence of one recorded mine entry within, or within 20m of the planning boundary.

The Coal Authority notes the supporting information from Mason Evans (April 2018), the content of which confirms that as a result of preliminary site investigations shallow coal mine workings have been identified, which pose a risk to ground stability and which will require stabilising.

On account of the above The Coal Authority has no objection to this planning application, subject to a condition to ensure the remediation of the shallow coal mine workings.

The Coal Authority concurs with the recommendations of the submitted information from Mason Evans (April 2018); that shallow mine workings pose a risk to both public safety and the stability of the proposed development and that remedial works to treat them will be required prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- The submission of a scheme of remedial works for approval; and*
- Implementation of those remedial works.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Waste Services - 4 April 2019

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

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

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

SEPA response - 11 April 2019

Flood Risk

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

Review of the SEPA Flood Map indicates that the site lies outwith the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at low risk of flooding. We hold no records of flooding at this location.

A Flood Risk Assessment (FRA) has been provided in support of this application and covers a wider site extending west to Pringle Drive. We agree that the site is sufficiently elevated above the Niddrie and Magdalene Burns that it is unlikely at flood risk from these watercourses. However, the site lies on sloping ground and the FRA notes that a flood risk from higher ground to the south of the site may exist. It is proposed to capture any runoff from the south and route it round the site to the existing drainage to the north constructed as part of the adjacent development which in turn conveys runoff to the Magdalene Burn.

Ground levels are elevated above the drainage channel for the site to the north and finished floor levels appear to be elevated above ground levels which should reduce any risk of surface water flooding. We would recommend that ground levels slope away from properties to ensure no water can pond against property.

We note that the upstream catchment is small at approximately 0.05km² and the existing site is steep so will provide limited attenuation, but we would recommend that any surface water to the south is attenuated prior to discharge to the existing drainage network.

Given the site lies outwith the flood map and we hold no additional information on flood risk we have no objection to the application. Surface water management is primarily a matter for the Local Authority, and Scottish Water, to consider and they should ensure measures are put in place to ensure there is no increase in runoff to existing development.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

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

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Groundwater

(Ref 1: Wisp 2 - Environmental Impact Assessment Report, Waterman, March 2019)

We have no objection to this proposed development on the grounds of impacts to groundwater. We note that in section 10.107 (Ref 1) that once ground investigations are completed remedial works may be required to stabilise former mine workings. It is stated that this 'would most likely take the form of grouting up any former workings identified.' As such, please see below SEPA's standard advice on grouting.

We recommend that if stabilisation works are identified as being required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of mine workings with pulverised fuel ash (PFA) grout is produced prior to this activity being undertaken on site.

The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

SEPA recommends, therefore, that the assessment is undertaken in line with the guidance document: Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.

In general, a detailed review of the assessment by SEPA is not considered necessary and the document should primarily serve the developer, to ensure no pollution occurs as a result of the activity. If the preliminary and simple risk assessments identify that the site is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

Additional Information

Further details relating to CAR requirements can be found on SEPA's website at: http://www.sepa.org.uk/water/water_regulation/regimes.aspx

Consultation with The Coal Authority is recommended.

Key points to note in relation to the water environment when undertaking mine workings grouting:

An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.

It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.

Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.

If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

Regulatory requirements

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

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

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

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

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

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

Midlothian Council - 28 April 2019

The later application (reference 19/01481/FUL) incorporates the site covered by application 19/01032/FUL.

Landscape and Green Network - The 2002 masterplan for the Shawfair development (which forms part of the outline application for Shawfair, planning application 02/00660/OUT, approved 2014) contains a landscape framework which considers linkages between Shawfair and the surrounding area. The landscape concept is to provide a strategic green link between Holyrood Park and Dalkeith Park.

Midlothian Council is concerned at the reduction in green space and narrowing of the corridor which would be caused by these developments. The City of Edinburgh Local Development Plan (CEC LDP) adopted in November 2016 identifies this land as both green belt and green space (reference GS4). The CEC LDP states that it is to be retained in the green belt and landscaped to provide multi-functional parkland, woodland and country paths linking with parallel developments in Midlothian. The identification of additional housing sites at Edmonstone (HSG40) and The Wisp (HSG41) in the CEC LDP further increases the need to protect the remaining green space.

The position in the City of Edinburgh LDP is supported by the Edinburgh Bioquarter and South East Wedge Parkland Supplementary Guidance December 2013, and the 2013 Craigmillar Urban Design Framework. These documents set out the vision and planning principles for the greater Craigmillar area, and identify the application sites as parkland and open space. The development sites are on land which rises up to the higher ground along The Wisp: they would be prominent features in the landscape and be contrary to the planned landscape framework for the area.

Transport. The Transport Assessments (TAs) for these applications do not appear to include Midlothian sites in their assessment of cumulative impact (based on paragraph 6.19 in both TAs). This Council notes that the use of a high NRTF growth rate is considered appropriate by the applicant to cover committed development in Midlothian: in view of the scale and close proximity of the Shawfair development Midlothian Council does not consider this adequate.

Midlothian Council would wish to ensure that the adjoining Midlothian developments which form part of the south east wedge are included in a refreshed assessment. The Local Development Plan for Midlothian (adopted in November 2017) has allocated additional land in the Shawfair area at Cauldcoats (MLDP 2017 reference Hs0), Newton Farm (Hs1) and for economic development at Shawfair Park (Ec1). These are further to the original allocations in the Shawfair (2003) Local Plan. The Shawfair new community received planning permission in 2014. Development is underway at a number of sites in the locality, including at Shawfair and Danderhall.

Other recent applications have assessed the cumulative transport impacts on The Wisp, and its junction with the A7. The TA for CEC application 18/00508/AMC identified a requirement for improvement to the existing A7 Old Dalkeith Road/ The Wisp junction. CEC approved application 18/00508/AMC with a condition requiring upgrading to include MOVA control (or agreed alternative) together with carriageway widening and all additional measures shown on plan number TP430/SK/001.

The TA for another application serviced from the Wisp (CEC reference 16/00216/PPP) assessed the A7 Old Dalkeith Road / The Wisp junction, and found that it would be over capacity in future design years without any traffic associated with that development, and that the addition of traffic from the application site would obviously effect the operation of the junction.

Additional traffic flows are a concern to Midlothian Council, where a junction is predicted to be over capacity. In these circumstances further development will add to queue lengths and delay. The Transport Scotland guidance on transport assessment states that the significance of traffic impact depends not only on the percentage increase in traffic but the available capacity. Midlothian Council notes the applicant's reference to Institute of Highways and Transportation guidelines in paragraph 8.2 of the TA, but considers it appropriate and reasonable to carry out assessment of other junctions in the locality of the application site, including the A7/ The Wisp junction.

A TA that fully considers cumulative development in the locality and assesses traffic conditions at potentially over-capacity junctions may indicate a need for further enhancements at the A7 Old Dalkeith Road/ The Wisp junction and other locations including the Millerhill Road/ The Wisp junction. Midlothian Council may wish to make additional comments if further iterations of the TA are submitted.

Traffic queues at the A7/ The Wisp junction raise concerns about air quality at Danderhall. From the EIA assessment methodology (paragraph 7.4), Midlothian Council understands that air quality assessment was undertaken using traffic flow data from the Transport Assessment. In view of Midlothian Council's concerns about cumulative impacts, this Council would wish the air quality assessment to be re-visited in the light of any revised TA, and to include sensitive receptors around the A7/ The Wisp junction.

Conclusion

These applications appear contrary to the recently adopted CEC LDP. Midlothian Council is concerned about their impact on the landscape, and the approved development framework for the wider south east wedge.

Midlothian Council is concerned about the transport impacts of the developments and considers that further assessment is necessary. At the scale of development proposed, it may prove not to be possible to ameliorate traffic impacts adequately. These proposals have no status in the adopted LDP for the area, and it would be appropriate to refuse planning permission if traffic flows cannot be accommodated on the local road network.

If CEC approve the application, Midlothian Council request the use of conditions to require completion of improvements at the A7 Old Dalkeith Road/ The Wisp junction prior to occupation of any dwellings. These should comprise physical improvements and junction control enhancements as identified in the consented application for the Edmonstone policies site.

Midlothian Council - additional response - 30 May 2019

Midlothian Council is concerned to ensure that the road network in the locality of development continues to operate efficiently if the proposed development is added to committed developments. It is particularly important to fully assess proposals such as this, which have not come through the plan-led system and do not benefit from a development plan transport assessment. The recent Scottish Ministers' decision on SDP2 indicates the strong concern of the Scottish Government that interactions between transport and land use planning are taken into account.

The applicant makes points relating to: adequacy of using NRTF growth rates in lieu of assessment of committed development in a neighbouring authority; need for improvements at The Wisp junction/ Old Dalkeith Road in advance of the development; and significance of traffic impact on junctions.

Taking these points in turn:

Midlothian Council is concerned that the NRTF growth rate (given as 1.045% between 2018 and 2021) does not adequately reflect the quantity of growth associated with Midlothian's share of the South East wedge development, which will lead to a near four-fold increase in housing numbers from the part of Midlothian adjacent to the development. The applicant's TA has incorporated assessment of significant committed developments in the CEC area in proximity to the development site, and Midlothian Council wishes this approach extended to the developments in the Shawfair area so that the whole of the south east wedge is accounted for in the TA. The Shawfair new settlement (3423 units) and Danderhall South extensions (351 units) have planning permission and have commenced construction. The 2017 MLDP allocation at Newton Farm has planning permission (622 units). Although not yet consented, the 2003 Shawfair Local Plan allocation at North Danderhall (190 units) and the 2017 MLDP allocation at Cauldcoats (350 units) are committed sites and should be taken into account in assessing future transport impacts.

Midlothian Council considers it reasonable to require the completion of the improvements to The Wisp/Old Dalkeith Road junction prior to occupation of this current application in the event that it is consented. It has not been proven that the junction would operate satisfactorily in an alternative scenario where the contributory developments lapsed and the improvements were not made.

In reference to the significance of traffic growth on junctions, the significance of a traffic impact depends not only on the percentage increase but the available capacity. A 10% increase on a lightly trafficked road may not be significant whereas a 1% increase on a congested road will be. This approach is supported in Transport Scotland's Transport Assessment Guidance.

Scottish Natural Heritage response - 23 April 2019

Summary

The proposed residential development with associated infrastructure is against Plan policy and objectives for this site. We continue to support the Plan policy and objectives which aim to deliver a substantial area of parkland in the South East Wedge. We do note that the proposal could partially contribute to Plan objectives providing information on the detail and delivery of the parkland proposal and the green infrastructure is secured by the Council in the most appropriate manner.

Strategic context

This proposal occupies greenspace proposal area GS4: South East Wedge Parkland, as outlined in the Second Local Development Plan. Supplementary planning guidance for the Bioquarter and South East Wedge Parkland sets out its proposed function as a green network. The Open Space 2021 Edinburgh's Open Space Strategy sets this area out 'to be retained in the greenbelt and to be landscaped to provide multifunctional parkland, woodland and paths linking with parallel developments in Midlothian'. The site also lies within an area defined in the SESplan Proposed Plan as a Strategic Green Network Priority Area.

This intention to take forward the site as the South East Wedge Parkland would secure and enhance a valuable and substantial area of green infrastructure for the City of Edinburgh, benefitting strategic development sites surrounding the site and providing a continuous green corridor to Midlothian. To date, the main north-south active travel route has been constructed through the parkland, some woodland has been planted and proposals to enhance the existing habitat are in preparation.

Appraisal and advice

This is a new application encompassing several changes from previous proposals. It is noted that the extent of development proposed on the parkland has been reduced. Never-the-less there remains adverse impacts as detailed below.

Landscape and visual impacts and parkland creation

The introduction of housing to areas of proposed parkland as set out in the LDP will have adverse impacts on local landscape character and visual amenity, as well as the resulting scale and diversity of uses for the parkland. Reducing the size of the parkland will affect its intended role as a large multi-functional open space serving neighbouring and wider communities in South East Edinburgh, compromising to some extent, the Council's ambitions for the creation of a strategic open space as set out in the various Plans and Strategies for the area.

However it is noted that the current proposals incorporate access linkages into the new parkland from surrounding neighbourhoods, to ensure continued access to the new parkland.

Green infrastructure is proposed including woodland, street trees and SUDs, demonstrating good placemaking principles. However, these principles do not appear to be applied to application 2a to the same degree as 2b. For example, the houses with their backs onto the open space is questioned.

It is noted that housing and avenue planting now provide urban frontage onto the Wisp, reducing visual impacts on this ridgeline.

Funding and delivery of parkland proposals, including long term management and maintenance

The Landscape Design Statement and Planning Statement give indications of the measures that could be in place to secure delivery, management and maintenance of green infrastructure on the development site, and contribution to the further development of, and the management of, the parkland. While this information is helpful in giving some sense of possible funding and long term maintenance and management, we advise that further information and detailed evidence will be needed to ensure that the measures set out are practical, robust and deliverable in terms of their funding and administration. We would advise that, if the Council is minded to approve this application, that further details on these important matters are secured in advance of any consent.

Ecology

We recommend that species enhancement and mitigation measures contained in the Preliminary Ecological Appraisal Appendix 3.1, recommendations and conclusions, are secured and implemented. Many of these measures are good practice and will ensure minimal impacts to any species that may use the site.

Parks and Greenspace response - 29 May 2019

Parks, Greenspace and Cemeteries object to the siting of housing in Little France Park for the following reasons:

- 1. Little France Park (LFP) is a Council maintained public park, having been officially publicly opened by the Convenor of the Transport & Environment Cttee on 28/09/2018.*
- 2. LFP's green space importance to the local community and wider city has been recognised by the Council following its agreement at the Transport & Environment Cttee to execute a protective Minute Of Agreement with Fields in Trust. This is now in process. This will make it necessary that the owner (the Council) seeks permission from Fields in Trust before unsympathetic developments can take place.*
- 3. Significant capital and revenue sums have already been invested in creating park and access infrastructure in LFP. This includes contributions from third-party funders.*
- 4. Parks are important public health solutions in urban communities. Research evidence confirms that nearby parks, gardens, and other green spaces support human health and wellness. Active living opportunities that reduce the likelihood of obesity and chronic diseases (such as diabetes, heart disease and respiratory problems) are particularly improved where people can enjoy walking, cycling, play, and other physical recreation in their local park or green space. Little France Park is situated in a deprived area that has high levels of obesity and ill-health as reflected in the latest Scottish Index of Multiple Deprivation figures.*
- 5. The Council's Open Spaces Strategy, as approved by the Planning Committee in 2016, makes it clear that green spaces that are cared for and well-connected matter for our health, wildlife and economy and that new parks and green spaces are to be created as the city grows, as they help people get to know each other, grow food, play, keep fit, see nature, get around by foot and by bike. Parks will also be improved and made wildlife friendly, helping the city to be ready for changes to our climate. LFP is now being improved and cared for by the Council and partner organisations (including Edinburgh & Lothians Greenspace Trust and Scottish Wildlife Trust) as a "Living Landscape", with management emphasis on physical and mental health, recreation, nature and accessibility to nature, and as a critical green reservoir/corridor within Edinburgh's green space network.*

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01032/FUL
At South East Wedge, Old Dalkeith Road, Edinburgh
Erection of 199 residential dwellings, public open space
and associated infrastructure.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposal would deliver 199 residential units, of which 25% would be affordable and this would help contribute towards meeting Edinburgh's affordable housing needs.

The application raises a number of issues which will require to be negotiated through a legal agreement if planning permission was granted. These relate to infrastructure issues including education, transport and healthcare. Further information would be required regarding noise, biodiversity, some design elements and cumulative transport impacts.

However, the principle of housing on this site is not supported and the development is contrary to the Edinburgh Local Development Plan (LDP).

The land is allocated as green belt in the LDP and has been identified as a greenspace proposal in order to provide a landscaped, multi-functional parkland, woodland and country park, linking to Midlothian. Although the applicant is proposing to deliver and maintain the remainder of the site as a parkland, the construction of houses would result in the loss of a significant part of the park in perpetuity. This would remove the opportunity to provide a strategic parkland for the benefit of the city as well as the immediately adjoining neighbourhood areas.

The development is also not supported by the Strategic Development Plan (SESPlan) in that it would prejudice the delivery of the green network.

In terms of the landscape, it is acknowledged that the site is not in Council ownership, and that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this reinforces the site as an area of strategic importance in providing parkland and cycle/footpath links between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle and beyond. This would be impacted to a significantly detrimental degree if the site was developed.

Furthermore, the design, scale and layout of the proposal does not accord with policies and guidance.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The visual impact on the landscape has been assessed and is not acceptable. This site was assessed during the preparation of the LDP and it was not supported due to its importance as a strategic green space. There are no overriding material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LDES09, LEN09, LEN10, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA08, NSG, NSGD02,
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Report

Application for Planning Permission 19/01032/FUL At South East Wedge, Old Dalkeith Road, Edinburgh Erection of 199 residential dwellings, public open space and associated infrastructure.

Recommendations

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

Background

2.1 Site description

The site comprises approximately 6.5 hectares of undeveloped green belt, and lies to the southeast of the city centre. It comprises open grassland and scrubland with informal paths and desire lines traversing the site. There is also the formalised active travel walking/cycle route connecting Little France Drive to The Wisp to the south of the site. The site undulates throughout, sloping from east to west towards the valley at Little France Drive.

The site slopes downwards from east to west and south to north.

The A6106 (The Wisp) is adjacent to the east of the site and forms the boundary with Midlothian Council. The areas of Craigmillar, Greendykes and Niddrie are situated to the north. New residential properties are currently under construction adjacent to the north of the site in the vicinity of Greendykes.

To the south of the site is an industrial yard, adjacent to the Home Farm Enclosure, which is a scheduled monument.

The ruins of the former Edmonstone House are located to the south of the site.

2.2 Site History

8 August 2013 - The Craigmillar Urban Design Framework is approved.

4 November 2016 - Application withdrawn for proposed residential development, community parkland and a primary school on Land at Edmonstone, the Wisp, South East, Edinburgh (application number: 15/05074/FUL).

11 January 2017 - Application withdrawn for the development of an area of existing open space into public parkland, to include new active travel links with lighting, paths, landscaping, habitat creation/enhancement and tree planting (application number: 16/02661/FUL).

19 September 2017 - Application withdrawn for proposed residential development, community parkland and a primary school on land at Edmonstone, the Wisp, South East Edinburgh (application number: 16/05417/PPP).

Main report

3.1 Description Of The Proposal

Planning permission in principle is sought for the erection of 199 residential units, public open space and associated infrastructure.

The site is proposed to be developed as a mix of flats and houses. The flats are four storeys in height and are located at the northern part of the site. The houses are two storeys in height and form the rest of the site.

For the private units, there are 35 detached houses with four bedrooms, 34 semi-detached houses with three bedrooms, 16 detached houses with three bedrooms and 48 cottage flats with two bedrooms.

The applicant has indicated that there are 66 affordable flats, and are a mix of one, two and three bedroom units. They are four storeys in heights with flat roofs. The plans show that the affordable flats are located on the northern part of the site within the six flatted blocks and sit perpendicular to the Greendykes access road.

The houses are laid out fronting the access road and the series of secondary routes through the site. The houses are proposed to be finished in render with a concrete tile roof.

Vehicular access is proposed to be taken from the new Greendykes access, and there is a proposed pedestrian link at the southern part of the site onto The Wisp.

Open space is provided at the entrance to the site and within the SUDS area at the main access road.

Supporting Information

An Environmental Statement was submitted in support of the application. It examined the landscape and visual impact of the proposal, as well as the impact on traffic and transport and ecology. It also covered the following topics:

- Socio-Economic Assessment;
- Transportation and Access Appraisal;
- Noise and Vibration Assessment;
- Air Quality Assessment;
- Tree Survey;
- Archaeology and Cultural Heritage Impact Assessment;
- Ground Conditions and Water Resources Assessment; and
- Cumulative Impact Assessment.

A Transport Assessment was submitted with the application and this examined the cumulative impact assessment of other developments within the Edinburgh Council boundary and Midlothian.

Other supporting documents include:

- Planning Statement;
- Pre-application Consultation Report;
- Design and Access Statement;
- Sustainability Statement; and
- Drainage Report and Engineering Assessment.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of residential development is acceptable;
- b) the design, scale and layout of the proposed development is acceptable;
- c) there is sufficient amenity for existing neighbours and future occupiers, and the affordable housing provision is acceptable;
- d) the proposal would have acceptable transport impacts;
- e) there are any infrastructure constraints;
- f) the development would have an adverse impact on the landscape, including the historic landscape;
- g) the proposal would have an adverse impact on the biodiversity or ecology of the area;

- h) the proposal would raise drainage, flooding, ground stability or contamination issues;
- i) the proposal would have any detrimental air quality impacts;
- j) the development would have any adverse impact on any archaeological remains or the scheduled ancient monument;
- k) the proposal would meet sustainability criteria; and
- l) the comments raised by third parties have been addressed.

a) The Principle of the Development

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that any determination under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the South East Scotland Strategic Development Plan (SESplan) and the adopted Edinburgh Local Development Plan (LDP). Other material considerations include Scottish Planning Policy (SPP) and the Craigmillar Urban Design Framework.

Conformity with SESplan

SESplan was approved in June 2013. The Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth up to 2032. Policy 1A, supported by Figure 1, identifies the Strategic Development Areas (SDAs) where there will be a focus on development and to which new strategic development is to be directed. These locations maximise the potential for development, meeting sustainability and environmental objectives. The site falls within the South East Edinburgh SDA.

Policy 1B (Spatial Strategy Development Principles) sets out the broad principles for LDPs in bringing development forward. Broadly, these principles seek to protect areas with national and local environmental designations and conserve and enhance the natural and built environments.

As noted, the application site is located within the South East Edinburgh SDA. Although this means that the location of the site does not conflict with SESplan's overall spatial strategy, this does not mean that all land within the SDA is required for housing or suitable for housing development in principle. The SDP requires the provision in LDPs of a green belt around Edinburgh for a number of stated purposes, namely to direct planned growth to the most appropriate locations; support regeneration objectives; protect and enhance the quality, character, landscape setting and identity of towns and the city; and protect and give access to open space within and around Edinburgh. Several areas of significance to the Edinburgh Green Belt lie within the South East Edinburgh SDA, and SDP Policy 1A requires LDPs to take account of such environmental constraints. This is assessed further below.

SDP Policy 12 (Green Belts) continues to require that the relevant Local Development Plans define and maintain a green belt around Edinburgh. Paragraph 129 of the SDP further states that in preparing Local Development Plans, authorities should seek to minimise the loss of land from the green belt and effort should be made to minimise the impact on green belt objectives and secure long term boundaries. The policy contains four criteria.

Criterion a) of Policy 12 aims to maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the local development plan settlement strategy. In assessing this proposal against Policy 12, it has the potential to undermine the identity and character of Edinburgh due to its prominent ridge location. It would have an impact on the greenspace leading into Midlothian and prejudice the delivery of the Holyrood to Dalkeith green network as set out in the SESplan Main Issues Report. It would also result in the coalescence of settlements due to the proximity of Danderhall and other local plan allocations in the Proposed Midlothian Local Development Plan.

The development would therefore not meet the first criterion.

Criterion b) states that one of the purposes of the defined Edinburgh Green Belt is to 'direct planned growth to the most appropriate locations and support regeneration'. Since the proposal does not conform in principle to the development plan, this application does not constitute planned growth. The Environmental Report (2013) that supports the LDP assessed part of this site in terms of its suitability for development (identified as South East Wedge Parkland, North). The assessment concluded that through the realisation of the parkland proposals, this site will have an important role in providing open space and path routes connecting the settlements of Little France, Danderhall and Craigmillar. It was therefore not considered appropriate for housing development. In addition, a release of additional greenfield sites would be likely to undermine the redevelopment of brownfield sites, and so would not support regeneration.

The proposal does not meet the second criterion.

Criterion c) states that maintaining the landscape setting of Edinburgh is one of the purposes of the green belt. The proposal fails to place sufficient weight upon the importance of the site and its location along a sensitive ridgeline. The development of the site's ridge top location would impact upon the wider landscape setting of the city. The site is visually prominent in views from Craigmillar Castle and throughout the city skyline (including from Queen's Drive) and from the surrounding road network. The current landform visually contains the existing urban edge and provides an undeveloped skyline in eastward views. In views from within the site, parkland forms a foreground element in views towards the city with a near continuous backdrop of Edinburgh's hills.

The impact on the landscape is further assessed in 3.3(f) below.

Criterion d) states that green belts should 'provide opportunities for access to open space and the countryside'. The proposals would remove 6.5 hectares of land which relates visually to the parkland and provides a visual link between Midlothian and the parkland. While the application site is not within the Council's ownership, it is still designated as green belt with the greenspace allocation. There is currently no impediment on entering the land and no discernible distinction between land ownership boundaries.

It is noted that the proposed plans show a network of paths and routes connecting the surrounding residential areas and there is potential for connections to the active travel route through the park. However, the removal of this land from the parkland would prejudice the opportunities for a robust greenspace connection to Midlothian.

Furthermore, the delivery of a strategic area of open space in this location has been a fundamental aim of the LDP (and preceding adopted local plans), as well as the Craigmillar Urban Design Framework, which underwent significant local community consultation. The loss of this area of parkland would remove an opportunity to create strategic open space for residents of Edinburgh and beyond. The scale of the South East Wedge Parkland is identified in the LDP to provide a strategic area of parkland to benefit the whole of the City and Midlothian, and the proposed development would prejudice this delivery.

The site also forms an important part of the Central Scotland Green Network (CSGN), as contained within National Planning Framework 3 (NPF3) and the removal of this area from the parkland would prejudice the delivery of the CSGN in this location.

Therefore, despite its benefits in terms of providing linkages and retaining some areas of open space, the application does not accord with this objective.

The provisions of SDP policy 12 confirms that:

- Despite an increased need for more housing land, the Edinburgh LDP must also designate land as green belt in places where it will help meet green belt objectives.
- This process should not be undermined by approving housing proposals on land identified as green belt in the emerging LDP.

As stated above, granting planning permission on this site would undermine green belt objectives in a number of ways. Overall, the proposal does not comply with SDP Policy 12.

Conformity with the Local Development Plan (LDP)

The site is within the green belt in the adopted LDP. It is also identified as a specific greenspace proposal (GS4).

With regards to the green belt, policy Env 10 (Development in the Green Belt and Countryside) only permits new development for the purposes of agriculture, woodland and forestry, or where a countryside location is essential. Development of this site for housing would not comply with policy Env 10.

The greenspace proposal (GS4) seeks to retain the land around Craigmillar/Greendykes in the green belt, in order to provide a landscaped multi-functional parkland, woodland and country paths, linking to Midlothian. In assessing the proposal against GS4, the applicant has asserted that the ground levels and poor environmental management have previously prevented this area of land from realising its full potential as a parkland. In addition, the site has been subject to large amounts of fly-tipping in the past, which has prevented it from being utilised to its full extent.

However, the parkland has undergone a series of recent improvements and investment, and is now being utilised for its intended purpose by the new population in the surrounding Greendykes housing developments. The representations submitted by surrounding residents demonstrates how the parkland is becoming a valuable asset for the surrounding communities.

In this context, it is important to consider that the wider area is undergoing considerable amounts of regeneration. At Greendykes there are over 1000 homes with planning permission under construction, as well as the development of the BioQuarter and new Royal Hospital for Sick Children. The character and function of the area will intrinsically change as a result of all this development. This will have a consequential impact on the function, use and need of the parkland.

Although the application site is not within Council ownership, and the land which is in Council ownership is still undergoing a transition from unmaintained land to parkland, housing development on this site would remove this land from the green belt in perpetuity. This would prevent the site from realising its full potential in the future as a multi-functional parkland which would benefit the new residents of the adjoining housing areas and the wider city, as well as providing a landscape setting for the city. Due to the other uses along The Wisp, and difficult ground levels between the parkland and The Wisp, development of the land would also prejudice the green link from Holyrood Park to Shawfair and hence prejudice the function of the green belt at this location as it would be severing the green connection from the site to Midlothian.

During the LDP examination process, the Reporter concluded that whilst the planned open space will be substantially reduced by the housing allocations to the north and south of this site, the site forms part of a continuous green wedge running from the wider green belt westwards between Greendykes and the BioQuarter. The Reporter considered that its retention is important in providing open space and recreational routes connecting through these areas, and that development of this site would effectively dislocate the green belt to the west with the wider countryside in Midlothian to the east, to the significant detriment of green belt objectives. This remains true, as development of this site would create an island of development that is not particularly well connected to the housing developments to the north, and would erode this important area of green space.

Furthermore, whilst development at The Wisp results in a consequent change to the green belt to the north, the Reporter stated the circumstances for this site are different given that the objective of open space proposal GS4, South East Wedge Parkland, is described as multifunctional parkland, woodland and country paths linking with parallel developments in Midlothian. The site forms part of the city's green network in the Open Space Strategy and secures a green link through to Midlothian. Development of the sites to the north and south will accentuate the importance of this remaining area in maintaining continuity of this green corridor and its contribution to green belt objectives in terms of recreational access. Consequently, the Reporter concluded that he did not consider the site should be identified for housing and that it should be retained in the greenbelt and as open space.

Therefore, at this stage, the proposal cannot be justified in terms of policy Env 10 and greenspace proposal GS4 on the basis that it is not an appropriate form of development in the green belt and is removing the opportunities for a multi-functional strategic parkland.

Scottish Planning Policy 2014 (SPP)

SPP introduces a presumption in favour of development that contributes to sustainable development. Paragraph 110 of SPP states that the planning system should:

- Identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times;
- Enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

SPP Paragraph 29 lists a number of sustainable development principles which should be used to guide decisions. It states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

In terms of assessing the proposal against the principles of SPP, the applicant has provided justification as to why this site is suitable for development based on the fact that the adjacent developments have diluted the original setting of the parkland from a remote countryside location to a strategic investment area. The applicant also asserts that the aspirations and proposals for the parkland should be revisited and that it should become a more formal parkland setting, as opposed to a country park-type aspiration. The applicant also states that since the land ownership is not with the Council, the applicant's land will never become integrated into the park unless development potential is realised.

While it is acknowledged that the land is not within the control of the Council, this site has been considered in line with green belt objectives and SPP. The key aim of SPP is to deliver sites in a plan-led manner and as SPP sets out, the aim is to achieve the right development in the right place; it is not to allow development at any cost. The potential economic benefits of developing this site cannot outweigh the environmental cost and irreversible impact on the landscape setting of the city. The land was formerly part of a designed landscape, providing setting for Craigmillar Castle and the views outward from the castle can still be appreciated from an historical viewpoint as the structure of the designed landscape can still be seen.

Housing Land Supply

The applicant has asserted that the Council area currently does not have an adequate five-year housing land supply and that the current local development plan is out of date, and therefore paragraphs 32-35 and 125 of SPP apply.

This is not the case. LDP Policy Hou 1 relates to the location of housing development and consists of two parts. The first part gives priority to housing development in the urban area as defined in the LDP.

The application site lies in the green belt as defined in the LDP and so is not supported by part 1 of Policy Hou 1. Should there be a deficit in the maintenance of the five year housing land supply, the site may be assessed in terms of part 2 of Policy Hou 1.

Policy Hou 1 Housing Development (part 2) states that where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:

- a) The development will be in keeping with the character of the settlement and the local area;
- b) The development will not undermine green belt objectives;
- c) Any additional infrastructure required as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time;
- d) The site is effective or capable of becoming effective in the relevant timeframe;
- e) The proposal contributes to the principles of sustainable development.

The latest assessment of the housing land supply in the City of Edinburgh is the 2018 Housing Land Audit and Completions Programme (HLACP), which was reported to Planning Committee on 3 October 2018. The capacity of effective housing land and the anticipated programme of completions within the HLACP were agreed as reasonable with Homes for Scotland.

The HLACP examines both the supply of effective housing land (an input) and the expected delivery of new homes (the output). The 2018 HLACP demonstrates that there is more than sufficient effective housing land to meet the housing land requirements set by the SDP. The HLACP also demonstrates that the five year completions programme (previously referred to as the five year effective land supply) is above the five year completions target.

There is, therefore, no shortfall in either the supply of effective housing land or the expected delivery of new homes over the next five years. As there is no deficit in the maintenance of the five year land supply, Policy Hou 1 part 2 does not apply. Paragraphs 32-35 of SPP are also not relevant.

The landscaping and landscape setting is examined further below. At this stage, development of the site is not in accordance with the principles of the SDP, LDP or SPP.

Craigmillar Urban Design Framework (Updated 2013) and the BioQuarter and South East Wedge Parkland Supplementary Guidance

The Craigmillar Urban Design Framework (CUDF) sets out a vision and planning principles for development of the Craigmillar area. This application site is within the CUDF and is identified as a being retained as a parkland.

Similarly, the BioQuarter and South East Wedge Parkland Supplementary Guidance contains development principles which relate to the parkland. These detail that the parkland should have a clearly defined landscape structure; maximise biodiversity throughout the design; be a visually stimulating environment which provides a clear transition between the urban area and Edinburgh's rural hinterland; and through its design, walkways and planting, protect views to Craigmillar Castle, Arthur's Seat and Edinburgh Castle.

The proposal to build houses on the parkland does not accord with the CUDF or the Supplementary Guidance.

Conclusion

The principle of residential development is not acceptable on this site. It is therefore important to assess whether there are other material considerations which could indicate acceptability of the proposal. These are examined below.

b) Design, Scale and Layout

In assessing the design, scale and layout of the proposals, there is a framework of design policies contained with the LDP, as well as the requirements of the Craigmillar Urban Design Framework, the BioQuarter and South East Wedge Parkland Supplementary Guidance, the Edinburgh Design Guidance, Designing Streets: A Policy Statement for Scotland and PAN 67 (Housing Quality).

Design

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

Similarly, the CUDF states that "The design of new areas should be conceived as a whole rather than as a collection of disparate housing estates and business parks. Dwellings, shops and public and private institutions should be located close to each other, within the same building or block or with easy access between these... The relationship between built form and the public realm allied to landscape character should generate a lively, distinctive character. It is the design of the space between the buildings which helps to give a place its character, and determines whether or not people feel comfortable within that space. There must be careful and considered design of various elements - street type, building type and the treatment of the public realm."

PAN 67 (Housing Quality) states that the design of new housing should reflect a full understanding of its context, in terms of both its physical location and market conditions.

In assessing this proposal against this framework of policies and guidance, the proposed buildings along the edges of the site do not address any of the surrounding streets or parkland in a positive way. Along the northern boundary, this is partly due to the ground levels between the proposed development and the new Greendykes housing to the north. Here, the land falls considerably over a short distance. This means that in long views (as demonstrated in the Landscape and Visual Impact Assessment (LVIA) that accompanied the application), this site is particularly prominent on the ridge. It appears that little consideration has been given to its location sitting higher than the surrounding existing properties at Greendykes, and therefore gives the proposed development the appearance of being disjointed and not relating to surrounding housing. This is particularly clear in relation to the flats along the northern boundary, which will appear incongruous on the skyline and within the streetscape.

The housing along the western boundary does not address The Wisp, and the proposal forms an awkward boundary with this road. Similarly, the proposed housing along the southern and eastern boundaries fails to provide a suitable edge to the park. The proposed houses on the southern boundary do not address the park, while the houses on the eastern boundary are set behind a road. The flats along part of the eastern boundary provide a fragmented urban form.

Across the site, the levels plan shows the extent of the retaining walls, underbuilding and embankments. In some areas, there is a level difference in the finished floor levels of up to 4.5 metres. The underbuilding is also substantial, where there can be up to a metre of underbuilding on the plots. While retaining walls and underbuilding is not uncommon on new housing sites, this proposal presents an engineering solution to the development of the site and takes little cognisance of the unique topography and landscape quality.

In the absence of a detailed landscape plan, it is difficult to assess whether there is any mitigation proposed, or whether the boundary treatments are suitable.

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land, or the comprehensive development and regeneration of a wider area.

In this instance, Midlothian Council has expressed concern at the reduction in green space and narrowing of the corridor which would be caused by the development.

The location of this site is important in strategic terms due to the proximity of the boundary with Midlothian Council (MLC). Immediately across The Wisp are housing allocations within Midlothian for an extension to Danderhall and a new development at Cauldcoats. In addition, the Shawfair development site lies to the east.

The 2002 masterplan for the Shawfair development (which forms part of the outline application for Shawfair, planning application 02/00660/OUT, approved in 2014) contains a landscape framework which considers linkages between Shawfair and the surrounding area. The landscape concept is to provide a strategic green link between Holyrood Park and Dalkeith Park and the overall aspiration for this large green network is to provide safe off-road routes from Midlothian through to Edinburgh and into the City Centre.

While this aspiration could still be achieved through the delivery of a housing proposal if appropriate paths and connections were provided, these are not provided in this proposal. In fact, no green connections are proposed through the site.

The visual impact of this is seen to the greatest extent from viewpoints on the north east of the site. According to the applicant's Landscape and Visual Impact Assessment, views from Queen's Drive and Craigmillar Castle are where the greatest impact on the narrowing of the green link is particularly prevalent. The visual impression of the green space is that of a considerably narrowed area. This would discourage walkers or cyclists from utilising the green link.

In summary, there are significant implications for allowing housing development on this site, including the impact on the potential for good visual and physical connections and the removal of the strategic green link. While the connectivity impacts could be mitigated if paths and networks from the site are connected to Midlothian at appropriate locations, the contextual and visual impact cannot be mitigated and there is no compelling argument to suggest that the narrowed green link is appropriate.

Layout

LDP Policy Des 7 (Layout Design) states that planning permission will be granted for development where it meets a number of criteria relating to issues of the layouts of buildings, streets, footpaths and taking an integrated approach to new streets, and whether the development will encourage walking, cycling and the use of public transport.

There are very few amenities for residents within a 10 minute walking distance. This would suggest that the site is not suitable for a predominantly residential development with the obvious result being high car dependency and a negative impact on infrastructure and air quality.

In addition, the applicant is not proposing footpath links to connect the site to the main Greendykes access road which is served by a bus route. There is also no provision for path connections to the active travel route. Therefore the proposal is contrary to policy Des 7.

In terms of the details of the layout, Designing Streets offers guidance on the importance of creating successful places through good streets design. One example is given as to how street length can have a significant effect on the quality of a place. Acknowledging and framing vistas and landmarks can help bring an identity to a neighbourhood and orientate users. However, long straights can encourage high traffic speeds, which should be mitigated through careful design.

With regards to the proposed layout, there appears to have been little consideration given to how the streets could be used to frame vistas and landmarks. The surrounding landmarks include Arthur's Seat, Craigmillar Castle and the Firth of Forth. Neither the orientation of the buildings, nor the street layout pays cognisance to these features. Similarly, the long stretches of road within the site give priority to the car, and the pedestrian routes are compromised by the driveways that cross the footway. These are not principles which are supported by Designing Streets.

Scale

LDP Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

In assessing whether this scale of development is appropriate, the Craigmillar Urban Design Framework states that the edge of the housing areas facing parklands should be well designed and should take into account the surrounding landscape. The proposal in this case does not appropriately address the park, as the edge is formed by fragmented blocks of flats set behind a road, or houses with their backs to the park or set behind a road. This does not create a strong or attractive urban edge, and the lack of a comprehensive landscape plan makes it difficult to assess how the buildings will sit within the landscape.

With regards to policy Des 4, the scale and proportions of the proposed development do not sit comfortably within the landscape. The areas of parking are dominant across the development, and the scale and massing of the flats are incongruous at this location.

Design Conclusion

The finer details of the design have not been adequately considered. The streets are not legible for pedestrians, the massing of the flats is inappropriate and the layout does not present any innovative ways of addressing pedestrian or cycle movement, or the unique landscape and topography of this site.

c) Amenity and Affordable Housing

The design policies in the LDP are supported by the Edinburgh Design Guidance, which provides more specific advice on site development with regards to providing appropriate levels of amenity. LDP Policy Des 5 (Development Design - Amenity) is relevant for assessing the impact of proposals on amenity for existing and new residents.

Existing Residents

The residents most affected by the proposals are located to the north in the New Greendykes development. However, due to considerable distances between the properties, there would be no impact on privacy or amenity. There would be some loss of immediate outlook as the existing properties sit lower than the floor levels of the proposed properties, however the green buffer would remain, and the height of this would retain an immediate green outlook for existing residents.

However, the proposal to remove an area of parkland, will have an impact on the wider area. The areas around the site are within the most deprived areas in Scotland (the immediately adjoining areas in Craigmillar and Niddrie are in the 10% most deprived communities in Scotland, based on 2016 SIMD deciles). Reducing the parkland would remove the potential for these deprived communities to access a strategic area of countryside parkland.

New Residents

The main impact on new residents will be noise arising from road traffic and nearby hospital operations.

The development is proposed to be situated directly beneath an existing flight path as presently utilised by the emergency helicopters coming to and going from the hospital. The new Royal Hospital for Sick Children (RHSC) includes a new helipad. The new helipad is likely to increase the number of flights over the proposed development albeit two other routes to and from the hospital are available for use by the helicopter pilots.

Therefore in summary, the applicant must submit further detailed assessments in relation to industrial, commercial and general hospital operations, helicopter and road traffic noise with mitigation measures designed and recommended at a further detailed stage, if planning permission was granted.

In relation to community facilities, the applicant has indicated that there is a site commercial/local shop of up to 350 square metres within the site. This would be secured through conditions if planning permission was granted.

The applicant has also indicated that 25% of the total number of dwellings on site will be affordable.

In conclusion, the amenity of existing and future residents is adequate.

d) Transport Impacts

This proposal requires to be assessed against relevant transport policies in the LDP, primarily Tra 8 (Provision of Transport Infrastructure).

This site is not an allocated housing site within the LDP and, therefore, its transport impact on the strategic road network has not been assessed cumulatively. The LDP states that development proposals relating to major housing or other development sites which would generate a significant amount of traffic must demonstrate that individual and cumulative transport impacts can be timeously addressed.

The Roads Authority has advised that the submitted Transport Assessment does not include specific figures for committed development outside the City of Edinburgh Council area. A high NRTF growth rate is used as a proxy instead, but it is unclear whether this adequately reflects the likely traffic impact from development in Midlothian and elsewhere.

Midlothian Council (MLC) has notable concerns regarding the cumulative impact on the transport network arising from this proposal. MLC is concerned to ensure that the road network in the locality of development continues to operate efficiently if the proposed development is added to committed developments. It is particularly important to fully assess proposals such as this, which have not come through the plan-led system and do not benefit from a development plan transport assessment. The recent Scottish Ministers' decision on SDP2 indicates the strong concern of the Scottish Government that interactions between transport and land use planning are taken into account.

The applicant makes points relating to: adequacy of using NRTF growth rates in lieu of assessment of committed development in a neighbouring authority; need for improvements at The Wisp junction/ Old Dalkeith Road in advance of the development; and significance of traffic impact on junctions.

Midlothian Council is concerned that the NRTF growth rate (given as 1.045% between 2018 and 2021) does not adequately reflect the quantity of growth associated with Midlothian's share of the South East Wedge development, which will lead to a near four-fold increase in housing numbers from the part of Midlothian adjacent to the development. The applicant's Transport Assessment has incorporated assessment of significant committed developments in the CEC area in proximity to the development site, and Midlothian Council wishes this approach extended to the developments in the Shawfair area so that the whole of the south east wedge is accounted for in the TA.

The Shawfair new settlement (3423 units) and Danderhall South extensions (351 units) have planning permission and have commenced construction. The 2017 Midlothian Local Development Plan (MLDP) allocation at Newton Farm has planning permission (622 units). Although not yet consented, the 2003 Shawfair Local Plan allocation at North Danderhall (190 units) and the 2017 MLDP allocation at Cauldcoats (350 units) are committed sites and should be taken into account in assessing future transport impacts.

In reference to the significance of traffic growth on junctions, the significance of a traffic impact depends not only on the percentage increase but the available capacity. A 10% increase on a lightly trafficked road may not be significant whereas a 1% increase on a congested road will be. This approach is supported in Transport Scotland's Transport Assessment Guidance.

Transport Scotland also made comments on the proposal. It stated that although it would not propose to advise against the granting of planning permission, Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision (should the application be recommended for approval and if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal) for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

Transport Scotland also advised that with regards to LDP Policy Tra 8, the Transport Assessment (TA) does not undertake a cumulative and a cross boundary transport assessment. The assessment has included a number of committed developments in the immediate vicinity to the proposed development (New Greendykes; the new hospital for sick children; Edmonstone Policies & Walled Garden); Edinburgh BioQuarter and Shawfair but does not appear to include allocations in the adopted LDP that have not yet obtained consent. The road network considered only extends as far south as the A7 Old Dalkeith Road/Link Road/Shawfair Park and Ride roundabout and does not go as far south as the A720 Sheriffhall Roundabout.

Transport Scotland notes that the site is not allocated in the LDP and the related policy requires the applicant to do a cumulative, cross boundary transport assessment. Transport Scotland considers that this hasn't been undertaken. However, it is difficult to conclude that this development has an effective role in delivering the cumulative, cross boundary transport assessment referred to in LDP Policy Tra 8, given the fact it contributes only 1.6% of the traffic on the A7 and therefore significantly less than this in terms of overall impact on Sheriffhall.

Transport Conclusion

Overall, the junction of Old Dalkeith Road and The Wisp is currently operating over capacity at present and would be worsened when all the committed developments in the area are fully constructed and operational. The proposed development would have an impact on this junction. Midlothian Council have requested a number of improvements and these could be secured by a legal agreement if planning permission was issued.

e) Infrastructure Constraints

Education

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'. This site is not supported by the LDP and therefore was not accounted for in the Council's Education Appraisal. Using the pupil generation rates set out in the Appraisal, the development would be expected to generate 44 additional primary school pupils and 28 additional secondary school pupils.

In terms of secondary school provision, the replacement Castlebrae High School will have an expansion strategy so additional capacity could be delivered if this was required. Contributions towards the provision of additional secondary school capacity would therefore be required to mitigate the impact of the proposed development. As per the Council's Supplementary Guidance, this should be £980 per flat (as at Q4 2107) and £6,536 per house (as at Q4 2017).

In terms of primary school provision, the site is within the catchment area of Castlevue Primary School. The school's catchment area is undergoing significant change with new housing development progressing quickly. School roll projections indicate that the roll of this school will exceed its current capacity in 2021.

The Council's Action Programme identifies a requirement for a three-class extension to mitigate the impact of housing development proposed by the LDP. This action will not mitigate the impact of this additional development.

In addition to the new housing proposed in the LDP there is significant previously committed development still to be completed in the area. Therefore longer-term projections indicate that the school roll could rise above 630 pupils. This is the normal capacity of a three stream (21 class) school. The Council does not have a primary school bigger than three streams.

Communities and Families cannot therefore support new development over and above what is already committed or proposed in the Local Development Plan in this area at this time as sufficient infrastructure is not already available and it has not been demonstrated that an appropriate solution to delivering additional primary school capacity can be provided at an appropriate time.

If planning permission was to be granted despite an appropriate solution to delivering additional primary school capacity not being identified, the Council would then have to consider if a new primary school was required. In line with the Supplementary Guidance, the development would be required to make a financial contribution that is sufficient to cover the costs of any education infrastructure action that is required because of that new development, including a new primary school.

If planning permission was granted, the contributions would be required under LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) and this would require to be negotiated under the terms of a legal agreement.

Transport

The site does not constitute planned development and therefore is not included within a contribution zone of the approved Developer Contribution and Infrastructure Delivery Supplementary Guidance.

Nevertheless, the Council's Transport Action Programme indicates that any development in this area will require to contribute to transport measures. However, it is unclear whether the additional traffic from this site can be accommodated within the improvement works set out in the Action Programme. Additional information will be required if planning permission was granted, and will be developed in conjunction with Midlothian Council. Potential improvement works include a contribution to the Sheriffhall Transport Contribution Zone; contribution towards the upgrading of the The Wisp/Old Dalkeith Road signals (including MOVA); installation of traffic signals at the northern and southern ends of The Wisp (including The Wisp/Millerhill Road as necessary) and appropriate toucan crossings.

These requirements could be negotiated through a legal agreement if planning permission was granted.

Health Care

The site is within the north east contribution zone for health care. This requires contributions towards a new medical practice at Niddrie/Craigmillar. The cost of this is set out in the approved supplementary guidance and is at a cost of £945 per dwelling.

Conclusion

The educational infrastructure for the site requires a potentially significant financial contribution, as well as transport and health care contributions. If the costs as above can be met fully by the applicant, this is acceptable.

f) Landscape Impact

LDP Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

In assessing this application against Policy Des 4, there is the consideration of the impact of development on the landscape character of the site, and also the impact of the development on the wider landscape setting of the city, as well as the impact of the development at a more local level.

LDP Policy Des 9 (Urban Edge Development) states that planning permission will only be granted for development on sites at the green belt boundary where it conserves and enhances the landscape setting and special character of the city, promotes access to the surrounding countryside, and includes landscape improvement proposals that will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhanced biodiversity.

Landscape Character

The landscape has the potential to provide many services for the population of Craigmillar and beyond. It is part of a strategic network of green corridors and parks, designed to complement existing and new urban development. Currently, the character of the landscape is semi-rural and whilst development has encroached into the parkland, this section of the parkland remains intact. The semi-rural nature of the character has the potential to provide an open landscape that is characterised by wildlife that is associated with the countryside. This will be damaged by the loss of parkland area. In the future, a large park would allow for recreational activities to be developed for the benefit of local residents and other residents of Edinburgh and the loss of this landscape to development prevents the creation of a semi-rural park.

The applicant has commented that the semi-rural nature of the park is not appropriate in this location and that the character of the park should change to become more of a managed urban parkland. The applicant has stated that it will contribute towards the management and maintenance of the park if planning permission was granted, on the basis of an urban park. However, this is not the Council's aspirations for this land, and as noted in the letters of representation, this semi-rural parkland is already providing a valuable area for the new residents of Greendykes.

In addition, as this large-scale landscape character is part of the setting of the city, the reduction in the parkland would impact on the setting of the city and the remaining setting of Craigmillar Castle.

Therefore, the proposal does not conserve or enhance the landscape setting and special character of the city. It also does not include landscape improvement proposals that will strengthen the green belt boundary, or contribute to multi-functional green networks by improving amenity and enhanced biodiversity, as required as part of LDP Policy Des 9.

Scottish Natural Heritage (SNH) commented on the application. SNH acknowledge that this is a new application encompassing several changes from previous proposals on this site. It is noted that the extent of development proposed on the parkland has been reduced and that there may be scope that the development could partially contribute to Plan objectives providing information on the detail and delivery of the parkland proposal and the green infrastructure is secured by the Council in the most appropriate manner.

Nevertheless, SNH note that there remains adverse impacts. The introduction of housing to areas of proposed parkland as set out in the LDP will have adverse impacts on local landscape character and visual amenity, as well as the resulting scale and diversity of uses for the parkland. Reducing the size of the parkland will affect its intended role as a large multi-functional open space serving neighbouring and wider communities in south east Edinburgh, compromising to some extent, the Council's ambitions for the creation of a strategic open space as set out in the various Plans and Strategies for the area.

LDP policy Des 1: 'Design Quality and Context' states that planning permission will not be granted for '...proposals that would be damaging to the character or appearance of the area around it particularly where this has special importance.'

The proposals would damage the open landscape character that is important as a location for recreation and amenity and is part of the National Planning Framework 3. Part of the landscape character is the experiential aspects of the character.

It is acknowledged that the site is surrounded by urban interventions and encroachment, and views across the site looking west are interrupted by urban developments such as the hospital, BioQuarter and Greendykes. However, from higher viewpoints looking eastwards, there are sweeping views of greenspace and countryside beyond. A development of the extent proposed would have a detrimental impact on these important views and the landscape setting of the City.

The proposal is therefore contrary to policies Des 1 and Des 9.

Visual Amenity

The sweeping views across the landscape from Craigmillar Castle and Hawkhill Wood draw the eye to the green areas beyond. These would be affected by the development on this site, particularly given its placement on the ridge. The undeveloped landscape connection between Craigmillar Castle parkland and the ridge is a strong visual characteristic and the views lead the eye down into the valley and then back up to the ridge. The proposal narrows this green space and it no longer appears as a strategic landscape between developments.

The existing development at Greendykes nestles into the valley bottom and its setting is the landscape that surrounds it.

LDP policy Des 4: 'Development Design: Impact on Setting' states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

The proposals do not have a positive impact on the views and do not enhance the setting of the city. This is noted in the applicant's Landscape and Visual Impact Assessment, which shows that it will not have a positive impact on the landscape character. This is due to the fact that as, for a large part of the site, the open landscape is lost and replaced with an urban character that is not suitable for this area of landscape due to its function as potential parkland and part of the setting of the city and the role it plays in providing strategic green infrastructure.

The proposal is therefore contrary to policy Des 4.

Future Potential of the Site to Deliver Parkland

The LDP Action Programme, adopted in December 2016, identified specific funding towards the delivery of the parkland. It states that the delivery of an 86 hectare multi functional parkland, woodland and country paths will be carried out by the Council in collaboration with the Edinburgh and Lothians Greenspace Trust and would link in to parallel developments in Midlothian.

LDP Policy Des 2: 'Co-ordinated Development' states that planning permission will not be granted for development which might compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan or development brief approved by the Council.

The Craigmillar Urban Design Framework showed this area for the future development of parkland to provide recreation and a setting for the designed development of Greendykes, the BioQuarter and the City. There is no open space provision within the New Greendykes development as it was envisaged that the open space for this development would be provided by the parkland. It was never envisaged that this would be lost.

While it is acknowledged that the majority of parkland is proposed to be retained as part of the proposals, the key location of this site is strategic in providing connections through to Midlothian. It would remove the potential to provide useable open space on the site for the benefit of New Greendykes or the strategic parkland as envisaged in the Craigmillar Urban Design Framework, nor the multi-functional parkland/woodland, linking with parallel developments in Midlothian, as stated in Greenspace Proposal (GS 4) of the LDP.

The proposal is therefore contrary to policy Des 2.

Historic Landscape

The Council's 2013 Craigmillar Urban Design Framework recognises the significance of the historic landscapes occupying this site, identifying them as an area of valuable open space and parkland. This is the last piece of landscape setting that was part of the original setting for Craigmillar Castle.

As noted previously, there are a number of urban interventions that are prevalent in various views across the site towards the castle. However, the sweeping nature of the remaining landscape forms an appropriate visual link to the castle and the urban developments around the castle reinforces the need to retain a substantial landscape setting.

Policy Env 7 (Historic Gardens and Designed Landscapes) states that development will not be permitted if it has a detrimental impact upon views to and from the site.

Historic Environment Scotland (HES) commented on the application in relation to the scheduled monument adjacent to the site. Although HES did not object to the proposed development in principle, it held some concerns regarding the applicant's overall methodology of measuring the impact of the development on the scheduled monument.

HES made no comment regarding the impact on views from Craigmillar Castle. Previous comments received from HES in relation to development on this site also do not consider that the proposal would challenge the castle for dominance within its setting or disrupt the key relationship between the castle and its policies. While acknowledging that there will be an impact on setting, HES does not consider that this impact will raise issues of national significance.

Landscape Conclusion

It is acknowledged that the landscape has been eroded by urban developments surrounding the site. However, this reinforces the strategic importance of the parkland in delivering an appropriate landscape setting for these urban developments and the wider city.

The proposal does not demonstrate how it can comfortably sit in this important landscape and therefore cannot be supported.

g) Biodiversity and Ecology

Policy Des 3 (Development Design) and the Edinburgh Design Guidance (Chapter 3) aim to identify opportunities, through development, to enhance local biodiversity.

Little France Park is a key strategic location in Edinburgh's habitat network. The park is a link between the rural setting in adjacent Midlothian and a habitat node along a green corridor to important sites such as Duddingston Loch SSSI (1.5 kilometres to the north-west), Bawsinch and the wider Holyrood Park. It is also well linked with three adjacent smaller Local Nature Conservation Sites - Edmonstone, Hawkhill Wood and the green corridor of Niddrie Burn. This green wedge creates a crucial link in the wider habitat network in Edinburgh and has been identified as a priority area by the Edinburgh Living Landscape, the Local Development Plan (GS4) and North East Open Space Action Plan.

The Scottish Wildlife Trust (SWT) made representations regarding the impact of the development on the opportunities for the continued delivery of Little France Park. SWT stated that with the arrival of the new buildings at the BioQuarter and a range of other new developments, Little France Park provides a valuable green asset to new and existing communities. The Edinburgh Living Landscape partners (including the City of Edinburgh Council) have been working to create Edinburgh's biggest new park in a generation. Transport Scotland awarded £662,000 to the Edinburgh and Lothian Greenspace Trust to deliver two phase of a new high-quality walking and cycling network through the park. This was supported with additional funding from City of Edinburgh Council, EDI, Scottish Enterprise and NHS Lothian. The park is now well used by local people as an active travel route, and as a place to relax and a place to enjoy wildlife watching. Further investment is planned and there is currently a £174,000 application to the Scottish Natural Heritage Biodiversity Challenge Fund to address habitat loss in a fragmented urban environment.

The Edinburgh Biodiversity Action Plan 2019-2021 sets out a vision with Edinburgh as the Natural Capital of Scotland: "To make Edinburgh a greener city with more opportunities for wildlife, enabling people to engage with nature." A management framework commissioned by the Edinburgh and Lothian Greenspace Trust in 2019 identified that the diversity of natural habitats and size of the park make it ecologically valuable in the urban context.

The site benefits from a wide range of plant species that supports a number of wildlife habitats, foraging and commuting. While the impact of development on these habitats can be alleviated to some degree by appropriate mitigation (such as replacement habitats and appropriate landscaping), the remaining parkland would not provide the same level of biodiversity that is currently supported on the site.

Within the context of the development of other greenfield sites, and subsequent loss of biodiversity and habitats across the city, development on this site would further erode the City's biodiverse landscape. On a site that is not allocated for development, and where there is no justification for housing development, the loss of biodiversity and habitats is unacceptable and the development is therefore contrary to policy Des 3 (Development Design).

h) Drainage, Flooding, Ground Stability and Contamination

Drainage and Flooding

A Flood Risk Assessment (FRA) was submitted as part of this planning application.

Review of the SEPA Flood Map indicates that the site lies outwith the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at low risk of flooding. SEPA holds no records of flooding at this location. A Flood Risk Assessment (FRA) has been provided in support of this application and covers a wider site extending west to Pringle Drive. SEPA agrees that the site is sufficiently elevated above the Niddrie and Magdalene Burns that it is unlikely at flood risk from these watercourses. However, the site lies on sloping ground and the FRA notes that a flood risk from higher ground to the south of the site may exist. It is proposed to capture any runoff from the south and route it round the site to the existing drainage to the north constructed as part of the adjacent development which in turn conveys runoff to the Magdalene Burn.

Ground levels are elevated above the drainage channel for the site to the north and finished floor levels appear to be elevated above ground levels which should reduce any risk of surface water flooding. SEPA recommends that ground levels slope away from properties to ensure no water can pond against property.

SEPA notes that the upstream catchment is small at approximately 0.05 square kilometres and the existing site is steep so will provide limited attenuation, but SEPA would recommend that any surface water to the south is attenuated prior to discharge to the existing drainage network.

Therefore, at this stage, it can be concluded that issues of flood risk have been addressed, although further details would be required in future applications in relation to ground levels and SUDS, if permission was granted.

Contamination

The Environmental Statement submitted with the application contained information regarding ground conditions. It found that the site is underlain by strata that has been extensively worked in the past.

Environmental Assessment recommends that a condition is attached to any consent to ensure that contaminated land is fully addressed.

Ground Stability

The application site falls within the defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Records also indicate that thick coal seams outcropped across the site and the presence of one recorded mine entry within, or within 20 metres of the planning boundary.

The Coal Authority notes the supporting information from Mason Evans (April 2018), the content of which confirms that as a result of preliminary site investigations shallow coal mine workings have been identified, which pose a risk to ground stability and which will require stabilising.

On account of the above, The Coal Authority has no objection to this planning application, subject to a condition to ensure the remediation of the shallow coal mine workings.

i) Air Quality

LDP Policy Env 22 requires that new development will not have a significant adverse effects on air quality.

Due to the size and density of the development, Environmental Protection would require a detailed air quality impact assessment before full comments can be made on the application. However, it should be noted that Environmental Protection have serious concerns with the principle of the proposed development on allocated greenspace. This greenspace is in a location which has significant levels of development committed in the area, including in the neighbouring local authority. Environmental Protection has also highlighted the potential impacts the works on the Sherrifhall Roundabout will have on traffic flows on The Wisp. The levels of traffic will likely increase and lead to congestion on the Wisp. The site is not well linked to public transport or high-quality pedestrian/cycling routes for commuting.

The proposal for 310 car parking spaces is excessive for a development of 199 residential units, and Environmental Protection would also request confirmation that this parking number includes all driveways and proposed double/single garages. Environmental Protection have stated that the applicant should address the local air quality impacts this proposal will have, and to justify the development of greenspace with such a car-centric development.

Environmental Protection recommends the application is refused on adverse impact this proposal will have on local air quality.

j) Archaeological Impacts and Impact on Scheduled Monument

In terms of archaeology, LDP Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) are relevant, as well as the 2013 Craigmillar Urban Design Framework. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Archaeological evidence shows that the area has been occupied since the prehistoric period, with the nationally important Home Farm Enclosure (Ref 6038) located immediately to the south west on Edmonstone ridge plus the site of Woolmet Iron Age Fort located to the south on the opposite side of the Wisp. Roman occupation is possible with Roman finds discovered nearby in from Hawkhill Wood.

The Council's 2013 Craigmillar Urban Design Framework identifies this site as forming part of an area of valuable open space and parkland in part due to its surviving post-medieval landscape.

Further details would be required in order to understand how the proposals would impact upon archaeological remains and what level of mitigation would be appropriate. This could be dealt with as a condition of planning permission if it was granted.

k) Sustainability

The applicant has completed the Sustainability Statement form, indicating the measures taken to contribute towards sustainability. The applicant has indicated that there will be gas saver-type boilers and roof-mounted photo voltaic panels on the flats, as well as ground source heat pumps for the houses.

However, the applicant has not committed to using an alternative to uPVC on the windows. The applicant has also stated that the site is located in a sustainable location that will assist in the delivery of improvements to the park. As noted above, the proposed site layout does not discourage the use of cars and it is not the Council's strategy to develop this area as it offers a valuable resource for surrounding properties and the wider city.

Although the materials could potentially be a matter for conditions if planning permission was granted, the principle of development on this site is not sustainable.

I) Representations

Material Objections

- Not in accordance with green belt policy;
- There is no need for additional houses;
- Removal of the park would be detrimental to the community;
- Lack of services and amenities to support the development;
- Loss of green space and wildlife habitat;
- Impact on traffic and congestion;
- The retail unit is unnecessary;
- Too many blocks of affordable housing in one area; and
- The heights of the blocks are inappropriate.

Support Comments

- Development would help the local economy and would help tidy the area.

General Comments

- There should be connections to the new active travel route to the site.

The Danderhall Community Council made comments with regards to the loss of greenbelt and parkland, traffic impact, the damage to the appreciation of Edinburgh's setting and the effect on landscape character and visual amenity both external to and internally within the Little France Park and along The Wisp. The consenting of such a proposal would give rise to the fundamental erosion of the City of Edinburgh's credibility in promoting the South East Wedge Parkland within the South East Scotland Plan's Strategic Green Network Priority Area.

Conclusion

The proposal would deliver 199 residential units, of which 25% would be affordable and this would help contribute towards meeting Edinburgh's affordable housing needs.

The application raises a number of issues which will require to be negotiated through a legal agreement if planning permission was granted. These relate to infrastructure issues including education, transport and healthcare. Further information would be required regarding noise, biodiversity, some design elements and cumulative transport impacts.

However, the principle of housing on this site is not supported and the development is contrary to the Edinburgh Local Development Plan (LDP).

The land is allocated as green belt in the LDP and has been identified as a greenspace proposal in order to provide a landscaped, multi-functional parkland, woodland and country park, linking to Midlothian. Although the applicant is proposing to deliver and maintain the remainder of the site as a parkland, the construction of houses would result in the loss of a significant part of the park in perpetuity. This would remove the opportunity to provide a strategic parkland for the benefit of the city as well as the immediately adjoining neighbourhood areas.

The development is also not supported by the Strategic Development Plan (SESPlan) in that it would prejudice the delivery of the green network.

In terms of the landscape, it is acknowledged that the site is not in Council ownership, and that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this reinforces the site as an area of strategic importance in providing parkland and cycle/footpath links between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle and beyond. This would be impacted to a significantly detrimental degree if the site was developed.

Furthermore, the design, scale and layout of the proposal does not accord with policies and guidance.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The visual impact on the landscape has been assessed and is not acceptable. This site was assessed during the preparation of the LDP and it was not supported due to its importance as a strategic green space. There are no overriding material considerations which outweigh this conclusion.

It is recommended that planning permission is refused subject to referral to Council.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to SDP Policy 12, Edinburgh Local Development Plan Policies Env 10 and Hou 1 as there are no compelling reasons to override the strong policy presumption against development in the Green Belt.

2. The proposal is contrary to policy Des 2 of the Edinburgh Local Development Plan as it would compromise the comprehensive development and regeneration of the wider area, specifically the South East Wedge Parkland, as provided for in the Local Development Plan and the Craigmillar Urban Design Framework.
3. The proposals are contrary to Greenspace Proposal GS4 of the Edinburgh Local Development Plan which states that the land around Craigmillar/Greendykes is retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths, linking with parallel developments in Midlothian. This proposal would not support GS4 and would prejudice the delivery of the parkland.
4. The proposal is contrary to Edinburgh Local Development Plan Policies Des 1, Des 3, Des 4 and Des 9 as the development will not have a positive impact on its setting, the wider landscape and views.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 1 February 2018. Copies of the Notice were also issued to:

- Craigmillar Community Council;
- Gilmerton and Inch Community Council;
- Danderhall and District Community Council;
- Craigmillar Neighbourhood Alliance;
- Portobello and Craigmillar Neighbourhood Partnership;

- Liberton and Gilmerton Neighbourhood Partnership;
- Ward Councillors, including Midlothian Council; and
- Local MSPs.

Public events were held on 27 February and 21 March 2018.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online services.

A pre-application report on the proposals was presented to the Committee on 7 March 2018. The Committee noted the key issues in the report.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 29 March 2019 and 47 letters of representations were received. This comprised 45 letters of objection, one letter of support and one general comment.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the green belt and is in an area designated for a greenspace proposal (GS4).

Date registered

1 March 2019

Drawing numbers/Scheme

01-22,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 19/01032/FUL At South East Wedge, Old Dalkeith Road, Edinburgh Erection of 199 residential dwellings, public open space and associated infrastructure.

Consultations

Environmental Protection - 19 March 2019

The site is to be developed to include up to 199 residential dwellings, with 310 associated parking spaces and landscaping. The site is currently undeveloped land with existing residential properties located to the north with other residential units to the north under construction. To the south of the proposed development site there is a builder's yard. The site is bounded to the east by The Wisp. To the west is open green space with the Royal Infirmary located just beyond. The applicant should note that the proposed level of development exceeds the level set out in the Local Development Plan (LDP) and associated Transport Appraisal. It is understood that this land is classified as Greenspace in the LDP

With regards some of the neighbouring committed development, on the north side of Wisp 2a there is currently a large residential development of some 1200 houses known as New Greendykes under construction. Planning permission has also been granted for residential development of the Edmonstone Policies, Edmiston House, Walled Garden and Eight Acre Field, with potential for a combined total of over 800 houses. It is also noted that upgrades to the Sherrifhall Roundabout have begun which will likely result in increased traffic along The Wisp in the future.

Environmental Protection raise concerns regarding this development including the impacts the development may have on local air quality, noise impacts on future residents, and contaminated land. The applicant has not addressed all these areas and has only submitted a contaminated land supporting document. Nothing has been submitted regarding noise and local air quality impacts.

Local Air Quality

Due to the size and density of the development Environmental Protection would require a detailed air quality impact assessment before we could even consider supporting such an application. However, it should be noted that Environmental Protection have serious concerns with the proposed development on LDP allocated Greenspace. This Greenspace is in a location which has significant levels of development committed in the area, including in the neighbouring local authority. Environmental Protection have also highlighted the potential impacts the works on the Sherrifhall Roundabout will have on traffic flows on The Wisp. The levels of traffic will likely increase and lead to congestion on the Wisp. The site is not well linked to public transport or high-quality pedestrian/cycling routes for commuting. The applicant's proposal for 310 car parking

spaces is excessive for a development of 199 residential units, we would also request confirmation that this parking number includes all driveways and proposed double/single garages. The applicant has not submitted an air quality impact. Such an assessment would be required to address the local air quality impacts this proposal will have and to justify the development of Greenspace with such a car centric development.

Local Air Quality is a material planning consideration. Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where development is proposed inside or adjacent to an Air Quality Management Area (AQMA):

- Large scale proposals.*
- If they are to be occupied by sensitive groups such as the elderly or young children.*
- If there is the potential for cumulative effects.*

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Edinburgh LPD. The LDP also states growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority for the Council and continued investment in public transport, walking and cycling is a central tenet of the Council's revised Local Transport Strategy 2014-19.

Environmental Protection recommends the application is refused on adverse impact this proposal will have on local air quality.

Noise

The application is juxtaposing The Wisp which is a considerable source of transport noise that affects the development site. The applicant should have assessed the noise impacts and how it affects the proposed development site. It should also consider the potential for increased traffic and noise on Then Wisp due to committed development and Sherrifhall Roundabout works. Environmental Protection requires a noise impact assessment that demonstrates that satisfactory outdoor and internal noise levels can be achieved. It's likely an acoustic barrier will be required to protect garden areas proposed along The Wisp. Furthermore, upgraded glazing for the same affected proposed residential properties will be required. A noise impact assessment would also need to address the potential for noise from the neighbouring builders yard located to the south of the proposed development. The Royal Infirmary development has almost been completed and once operational there will be an increase in helicopter movements. The application site is in an area that may be affected by increased helicopter movements. Helicopter noise is impossible to mitigate with regards impacts on outdoor areas such as gardens.

As the applicant has not submitted a noise impact assessment it is not possible to support this application based on the submitted information. There are no noise mitigation measures proposed. Therefore, Environmental Protection recommend the application is refused due to the potential noise impacts transport and the builders yard may have on the proposed residential development.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Environmental Protection have concerns with the overall level of car parking, development of Greenspace, cumulative levels of development and the related adverse impact this shall have on local air quality. The poor standard of amenity proposed for the future occupant with regards noise. Based on the current submissions Environmental Protection recommend refusal based on the potential adverse impacts the development may have on local air quality and noise impacts.

Historic Environment Scotland - 15 April 2019

Thank you for your consultation which we received on 14 March 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We do not object to the proposed development. We note that in our scoping response, dated 21 August 2018, we identified the potential for impacts on Home farm scheduled monument (SM 6038). As the development boundary has now been altered, we are content that such impacts are unlikely.

From the details provided it appears that any impacts on the setting of historic environment assets covered by our interests will not be significant. We therefore have no further advice to offer on specific impacts. However, we do have some comments on the assessment provided.

We note that table 9.1 of the assessment states that impacts of a moderate adverse magnitude should be avoided where possible, and those of a major adverse magnitude should be avoided. We do not see how it is possible to make statements of this nature without taking into account the sensitivity of the asset affected, which is key in considering the significance of effect. This criteria appears to effectively skip a step in the assessment process.

We welcome the fact that reference is made to our Managing Change guidance note on Setting. However, we do not consider the methodology to be in line with this guidance.

The assessment is structured around three types of value - intrinsic, contextual and associative. These appear to be based on the scheduling criteria used to determine national importance. As such, these categories may not apply as clearly to other asset types, such as gardens and designed landscapes.

Laying out the assessment in this way does not lead to a simple and clear conclusion on levels of impact. This is particularly the case as all of these value types may contribute to the setting of a historic asset. There is therefore no clear overall narrative supporting the conclusions on impacts on setting.

We are content that none of the predicted impacts will be significant for our interests. However, we recommend that these comments are taken into account when considering the weight to be given to the conclusions of the assessment.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object.

Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

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

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

Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

SEPA - 10 April 2019

We have no objection to this planning application, but please note the advice provided below.

Flood Risk

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

Review of the SEPA Flood Map indicates that the site lies outwith the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at low risk of flooding. We hold no records of flooding at this location.

A Flood Risk Assessment (FRA) has been provided in support of this application and covers a wider site extending west to Pringle Drive. We agree that the site is sufficiently elevated above the Niddrie and Magdalene Burns that it is unlikely at flood risk from these watercourses. However, the site lies on sloping ground and the FRA notes that a flood risk from higher ground to the south of the site may exist. It is proposed to capture any runoff from the south and route it round the site to the existing drainage to the north constructed as part of the adjacent development which in turn conveys runoff to the Magdalene Burn.

Ground levels are elevated above the drainage channel for the site to the north and finished floor levels appear to be elevated above ground levels which should reduce any risk of surface water flooding. We would recommend that ground levels slope away from properties to ensure no water can pond against property.

We note that the upstream catchment is small at approximately 0.05km² and the existing site is steep so will provide limited attenuation, but we would recommend that any surface water to the south is attenuated prior to discharge to the existing drainage network.

Given the site lies outwith the flood map and we hold no additional information on flood risk we have no objection to the application. Surface water management is primarily a matter for the Local Authority, and Scottish Water, to consider and they should ensure measures are put in place to ensure there is no increase in runoff to existing development.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

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

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Groundwater

(Ref 1: Wisp 2 - Environmental Impact Assessment Report, Waterman, March 2019)

We have no objection to this proposed development on the grounds of impacts to groundwater. We note that in section 10.107 (Ref 1) that once ground investigations are completed remedial works may be required to stabilise former mine workings. It is stated that this 'would most likely take the form of grouting up any former workings identified.' As such, please see below SEPA's standard advice on grouting.

We recommend that if stabilisation works are identified as being required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of mine workings with pulverised fuel ash (PFA) grout is produced prior to this activity being undertaken on site.

The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

SEPA recommends, therefore, that the assessment is undertaken in line with the guidance document: Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.

In general, a detailed review of the assessment by SEPA is not considered necessary and the document should primarily serve the developer, to ensure no pollution occurs as a result of the activity. If the preliminary and simple risk assessments identify that the site is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

Additional Information

Further details relating to CAR requirements can be found on SEPA's website at; http://www.sepa.org.uk/water/water_regulation/regimes.aspx

Consultation with The Coal Authority is recommended.

Key points to note in relation to the water environment when undertaking mine workings grouting:

An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.

It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.

Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.

If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

Regulatory advice for the applicant

Regulatory requirements

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

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

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

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

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

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

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

Tel: 0131 449 7296.

Parks and Greenspace - 29 May 2019

Parks, Greenspace and Cemeteries object to the siting of housing in Little France Park for the following reasons:

- 1. Little France Park (LFP) is a Council maintained public park, having been officially publicly opened by the Convenor of the Transport & Environment Cttee on 28/09/2018.*
- 2. LFP's green space importance to the local community and wider city has been recognised by the Council following its agreement at the Transport & Environment Cttee to execute a protective Minute Of Agreement with Fields in Trust. This is now in process. This will make it necessary that the owner (the Council) seeks permission from Fields in Trust before unsympathetic developments can take place.*
- 3. Significant capital and revenue sums have already been invested in creating park and access infrastructure in LFP. This includes contributions from third-party funders.*
- 4. Parks are important public health solutions in urban communities. Research evidence confirms that nearby parks, gardens, and other green spaces support human health and wellness. Active living opportunities that reduce the likelihood of obesity and chronic diseases (such as diabetes, heart disease and respiratory problems) are particularly improved where people can enjoy walking, cycling, play, and other physical recreation in their local park or green space. Little France Park is situated in a deprived area that has high levels of obesity and ill-health as reflected in the latest Scottish Index of Multiple Deprivation figures.*
- 5. The Council's Open Spaces Strategy, as approved by the Planning Committee in 2016, makes it clear that green spaces that are cared for and well-connected matter for our health, wildlife and economy and that new parks and green spaces are to be created as the city grows, as they help people get to know each other, grow food, play, keep fit, see nature, get around by foot and by bike. Parks will also be improved and made wildlife friendly, helping the city to be ready for changes to our climate. LFP is now being improved and cared for by the Council and partner organisations (including Edinburgh & Lothians Greenspace Trust and Scottish Wildlife Trust) as a "Living Landscape", with management emphasis on physical and mental health, recreation, nature and accessibility to nature, and as a critical green reservoir/corridor within Edinburgh's green space network.*

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01461/FUL
At 7 - 17 Leven Street, Edinburgh, EH3 9LH
Partial demolition of the existing building and construction
of 8 flatted dwellings including internal and external
alterations to the existing shop (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed housing use is acceptable in principle. The proposal creates a satisfactory infill in terms of form and design. The impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of the Council's Non-Statutory Guidance. The zero car parking provision is acceptable in this location. The cycle parking provision is acceptable. Minor non-compliance in relation to private open space is acceptable in the context of this urban infill and proximity to public open space. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02, NSLBCA, LEN03,

Report

Application for Planning Permission 19/01461/FUL At 7 - 17 Leven Street, Edinburgh, EH3 9LH Partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop (as amended).

Recommendations

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

Background

2.1 Site description

The application site extends to approximately 1253 square metres and comprises a supermarket (class 1 retail) at the ground floor with a gym (class 11) located above on the first floor. The existing building was constructed in the 1950s and was one of the first Co-operative stores in Edinburgh. The building is part two storey, part single storey with large amounts of glazing to the supermarket frontage and gym above. The supermarket footprint covers the majority of the site to the rear at single storey height and is covered by a shallow pitched roof.

The building fronts onto and is accessed off Leven Street. There is a service bay located to the front of the site within the existing highway. There is a gated service yard to the rear of the site.

The application site is located at the northern end of Leven Street and is located within the City Centre and Tollcross Town Centre boundaries. The site falls within a mixed use area, generally characterised by a variety of commercial uses at ground floor with residential above. There is some variety in terms of the design and heights of the buildings within the immediate vicinity of the site, although the wider urban form is dominated by more traditional tenement buildings located within perimeter blocks. The predominant material is stone, some of which has been painted. Roofs are predominantly pitched with grey slates albeit there is a variety in pitch and architectural detailing including dormer windows.

The application building adjoins a category B listed building to the south (LB ref: 44943 dated 23/01/1998).

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

2.2 Site History

No relevant historic planning history.

There is a concurrent Listed Building Consent application currently under consideration for works relative to this planning application and the northern gable of the listed building at 21-23 Leven Street (application reference: 19/02790/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for the partial demolition of the existing Scotmid store and the construction of eight flats above. The ground floor will continue to be occupied by Scotmid but will undergo internal alterations. The existing retail floor space is approximately 920 square metres with a net sales area of 570 square metres. Following the proposed refurbishment, the store will have a smaller gross floor area of 902 square metres and a larger net sales area of 594 square metres. The store will retain its access off Leven Street. The service bay to the front of the store and existing servicing arrangements to the rear will be retained. Four customer cycle parking spaces will be provided to the front of the store and four staff cycle spaces to the rear.

The residential accommodation is provided over three storeys located above the Scotmid store. The flats range in size from 40 square metres to 105 square metres and are a mix of 3 x studio flats (40 square metres), 1 x one bed (56 square metres) , 2 x duplex two bed (84 square metres) and 2 x three bed duplexes (with 94 square metres and 105 square metres). Residential access is via a separate access off Leven Street.

Sixteen secure cycle spaces are provided to the ground floor and accessed off the residents' lobby. Waste is stored and can be collected directly from a separate communal refuse store located at the ground floor.

The proposal does not include any vehicle parking.

Proposed materials include sand stone cladding, render panel, curtain walling and zinc cladding.

Scheme 1

Scheme 2 has been significantly revised from the submitted scheme (Scheme 1) and includes substantial alterations to the design of the front and rear elevations including the removal of the rear off shoot at the first and second floor. The proposed flats now sit within the existing urban grain, positioned between the gables of the neighbouring buildings. The revised proposal has a continuous roof line with dormers and will use a consistent palette of material across the front elevation. The rear windows closest to the existing neighbouring buildings have been angled. The number of units remains the same although the configuration of each unit has been modified to account for changes to the building design. The residents waste storage and collection point has been separated from the residents' lobby and is directly accessible off Leven Street. The type of residents' cycle parking has been changed to Falco Level Premium+ to provide access to all.

Supporting Statement

The applicant has submitted the following information in support of the application:

- Design & Access Statement
- Supporting Statement
- Application form, drawings and visualisations
- Daylight and Sunlight Study
- Noise Impact Assessment

The above supporting information is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposed scale, form and design and of the proposal are acceptable;
- c) the proposal will not result in an unacceptable impact on the setting of the listed building;
- d) the proposal will preserve or enhance the special character or appearance of the conservation area;
- e) the proposal raises any issues relating to amenity;
- f) the proposal will provide a suitable level of amenity for the future occupiers;
- g) the proposal is acceptable in terms of transport, traffic and road safety;

- h) there are any other material considerations; and
- i) issues raised in material representations have been addressed.

a) Principle

Retail

The application site is currently operated by Scotmid Co-operative as a Class 1 retail use. The principle of retail use on the site is therefore established. The proposed alterations to the internal supermarket floor result in a modest increase in net retail area from 570 square metres to 594 square metres. The overall footprint of the building remains the same.

The retail use is an existing use and the retention of the supermarket in this location is supported.

Housing

Policy Hou 1 - Housing Development prioritises the delivery of housing on suitable sites within the urban area provided that proposals are compatible with other policies in the LDP.

Policy Hou 4 - Housing Density considers the density of a development.

Policy Hou 2 - Housing Mix seeks the provision of a mix of house types and sizes where practical, to meet a range of housing needs.

The site is located in the urban area as designated in the Local Development Plan (LDP), where housing is supported in principle subject to compliance with the other relevant LDP policies. The proposal is for an additional eight flats and contains a mix of units ranging from studio to three bedroom flats. The site is located in the city centre in a mixed use area in close proximity to good transport links and community facilities. The provision of housing is compatible with the ground floor retail use and neighbouring uses. The proposed density and mix of flats are appropriate in this sustainable city centre location and comply with LDP Policy Hou 2.

b) Scale, Form and Design

Policy Des 1 -Design Quality and Context of the LDP requires proposed development to draw on the positive characteristics of the surrounding area.

Policy Des 3 -Development Design Incorporating and Enhancing Existing and Potential Features of the LDP states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting requires development to have a positive impact on its surroundings and pay due regard to the height and form, scale and proportions, position of buildings and materials and detailing.

The predominant urban form within the site locality is traditional stone built tenements with pitched roofs. To Leven Street, commercial shop frontages are located at ground floor with residential accommodation above. There is a variation in building heights and some variation in architectural detail within the immediate site vicinity. The existing building sits back from the neighbouring buildings to either side of the site and is of its own character and form. It does not reflect the established built form in terms of its design, massing or the materials used in its construction.

The site is constrained by the service layby to the front of the store which serves the Scotmid and other commercial premises along Leven Street. In addition, the proposal is to refurbish and retain the supermarket which will remain operational throughout construction. As such the building footprint is dictated by these requirements and cannot be bought forward.

The front elevation is a contemporary design with large vertical openings and dormers within the roof. The large vertical openings provide a vertical rhythm to the front elevation and help to break up the frontage, which is wider than the neighbouring buildings. Although the overall building height is higher than the neighbouring dwellings, the height is acceptable in this context, bridging the existing differences in building height. The dormers break up the roof scape and reference the detailing on the neighbouring building.

The shop fascia is longer but narrower than the existing, taking account of the future Scotmid signage, and will span the majority of the frontage. Whilst it will provide quite a substantial and heavy fascia, it is generally in keeping with the fascia heights to the south of the site and provides a visual reference to the commercial usage at ground floor. An opening has been provided to the stair core and a residents' access at ground floor. This provides more activity to the frontage and natural surveillance at ground level to the existing recess created where the application building adjoins the building to the south.

Whilst the proposed design is not typical of the area the height and form is more appropriate than the existing building and is acceptable when taken in the context of the site and its constraints.

Sandstone has been indicated to the front elevation, which will tie in with the character of the area. Render is indicated to the rear. Given that this is a secondary elevation this is acceptable in principle. However, the tone and finish needs to be considered further. Zinc cladding is indicated to the roof however, zinc or a combination of slate to the roof and zinc to the dormers may be more appropriate. It is therefore recommended that a condition is imposed on any permission granted to secure an appropriate palette of materials.

The proposal would therefore repair an existing gap in the urban form through the provision of a building of a more appropriate form and massing than the existing. The proposal is therefore in accordance with policies Des 1, Des 3 and Des 4 of the Edinburgh Local Development Plan.

c) Impact on the setting of the Listed Building

LDP Policy Env 3 - Listed Buildings - Setting states that development should not detrimentally affect the character and setting of listed buildings. The proposal is being attached to the blank side gable of the adjacent listed building. It will sit between the existing urban grain and as such the proposal does not prevent the front elevation of the listed building from being read from the street scene in the same way as with the existing relationship. The key views from and of the listed building are not therefore affected.

Therefore the proposal will not harm the setting of the listed building and is in accordance with Policy Env 3 of the Edinburgh Local Development Plan.

d) Impact on the Conservation Area

Policy Env 6 Conservation Areas - states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area.

The application site is located within the Marchmont Meadows and Bruntsfield Conservation Area. The conservation area character appraisal refers to the following important characteristics of Bruntsfield:

- *High quality local sandstone, slate roof, timber sashes unify the different types and scales of housing. Chimney- stacks, bays dormers and other flourishes continue this theme.*
- *Solid continuity of stone walls, pitched roofs, stone front walls and railings.*
- *A palette of housing forms that blend together well and provide surprising variety.*
- *Consistent quality of building form and materials provide integrity and character.*

The predominant urban form within the site locality is traditional stone built tenements with pitched roofs. To Leven Street, commercial shop frontages are located at ground floor with residential accommodation above. There is a variation in building heights and some variation in architectural detail within the immediate site vicinity.

The existing building sits back from the neighbouring buildings to either side of the site and is of its own character and form. It does not reflect the established built form in terms of its design, massing or the materials used in its construction. Given the variation in roof heights to either side of the site, the proposed roof line is acceptable. The proposal will sit between the existing gables and infill a gap in the urban form. The spacing and rhythm of the windows and the eaves line sits comfortably with the taller neighbouring building to the north. An appropriate palette of materials can be secured by condition.

The proposal will therefore preserve the character and appearance of the conservation area and use appropriate materials. The proposal is therefore in accordance with policy Env 6 of the Local Development Plan.

e) Impact on Neighbour Amenity

LDP Policy Des 5 Development Design - Amenity states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to daylight, sunlight, privacy or immediate outlook.

The application site is in close proximity to a number of residential properties. The Edinburgh Design Guidance (EDG) sets out how the impact of a development on existing buildings should be assessed, stipulating that the amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). This should be more than 27% or 0.8 of its former value.

A daylight assessment has been prepared by the applicant in accordance with the Technical Guidance contained within the Edinburgh Design Guidance. This assessment tests all the windows in the rear elevation of the existing neighbouring dwellings to the north west of the site on Gilmore Place. Of the thirty windows tested, twenty five will have a reduced amount of daylighting reaching the external window. However, these reductions sit within the parameters allowed under the Edinburgh Design Guidance. The assessment also tests nine windows in the adjoining buildings to the north and south side of the application site. Whilst there are reductions to the level of daylight received, these all sit within the parameters allowed for within the Edinburgh Design Guidance.

The daylight assessment includes an assessment of sunlight to existing gardens through the application of a 45 degree line in accordance with the EDG. This shows that those properties to the west with rear gardens are sufficiently set back from the site that the proposal will not result in a detrimental impact on sunlight into their rear gardens.

The design of the windows closest to the existing neighbouring building on Gilmore Place has been angled. At first and second floor, these windows serve bedrooms. As a result there is no direct overlooking of the rear elevation of those properties on Gilmore Place. The remaining windows to the rear elevation at first and second floor serve either the hallway area of the new flats or the communal access corridor and do not therefore serve habitable rooms. To the third floor the closest rear bedroom window is set further back from the existing building on Gilmore Place. This is a small opening and, given the tight angle to the nearest window on Gilmore Place, the opportunity for direct overlooking is prevented. The remaining windows serve bathrooms and bedrooms. The windows serving the bedrooms are set furthest back from the existing neighbouring building and given the acute angle the opportunity for direct overlooking is reduced. Notwithstanding this, the EDG does not stipulate a specific privacy distance between buildings but suggests that the pattern of development within the area will help to define distances between buildings. Longer views to those dwellings located further to the west along Gilmore Place are possible. However, this type of relationship between buildings is not uncharacteristic of higher density urban living.

The EDG states that achieving reasonable amenity needs to be balanced against achieving good townscape. Whilst the proposal will alter the outlook from the rear of the existing properties along Gilmore Place, the location of the proposal is such that it will not be unduly overbearing or impact immediate outlook. The proposal will fill in the existing gap created by the existing building and be positioned within the building lines of the existing urban grain, thereby achieving an enhanced townscape. As stated in the EDG, private views are not protected. The proposals comply with policy Des 5 in terms of neighbouring amenity.

f) Amenity for future occupiers

Policy Des 5 also considers the amenity of the future occupiers of the new development.

Daylighting

The internal floor area of each flat complies with the minimum space standards set out in the EDG. The first floor studio flats are all single aspect. The applicant has submitted drawings that show that direct skylight will penetrate at least halfway into rooms within the new development, using the 'no sky line method' as detailed in the EDG. As such it has been demonstrated that adequate daylight is provided to the new development.

Noise

The applicant has submitted a Noise Impact Assessment (NIA). Environmental Protection has accepted the findings of the report and does not object to the proposal. The NIA has identified that noise arising from road traffic and trolley rattle across the rear service yard can be appropriately mitigated for the future occupiers of the development through the installation of acoustic glazing and the re-surfacing of the service yard. It is recommended that a compliance condition is imposed on the decision to secure this, in line with the recommendations of the NIA.

It is understood that noise from plant has been the cause of noise complaints from existing nearby residents in the past and has also been raised in neighbour representations. The applicant has advised that it is intended to replace the existing plant with newer more efficient plant as part of the re-development of the site. Whilst an assessment of plant noise has been included in the applicant's Noise Impact Assessment, the planning authority cannot reasonably control these issues as part of the planning process as this is an existing lawful use. Similarly noise arising from deliveries to the site cannot reasonably be prevented by planning condition. Any noise issues arising from the site would be dealt with under the statutory noise nuisance legislation.

The proposals comply with policy Des 5 in terms of the amenity of future occupiers.

Open space

Policy Hou 3- Private Green Space considers open space requirements for new housing. In flatted developments where communal provision will be necessary this will be based on a standard of 10 square metres per flat. A minimum of 20 % of total site area should be useable green space. However exceptions may be justifiable if there are good reasons why this cannot happen, for example where justified by Policy Hou 4 on density.

The application site is a constrained urban site. No private balconies or external green space is proposed. There are other flatted dwellings within the site vicinity that do not have access to private open space or balconies. This arrangement is not therefore uncharacteristic of the area. Furthermore, the application site is located in close proximity to Bruntsfield Links and The Meadows and therefore has good access to open space. Given this, the exception to policy Hou 3 is acceptable in these circumstances.

g) Impact on Traffic, Road Safety and Parking

Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

Zero car parking is proposed. This is acceptable given the site's City Centre location and good access to public transport links. The site is not eligible for residents' parking permits.

Sixteen residents' cycle parking spaces will be provided within an internal secure cycle store located within the residents' lobby. There are currently two cycle stands which provide four spaces to the front of the store. As part of the proposal two cycle stands will be provided to the front of the store for visitors which will provide four spaces. There is no reduction in provision therefore. Four spaces for staff will be provided within the rear service yard.

Neighbour representations have raised concern that existing deliveries to the store block the road, layby and pavement by parking in unsafe locations. There are traffic controls in place on Leven Street to prevent this. As stated above, the current retail use is authorised and these issues are outwith the control of the planning authority.

The Roads Authority has not raised any objections to the proposals on road safety grounds.

The proposal is therefore in accordance with Policies Tra 2 and Tra 3 of the LDP.

h) Any other material considerations

Archaeology

Whilst the building is not listed, the site has been identified as occurring within an area of local historic/archaeological interest. Although the majority of the current store foot print will remain for refurbishment the proposals will impact upon the fabric and layout of the current store which dates back to the late 1950s. It is therefore recommended that a condition is imposed on the decision requiring a detailed archaeological building survey to be undertaken prior to the commencement of development.

Developer Contributions

Education

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

Affordable Housing

The proposal does not meet the minimum unit number for the provision of affordable housing.

Housing tenure

The applicant has advised that it is intended to build the units as build to rent (BTR) properties. BTR developments are considered as a strand of mainstream housing and relevant Local Development Plan policies and guidance apply. The LDP supports housing in the urban area in principle under policy Hou 1 - Housing Development.

Representations have raised concerns about the likely end occupier, particularly use of the units as short term holiday lets. This is not included in the proposal. If the units were to be used for short term holiday lets in the future, a change of use would require planning permission and the relevant material considerations would be assessed at the time.

Public Realm

It would be unreasonable for the Council to require public realm improvements in connection with this development as they are not required to make it acceptable.

Waste

The Council's Waste Management Service has confirmed that the proposal makes adequate provision for waste facilities within the site.

Drainage and sewerage

Adequate capacity is in place and these matters will be addressed as part of the building warrant process.

Sustainability

Whilst sustainable technologies are encouraged, it is not a planning policy requirement for the development to include them.

i) Public comments

Scheme 1 - Material comments - objections

- design, height, proportions and materials out of character with surrounding area - assessed in section 3.3 b).
- adverse impact on conservation area - assessed in section 3.3 d).
- not in keeping with adjacent listed building - assessed in section 3.3 c).
- overdevelopment of site - assessed in section 3.3 b).
- adverse impact on neighbouring amenity - assessed in section 3.3 e).
- amenity of future occupiers in relation to retail use - assessed in section 3.3 f).
- impact on existing parking and congestion - assessed in section 3.3 g).
- lack of public realm improvements - assessed in section 3.3 h).
- small cramped flat - assessed in section 3.3 f).
- impact on existing bins/recycling - assessed in section 3.3 h).
- lack of sustainable technologies - assessed in section 3.3 h).
- potential for increased noise from retail use - assessed in section 3.3 f).
- impact on school places - assessed in section 3.3 h).
- more refrigeration would be an eyesore - assessed in 3.3 f).
- drains and sewerage - assessed in 3.3 h).

Scheme 1 - Material comments - support

- Edinburgh needs more social rent/affordable housing - assessed in section 3.3 a) and h).
- design is an improvement on existing - assessed on section 3.3 b).
- more homes needed to support local facilities - assessed in section 3.3 a).
- zero parking supports active travel - assessed in section 3.3 g).

Scheme 1 - Material comments - neutral

- increase in sales should not mean increase in plant - assessed in section 3.3 f).
- additional cycle stands should be provided - assessed in section 3.3 g).

Scheme 1 - Non-Material comments

- deliveries cause noise and health and safety problems - the current retail use is established and there will be no change to this.
- unclear who future residents will be - the nature of future occupants is not a matter for the planning authority.

- neighbour notification issues - neighbour notification was carried out in accordance with statutory legislation.
- limited drawings - sufficient drawings and information is available to make a determination.
- precedent - each application is dealt with on its own merits.
- property values lowered - this is not a material planning consideration.
- profit before community - planning applications are determined in accordance with the development plan.
- plans may be varied - changes would be assessed for materiality and a new application may be required.
- loss of gym - there is no policy basis to resist this.
- impact of access for emergency services - there is no change to access to the rear.
- no pre-application consultation with local community - this is not a statutory requirement for local developments.
- noise, disturbance and pollution during construction - this is outwith the control of the planning authority.
- Impact on World Heritage Site - the application is not within the WHS.
- flats will be overpriced - this is outwith the control of the planning authority.
- reduction in number of tills, seating for elderly people - this is a matter for the retail operation.

Scheme 1 - Tollcross Community Council - objection

- neighbouring amenity concerns - assessed in section 3.3 e).
- no daylighting assessment - assessed in 3.3 e).
- design - assessed in 3.3 b).

Scheme 2 - Material comments - objection

- design, height and massing out of character with surrounding area - assessed in section 3.3 b).
- adverse impact on conservation area - assessed in section 3.3 d).
- not in keeping with adjacent listed building - assessed in section 3.3 c).
- material - use of render - assessed in section 3.3 b).
- adverse impact on neighbouring amenity - assessed in section 3.3 e).
- accuracy of daylighting assessment - assessed in section 3.3 e).
- increased noise from refrigeration - assessed in section 3.3 f).
- overdevelopment - assessed in section 3.3 b).
- impact on parking - assessed in section 3.3 g).
- impact on school places - assessed in section 3.3 h).

Scheme 2 - Non-Material comments

- view from flat - private views are not protected.
- planning process concerns - the necessary level of information has been provided to assess the proposals. Neighbours were re-notified on scheme 2.
- future occupiers/short term rents - further planning permission would be required for short term lets.

- loss of gym - there is no policy basis to resist this.

Scheme 2 - Tollcross Community Council - material objection

- neighbouring amenity concerns - assessed in section 3.3 e).

Scheme 2 - Tollcross Community Council - non -material objection

- construction of flats - this is a matter for the building regulations.
- noise at Scotmid store - this is covered by environmental legislation.
- lack of community consultation - this is not a statutory requirement for local developments.

Conclusion

The proposed housing use is acceptable in principle. The proposal creates a satisfactory infill in terms of form and design. The impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of the Council's Non Statutory Guidance. The zero car parking provision is acceptable in this location. The cycle parking provision is acceptable. Minor non-compliance in relation to open space is acceptable in the context of this urban infill and proximity to open space. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

3. Notwithstanding the submitted information, and prior to the commencement of the development on site a sample board detailing the materials to be used in the external elevations of the development shall be submitted to and approved in writing by the Planning Authority.
4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. Prior to the occupation of the development hereby approved, the following measures shall be fully implemented on site, in accordance with the noise protection measures identified in the the New Accoustics 'Noise Impact Assessment' report dated 7th June 2019:

-Glazing units with a minimum insulation value of 10mm/16mm argon/8.8mm double glazing should be installed for all windows on the east façade (facing Leven St) with supporting trickle vents.

-Glazing units with a minimum insulation value of 6mm/12mm/6mm double glazing should be installed for all windows on the west façade with supporting trickle vents.

-The delivery bay area must be treated and finished with a smooth, flat road surface to reduce trolley rattle.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. This does not require to be subject of a legal agreement.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build).
7. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
8. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
9. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
10. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
11. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
12. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

13. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
14. It is recommended that the applicant produces a Construction Environment Management Plan to ensure that noise and dust/emissions during the construction phase is controlled. It should be noted that construction noise is regulated under the Control of Pollution Act 1974 and noise from construction is only permitted between Monday - Saturday 7:00-19:00.
15. The applicant is advised that the existing 1.2m acoustic barrier on the south edge of the roof must remain in place.
16. The applicant will be required to provide 16 cycle parking spaces in a secure and under cover location for the residential units.
17. Any works to the to the footway, including relocation / replacement of the existing on-street cycle parking, must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Seventy one representations have been received in total.

Scheme 1

Fifty six representations have been received. Of these fifty one object to the proposal. Two support the proposal and three are neutral.

Scheme 2

Fifteen representations have been received. Of these fourteen object to the proposal and one supports the proposal.

Background reading/external references

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

Statutory Development

Plan Provision

The Adopted Edinburgh Local Plan and the relevant Non-Statutory guidance.

Date registered

22 March 2019

Drawing numbers/Scheme

01, 02, 03, 04, 05, 06 A, 07 A, 08 A, 09 A, 10 A, 11 A, 12 A, 13 A, 14 A, 15,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Astrid Walker, Planning Officer

E-mail:astrid.walker@edinburgh.gov.uk Tel:0131 529 3620

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

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

Appendix 1

Application for Planning Permission 19/01461/FUL At 7 - 17 Leven Street, Edinburgh, EH3 9LH Partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop (as amended).

Consultations

Roads Authority

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

- 1. The applicant will be required to provide 16 cycle parking spaces in a secure and under cover location for the residential units;*
- 2. Any works to the to the footway, including relocation / replacement of the existing on-street cycle parking, must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point*
- 3. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. This does not require to subject of a legal agreement;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 5. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See
http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build).*

Note:

The proposed zero car parking is acceptable for residential development in this area.

Environmental Protection

The applicant's proposal at ground level is to demolish the existing one storey structure above the front of an existing Scotmid store and build new residential flats above. The front of the existing Scotmid store will be a new build construction and the remainder of the store will be refurbished. The applicant proposes developing 8 residential units above.

The ground floor is currently a Scotmid store (Class 1 Retail Unit) with a Class 11 Gym located above on the 1st floor. The footprint of the existing store extends over almost the entire site with the exception of the service yard to the north and the emergency escape route to the south. The majority of the existing building is single storey with a small portion of the building accommodating the gym on the first floor fronting Leven Street.

This application is for partial demolition of the existing building at the Leven Street elevation, including the Class 11 gym on the first floor.

The applicant then proposes a reconfiguration of the Scotmid store and construction of 8 residential properties above the retail entrance area. Access to the proposed flats would be through a secure entrance lobby from Leven Street to the south of the store entrance. No car parking proposed with 16 cycle spaces provided.

Environmental Protection had discussions with the applicant before the application was submitted and advice was given regarding the requirements for a noise impact assessment. It was highlighted that plant and delivery noise had been a source of noise complaints. These complaints were from existing residents complaining about noise from the existing store.

The applicant has submitted a supporting noise impact assessment. The purpose of the assessment was to determine the impact of road traffic noise as well as noise from fixed plant (to be replaced as part of this application), and deliveries associated with the Scotmid store on the new residential development. Noise from the proposed replacement plant at Scotmid is also assessed to the nearest existing residential properties. The applicant has identified that noise mitigation measures will be required to ensure amenity can be protected.

As part of the proposed development, Scotmid are replacing their existing rooftop plant, including condensers, air conditioning, air handling units, roof fans and an office fan. Roof plant can operate on a 24/7 and has been a source of noise complaints historically. Deliveries occur on a daily basis between 5pm and 9pm and typically last for 30 minutes according to the noise impact assessment. The movement of cages from the delivery vehicles into the store has been the cause of noise complaints in the past.

Analysis of the road traffic noise indicate that resultant internal levels are compliant with the required noise criteria for daytime and night-time criteria throughout the development only when acoustic glazing is installed. Environmental Protection shall recommend a condition to ensure this mitigation is provided if the application is consented.

The noise impact assessment has highlighted that noise levels from the replacement fixed plant associated with Scotmid will not exceed the required noise criteria within the nearest existing/proposed residential allowing for windows to be open. This assumes the existing 1.2m acoustic barrier on the south edge of the roof remains in place. Environmental Protection shall recommend a condition is attached to any consent to ensure the 1.2m acoustic enclosure remains.

The noise impact assessment has highlighted delivery noise levels is +14dBA in exceedance of the associated background noise level. The context of the delivery noise assessment is that deliveries occur once a day during daytime hours, within a relatively noisy city centre environment. Nonetheless, the applicant has advised that mitigation is necessary to reduce the noise impact on the proposed new development. It is noted that this proposed development will introduce new residential units closer to the delivery area than existing therefore meaning noise mitigation measures that can be conditioned through planning is required.

The applicants noise monitoring observed that noise levels during the delivery were dominated by trolleys rattling as they were being transported over the rough and uneven concrete in the loading bay area. This is consistent with the source of noise complaints from existing residential properties. As this was the dominant noise source it is considered that associated noise levels will be reduced significantly with resurfacing of the delivery bay area with a smooth, flat road surface to reduce trolley rattle. The applicant has highlighted this as a high priority to reduce noise levels from deliveries down to an acceptable level and minimise impacts on amenity.

Deliveries are made from the main road delivery bay therefore Environmental Protection cannot recommend the restriction of hours for deliveries and collection of waste. However, it is strongly recommended that the Scotmid Store manage these operations to ensure impacts on amenity is minimised.

It is welcomed that the applicant will not be providing any carparking spaces. However due to the site location it is recommended that the applicant produces a Construction Environment Management Plan to ensure that noise and dust/emissions during the construction phase is controlled. Environmental Protection will recommend an informative to ensure that these issues are highlighted to the applicant. It should be noted that construction noise is regulated under the Control of Pollution Act 1974 and noise from construction is only permitted between Monday - Saturday 7:00-19:00.

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

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

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

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

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

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

2. The following noise protection measures to the proposed residential and store, as defined in the New Acoustics 'Noise Impact Assessment' report (Ref 6926 Rev00), dated 7th June 2019:

- Glazing units with a minimum insulation value of 10mm/16mm argon/8.8mm double glazing should be installed for all windows on the east façade (facing Leven St) with supporting trickle vents.

- Glazing units with a minimum insulation value of 6mm/12mm/6mm double glazing should be installed for all windows on the west façade with supporting trickle vents

- This existing 1.2m acoustic barrier on the south edge of the roof must remain in place.

- The delivery bay area must be treated and finished with a smooth, flat road surface to reduce trolley rattle.

shall be carried out in full and completed prior to the development being occupied.

Informative

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

h) *No bonfires shall be permitted.*

i) *Deliveries and collections, including waste collections, to be restricted to 0900 - 2100 hours Monday to Saturday.*

Waste Management

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

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

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

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

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

Scheme 2

The bin storage are satisfies my previous queries and concerns. Please can we be kept updated of any changes.

Communities and Families

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

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

Archaeology

Further to my earlier response of the 17th April new information regarding the history of this store has been brought to light. Accordingly, I would like to revise my earlier comments and recommendations concerning this application, for the partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop.

As stated the site was formerly occupied by two Georgian tenements constructed c.1817, the northern originally under the ownership of a Mr Tweeddale the southern by a Mr Henderson. Nineteenth century maps indicate that the northern was gradually developed for possible commercial/light industrial purposes.

However, information relayed to me indicates that the store is of historic interest, being Edinburgh's first American style supermarket store constructed by St. Cuthbert's Co-operative Association in 1959 (their centenary). St Cuthbert's pioneered self-service shopping in Scotland, testing the water with an experimental self-service shop at Dundee Street in 1949. The gates of the goods entrance still bear the letters SCCA despite the store changing name to Scotmid many years ago.

Accordingly, this building although unlisted should be considered to be of local historic/archaeological interest and this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.

Accordingly, this site has been identified as occurring within an area of archaeological potential and therefore the application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.

Although the majority of the current store foot print will remain for refurbishment the proposals will impact upon the fabric and layout of the current store which dates back to the late 50's. Accordingly it is considered important that prior to development that detailed archaeological building survey is undertaken to provide a permanent record. It is recommended therefore the following condition be attached to ensure that this programme of archaeological mitigation is undertaken;

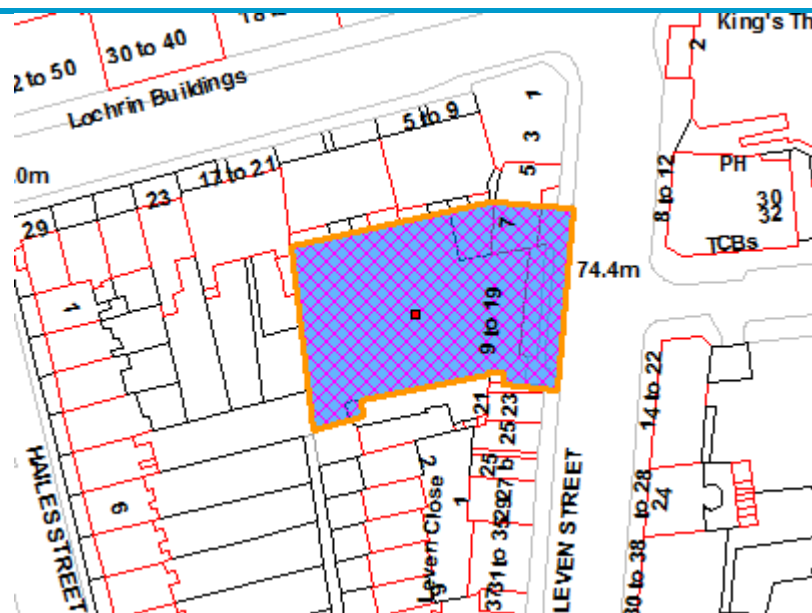
'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the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

Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Flood

No objection. As the development is retaining the existing ground floor there is limited opportunity to modify the existing drainage regime to introduce more sustainable measures. As a result, Flood Prevention are happy for this application to proceed to determination with no further comment from our department.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/10180/FUL
At Royal Blind School, 2B Craigmillar Park, Edinburgh
Refurbishment and conversion of existing listed school for
residential use (21 units). Refurbishment and extension of
existing gate lodge building. Demolition of non-listed
structures and formation of new residential dwellings (27
units),(as amended).**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

Whilst the proposal broadly complies with the policies in the Edinburgh Local Development Plan, there are policy infringements in relation to the density of development, the design of the flat roofs on all new builds and sustainability requirements. On balance, the benefits of the proposals outweigh the relatively minor infringements. The proposal will enhance the character and setting of the listed building. It will not adversely undermine the character and appearance of the conservation area. All occupiers will have acceptable levels of living amenity and neighbouring amenity will not be adversely affected. Adequate car and cycle parking will be provided.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LEN02, LEN03, LEN04, LEN05, LEN06, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LTRA02, LTRA03, LTRA04, LRS06, NSG, NSGD02, OTH, CRPCMP, HEPS,

Report

Application for Planning Permission 18/10180/FUL At Royal Blind School, 2B Craigmillar Park, Edinburgh Refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (27 units),(as amended).

Recommendations

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

Background

2.1 Site description

The application site is the former Royal Blind School that specialised in the care and education of visually impaired children. It also includes the former building of the Scottish Braille Printing Press. The site is accessed via a junction road on the west side of Craigmillar Park with a gate lodge at its entrance. The junction road runs parallel to an existing railway line to the north of the site and faces onto the rear gardens of properties on Mentone Gardens/Mentone Terrace. The main school building sits on the highest point of the site and fronts onto West Saville Road with trees screening the site. A pedestrian access to the west of the site leads onto Saville Terrace.

The main school building is of 19th century stone construction. It is three storeys in height with an attic level. The building has a number of later 20th century alterations, including two large additions on its north and west elevations. The existing uPVC windows on the building were in-situ prior to the building being listed.

There are areas of open space to the front and side of the school building. Existing areas of hard surfacing relate to the previous play areas and parking arrangements.

The surrounding area is principally a Victorian residential suburb with detached and semi-detached villas and terraces.

The main school building, gate lodge and boundary walls are category C listed (date of listing: 25/03/1997, reference LB44443). The listing description of the building acknowledges that the interior of the building has been significantly remodelled with very few features remaining as a result of the site's use as a residential school.

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

2.2 Site History

06 December 2018 - Application for listed building consent submitted for the refurbishment and conversion of existing listed school for residential use. Refurbishment and extension of gate lodge building (application number 18/10258/LBC).

13 December 2018 - Application for conservation area consent submitted for the substantial demolition in a conservation area (application number 18/10355/CON).

Main report

3.1 Description Of The Proposal

The proposal is to convert the site to housing. It seeks to convert the main school into 21 flats (Block H). It is proposed to demolish a number of non-listed structures and to erect 27 townhouse units (block A-F) within the site. It is also proposed to refurbish and extend the existing gate lodge to form a residential unit. This will bring the total number of new units on the site to 49.

Block H apartments will have seven one bedroom units, 10 two bedroom units and four units with three bedrooms. The proposed townhouses will provide larger size accommodation with a mix of two, three, four and five bedrooms over three and four floors.

The townhouses will be contemporary in design with a flat roof. The rear elevations of the townhouses will include both a Juliet and a projecting glass balcony. The treatment finish will include sandstone to match the school building and light render with grey anthra-zinc cladding and grey uPVC windows.

External works to the main school building will involve the removal of all 20th century additions and the reinstatement of the north and west elevations of the building with stone to match. Slates on the roof are to be repaired and replaced where required. The existing uPVC windows on the building are to be replaced with new uPVC windows.

It is proposed to demolish the existing outbuilding to the listed gate lodge. Alterations to the existing gate lodge will include the repair and replacement of the existing roof slates and timber windows. It seeks to erect a 5.5 metres by 6 metres flat roof extension on the west elevation of the existing gate lodge. The extension will have a natural buff stone and zinc finish.

The repair and replacement of the existing uPVC windows, timber windows and roof slates are not 'development' as defined under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). Assessment of their merit is therefore not required.

Three category B and two category C trees within the site are to be removed (Myrobalam Plum, Alder, Eucalyptus and Western Red Cedar).

The site will be landscaped throughout to provide open space for Block H apartments. The townhouses will have private gardens to the rear.

The existing priority access junction will be retained to serve the development from Craigmillar Park.

A commuted sum is proposed to provide affordable housing off site.

A provision of 49 private car parking spaces will be provided within the site; 11 units will have a garage with a driveway; nine units will have a private driveway; nine units will have an external garage; and 19 surface car parking spaces and three motorcycle spaces will be provided to service Block H apartments, including eight spaces for disabled people and six electric charging spaces.

Cycle parking will include 130 spaces within the site; 100 double stacked racks to service Block H apartments without garages; 29 of the units will have their own private garages; and 1 provision for the lodge.

Bin store enclosures for Block F and H will be provided to the south west corner of the site, adjacent to the new garages.

Supporting Statement

The applicant has submitted the following information in support of the application:

- Design and Access Statement
- Daylighting Report
- Drainage and SUDS Strategy
- Transport Statement
- Tree Survey Report
- Roost Assessment
- Affordable Housing Statement
- Asbestos Survey
- Building Survey Report
- Condition Survey - Chimney
- Noise and Vibration Assessment
- Preservation Report

These documents are available to view via the Planning and Building Standards Online Services.

Scheme One

The original scheme was significantly revised with a full scale re-design of the site. The previous block of flats and mews style housing have been omitted and replaced with townhouses instead. The main school building will have no additions to its elevations and it will be reinstated with more open space. The proposed number of units has reduced from 51 to 49. Natural buff stone is proposed instead of brick.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of residential development is acceptable in this location;
- b) the proposal will have an appropriate density of development;
- c) the development design will preserve and enhance the character or appearance of the conservation area;
- d) the proposal will affect the setting and character of the listed buildings;
- e) the proposal will impact on neighbouring amenity;
- f) future occupiers of the new builds will have acceptable levels of living amenity;
- g) the proposal address issues of road safety;
- h) the proposal will impact on existing trees;
- i) any other material considerations; and
- j) any matters raised in representations have been addressed.

a) Principle

Policy Hou 1 of the Edinburgh Local Development Plan (LDP) allows new housing development on suitable sites within the urban area provided it is compatible with other policies.

The site is an urban area as designated in the LDP and is located within an established residential neighbourhood. Therefore, the principle of residential development on this site is acceptable, subject to compliance with other policies in the LDP.

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

Residential Amenity

The proposed floorspace for the units within the school building will exceed the minimum floor space standards as contained in the Edinburgh Design Guidance and it will have an acceptable mix of accommodation. In addition, future occupiers of the Block H will have acceptable levels of living amenity in terms of privacy and daylight to living spaces.

Nearby uses

The site lies within a residential area and the proposed development of the site to housing is compatible with that use.

Open Space

Policy Hou 3 Private Green Space in Housing Development of the LDP requires a standard provision 10 sqm of greenspace per flat to be provided. In addition, a minimum of 20% of the total site area should be useable greenspace.

The proposed landscape areas around the Block H exceeds the requirements to provide 210 sqm of greenspace for the proposed 21 flats. The submitted Daylight and Sunlight Analysis demonstrates that more than 20% of the total site area will be useable greenspace with a capacity to receive sunlight due to its south facing orientation.

Car and Cycle parking

The provision of car and cycle parking are addressed in section (f) below.

In summary, future occupiers of Block H will have acceptable levels of living amenity as a result of converting the existing building to housing. The proposed number of units within Block H is acceptable. The proposal complies with Policy Hou 5 of LDP.

b) Density of Development

Policy Hou 4 Housing Density of the LDP states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment and to safeguard living conditions within the development; the accessibility of the site; and the need to encourage and support provision of local facilities necessary to high quality urban living.

The site is 1.41 hectares (including the gate lodge) and the provision of 49 units on the site will be developed at density of 34 dwellings per hectare. This will result in a higher density of development in contrast to the neighbouring detached and semi-detached Victorian villas and terraces. However, the figure does not reflect the properties that have been subdivided. Whilst the proposed development layout and size of the plots do not conform to the residential development pattern in the area, the proposal is for the redevelopment of a former school site with a listed building that features a number of incongruous additions. The proposed density of development will have no more of an impact in terms of what is currently there and this is a relevant material consideration which, on balance, outweighs the infringement relating to the characteristics of the wider area. Future occupiers will have acceptable levels of living conditions within the development. The site is accessible to public transport, local facilities and shops on Craigmillar Park and Mayfield Road.

The proposal is an acceptable minor infringement to policy Hou 4 of the LDP.

c) Development Design and Conservation Area

LPD Policy Des 1- Design Quality and Context of the LDP requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features of the LDP states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting of the LDP also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

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

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

The Craigmillar Park Conservation Area is principally a Victorian residential suburb developed as part of Edinburgh's southward expansion in the late 19th and early 20th centuries.

There is a distinct pattern of detached, semi-detached and terraced Victorian houses oriented towards the street frontages, set within significant gardens. Consistency is provided by the very regular building lines, with all properties set back behind a front garden. The properties also have significant rear gardens. The mature gardens soften the stone buildings and create an open landscaped structure which characterises the Conservation Area.

Most of the buildings have changed little since they were constructed, solidly built of stone and slate, with many rich features characteristic of Victorian buildings, including low stone walls, making the buildings within gardens readily visible. The area is characterised by the consistent and unspoiled quality of the Victorian buildings and the important relationship of the buildings, trees, gardens and open spaces.

The character appraisal also identifies the main school building being a prominent building within the conservation area.

The existing later 20th century additions within the site are incongruous by virtue of their scale, form and design. They do not make a positive contribution to the character of the area. The removal of these additions to facilitate the proposed townhouses would result in conservation gains by allowing more open views to the site and this will enhance the setting of the school building.

An approximately 190 sqm of open space to the front of the school building will be lost to extend the existing road layout for Block F garages. The loss of open space is small in comparison to the overall scheme is acceptable and the proposed landscaping and layout will more than compensate for this loss.

The Edinburgh Design Guidance does not preclude the introduction of modern buildings within sensitive sites. The position and layout of the townhouses will occupy and rationalise the existing areas of development. It will provide a more coherent form and layout to allow clear movement within the site. The townhouses will be appropriately scaled and set back from traditional buildings and will not undermine the building lines of neighbouring properties on Saville Terrace and West Savile Road.

The use of sandstone on important front and gable elevations will allow the character and appearance of the conservation area to be respected. Although the proposed flat roofs are not characteristic of the area, and so contrary to policies Env 6 and Des 4, the proposal is a simple and modern interpretation of townhouses where the roof profile will provide clarity between the listed building and the new builds. The subservience of the townhouses and the variations in the site levels and treatment finish will help to subtly add visual interest to the site without dominating the area. The existing rear extension to the school is overbearing and is visible from Saville Terrace and Mentone Terrace. The proposal in comparison will have a reduced impact in terms of what is currently there and this is a relevant material consideration.

The original scheme was significantly revised to address previous design concerns and this has resulted in the omission of the 5 and 6 storey blocks of flats and the use of brick as a treatment finish. In the current scheme, the overall visual impact to the area has been considerably reduced. The proposed development layout and design has special regard to the setting of the listed building and the characteristics of the site. An exception to policy in respect of the flat roof design is therefore justified as the overall scheme will both preserve and enhance the character and appearance of the conservation area.

There are a number of existing steps within the site that will continue to present obstacles for wheelchair users and individuals with restricted mobility. However, the proposed layout will not inhibit users to move around the site and the building regulations will be applied to ensure compliance with statutory requirements.

The proposed development design broadly complies with policies Des 1, Des 3, Des 4 and Env 6 of the LDP.

d) Setting and Listed Buildings

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

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

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

The redevelopment of the site will greatly improve the character and setting of the listed building. The removal of the later 20th century incongruous additions will reinstate the architectural composition of the school building on all sides. The proposed townhouses will be subservient in scale and will be appropriately scaled back from the main school block. Although the design of the flat roofs are not characteristic of the surrounding area, the proposal is a simple and modern interpretation of townhouses with a limited palette of materials that will not adversely overwhelm or harm the setting of the listed building. Differences in the site levels will help to subtly accentuate the differences in the design of the townhouses which, in turn will add interesting features to the site.

A number of comments received were aimed at the repeated use of uPVC windows on the main school building. The windows were replaced prior to the building being listed and have remained in-situ for more than four years. There are no powers to enforce their replacement with timber framed windows. Whilst uPVC windows are not characteristic of traditional conservation areas, there is nothing to prevent the existing uPVC windows from being retained in-situ. The replacement of the existing uPVC windows like for like are not 'development' as defined under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended).

The interior of the school has been significantly remodelled in connection to its previous use as a residential school. The proposed alterations to convert the building into flats will not diminish the special interest of the listed building.

A portion of the west wall of the existing gate lodge will be removed to facilitate the proposed extension. However, its loss will be compensated by allowing the beneficial use of the gate lodge as a dwellinghouse. Whilst flat roof additions are generally not characteristic of traditional buildings, the extension will be subservient in scale and the use of high quality materials will provide an appropriate contrast and degree of physical separation between the existing and new addition. The extension will not adversely undermine the character of the gate lodge and it will not impact on the nearby listed church and war memorial.

The proposal complies with policies Env 3 and Env 4 of the LDP.

e) Neighbouring Amenity

Policy Des 5 Development Design - Amenity requires development proposals to demonstrate that neighbouring amenity will not be adversely affected as a result of a development and will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The submitted Design and Access Statement demonstrates the reduced scale of the development and its visibility from properties on Mentone Terrace/Gardens to the north of the site.

Existing privacy levels on the western section of the site are already compromised due the location of windows on the three storey extension to the side of the school. The rear elevations of Block E and F will have a garden depth of 7.3 metres. The distance of these townhouses from neighbouring gardens will not result in further adverse overlooking.

The development would be set far back enough from properties to the north of the site and would not adversely undermine sunlight to these properties.

The proposed Juliet and projecting balconies will not result in unacceptable noise levels within a residential area.

The layout, distance and height of the proposed development will not have an adverse impact on neighbouring amenity in terms of loss of privacy, loss of daylight to windows or result in overshadowing to private gardens.

The proposal complies with policy Des 5 of the LDP.

f) Future Occupiers of New Build - Amenity

Policy Des 5 Development Design - Amenity requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Floorspace

The proposed townhouses (Block A-F) exceed the minimum floor space standards as contained in the Edinburgh Design Guidance and it will provide an acceptable housing mix in compliance with policy Hou 2 (Housing Mix).

Daylight

The no sky line, the vertical sky component and average daylight factor were used to calculate daylight to the proposed living spaces which are living rooms and bedrooms. The results can be found in Appendix D of the submitted Daylight and Sunlight Analysis report. It should be noted that daylight to kitchens are not protected living spaces and daylight to these room are discounted for the purpose of this assessment. Due to the proximity to the existing school, Blocks C, D, E and F broadly fail the vertical sky component but comply with the average daylight factor for all of the living rooms within the townhouse blocks and this is acceptable.

Open Space

The rear gardens for the proposed townhouses vary in their size where the majority exceed 30 sqm with the exception of Blocks C and D which have very little garden space, ranging between 14 to 19 sqm. However, the open space provision around the school building would offset for the small size of these gardens and this is acceptable.

Sunlight

The submitted Daylight and Sunlight Analysis demonstrates that for the majority of the spring equinox (21 March), more than 50% of the total garden area will be sunlit and this is acceptable.

Privacy

The Edinburgh Design Guidance advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas.

The development pattern in the area is defined by a high degree of physical separation. The redevelopment of the site by modern standards will have a shorter privacy distance between buildings, ranging between 9 metres to 20.6 metres. The rear of Blocks E and F will have a garden depth of 7.3 metres. It would be unrealistic to expect modern developments to closely match the generous size of nearby development plots as the proposal is for the redevelopment of a former school that currently has a number of large buildings on the site. The previous scheme was significantly revised to address privacy concerns and this has resulted in the omission of the high blocks of flats and its replacement with townhouses instead. The revised scheme is an improvement where future occupiers by modern standards will have reasonable levels of privacy. This is a relevant material consideration which, on balance, outweighs the defined development pattern of the area and its consequential privacy distances.

Noise

The site lies within a residential area. The proximity of the development to the existing railway line to the north of the site will not have an unacceptable impact in terms of noise.

In summary, future occupiers of the townhouses will have acceptable levels of amenity and the proposal broadly complies with Policy Des 5 and Hou 3 of the LDP.

g) Road Safety

Policies Tra 2- Tra 4 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The proposed car parking complies with the maximum standards and future occupiers of all of the units will have one car parking space.

Cycle parking is acceptable and complies with the standards.

A financial contribution towards the provision of two car club vehicles in the area was requested by Transport. As the development includes a generous parking provision and accords with guidance, there is no requirement for City Car Club provision.

The existing priority access junction will serve the development from Craigmillar Park and transport has not raised concerns in terms of road safety.

The proposal complies with policies Tra 2- Tra 4 of the LDP.

h) Trees

Policy Env 12 Trees of the LDP states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The proposed removal of the five trees within the site is acceptable as they not integral to the landscape character or to the heritage of the conservation area in terms of their size, form and species. The loss of these trees will be more than compensated by the proposed landscape scheme.

The proposal complies with policy Env 12 of the LDP.

i) Material Considerations

Impact on school infrastructure

Policy Del 1 Developer Contributions and Infrastructure Delivery in the LDP states that where necessary and relevant to mitigate any negative additional impact on infrastructure, proposals will be required to make a contribution towards education.

The site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone' as defined in the Supplementary Guidance: Developer Contributions and Infrastructure Delivery (August 2018). The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if the application is minded to be approved. The development is therefore required to make a contribution of £ 293,594 towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone. This will be secured via a legal agreement.

Provisions for affordable housing are met

Policy Hou 6 in the LDP states the residential developments, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed.

A cost plan was submitted and verified by an independent assessor. Options for onsite delivery have been explored and discounted. The high build costs at rate of £307,000 per unit renders the site unviable for a Registered Social Landlord (RSL). The high build costs are due to the presence of the listed building on the site and the conservation requirements to provide sandstone and slate. RSLs typically secure properties from developers at approximately £130,000 per unit and whilst commuted sums could have been used to support on site delivery, the cost difference is too great to present value for money for a RSL. A commuted sum payment in lieu of onsite affordable housing is therefore required in this case.

A commuted sum figure was independently assessed by the District Valuer and is valued at £66,000 per unit. This gives a total commuted sum of £792,000. This will be secured via a legal agreement.

The proposal complies with policy Hou 6 of the LDP.

Impacts on archaeology

Policy Env 9 Development of Sites of Archaeological Significance seeks to protect and enhance archaeological remains.

The proposal will have low archaeological impacts as the school has undergone several phases of development. A condition requiring the implementation of a programme of archaeological works is required.

Flooding issues

Policy Env 21 Flood Protection seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

Policy RS 6 Water and Drainage states that planning permission will not be granted where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided.

A Surface Water Management Plan was submitted. Flood Planning has raised concerns that the proposed redevelopment of the site will not achieve a surface flow rate akin to greenfield sites. However, Scottish Water is satisfied that the demands of the proposed development can be accommodated within their network. The site has a number of constraints to its layout, including the listed building, the location of the existing trees and the layout of the existing road. In these circumstances, it would be difficult to achieve greenfield levels when the proposal is for the redevelopment of a former school site. In addition, it would be unreasonable to request further amendments to the development layout as Scheme Two has involved substantial changes to address the number of objections to the original scheme. The existing constraints of the site would still be a prevalent issue and this is a material consideration which, on balance, outweighs the sustainability concerns of the site's surface flow rate. The proposed development layout will not increase flood risk or be at risk of flooding itself.

The proposal broadly complies with Policy Env 21 and RS 6 of the LDP.

Impacts on potential bat roosts

The submitted Bat Activity Survey Report identifies no bat roosts. The proposal complies with Policy Env 16 of the LDP.

Contaminated land issues have been addressed

A standard condition requiring a site survey, followed by any necessary works is required.

Air quality issues have been addressed

Policy Env 22 Pollution and Air, Water and Soil Quality seeks to minimise the potential source and effects of pollution.

The proposed development will have less impact in terms of car movements on peak hours than the previous use of the site. Both total AM and PM peak hour traffic will be reduced but minor increases will occur in AM departures and PM arrivals. The development will not adversely affect local air quality. The applicant has demonstrated a commitment to provide electric vehicle charging points which will also reduce emissions.

Waste

The provision of kerbside collection for waste will be provided for Block A-E and for the existing gate lodge. Communal collection in the form of enclosed bin stores will be provided for Block F and H. Waste Planning has indicated that refuse collection can be accommodated on the site.

Sustainability

Policy Des 6 Sustainable Buildings of the LDP seeks to promote the ways that new developments can reduce its impact on the environment.

With regards to meeting reductions in carbon dioxide emissions, the building regulation will be applied to ensure compliance with statutory requirements.

The proposals do not comply with policy Des 6 as uPVC is not a sustainable material. However, the proposal is to replace the existing uPVC on the school building and this is not development as defined under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). The proposal is to redevelop a former school site with a listed building where the benefits derived from adapting the school building and the wider site to housing site outweighs this minor infringement.

Network Rail

Drawing No. 53 show the proposed erection of a 1.8 metres high vertical slats Scottish larch timber fence to the rear of Block A and B that will provide back lane access adjacent to the railway boundary. While there is an existing high stone boundary wall adjacent to the railway line to the north of the site, the height of this boundary is not clear. Therefore, a condition is required to ensure that a suitable trespass proof fence, measuring 1.8 metre in height is provided. This is to address Network Rail's concerns.

Drawing No. 48- 53 provides details of the hard and soft landscaping works. The proposed planting of Acer Campestre trees (Maple) to the rear of Block A townhouses will be positioned approximately 3 metres from the adjacent boundary to the existing railway line to the north of the site. The new trees will have a predicted height between 300-350cm. The proposed landscaping is therefore acceptable.

j) Matters raised in representations addressed

Material - Objection

- Amended scheme not be in-keeping with the character or appearance of the conservation area and it will harm the setting of the listed building - Addressed in Section 3.3 (c) and (d).

- uPVC windows on the listed building are not appropriate and are not environmentally friendly - Addressed in Section 3.3 (d) and (i).
- Inappropriate use of flat roofs - Addressed in Section 3.3 (c).
- Existing access junction from Craigmillar Park will affect the convenience and safety of road users - Addressed in Section 3.3 (g).

Material - Support

- Revised scheme is an improvement.
- Support principle of housing on the site.
- Supportive of the refurbishment plans to the listed school building.

Representations - General comments

- General management of existing trees - any future works to a tree would require a separate application for Tree Works.

Grange and Prestonfield Community Council - Support

- Welcomes the change of use of the site to housing and the conversion of the school building to flats with the exception of uPVC windows.
- The revised layout works better and emphasises the character of the main listed school.
- Accepts that extending the existing gate lodge is necessary to achieve a more satisfactory dwelling; requests that the design of the flat roof be reviewed - Addressed in Section 3.3 (d).
- Requests more supporting information on the durability of the materials for the proposed flat roof - Addressed in Section 3.3 (c).
- Notes that Block C does not score well in the Daylight and Sunlight Analysis - Addressed in Section 3.3 (f).
- Accepts the submitted Transport Statement and requests that a signal controlled pedestrian crossing at the priority junction be considered - Addressed in Section 3.3 (hg).
- Submitted detailed costplan and construction costs schedule should be made available for comments. **Objects** to no provision for onsite affordable housing - Addressed in Section 3.3 (i).

Comments relating to the original scheme

- Despite the level of objections to the original scheme, there was broad support for housing on the site.

Material - Objection

- Impact on setting and character of the listed building - Addressed in Section 3.3 (d).
- Design and layout of the new builds - Addressed in Section 3.3 (c).
- Impact on the character and appearance of the conservation area - Addressed in Section 3.3 (c).

- Demolition of existing outbuilding and inappropriate extension to the existing gate lodge - Addressed in Section 3.3 (d).
- Extension to the existing gate lodge will impact on the listed church and war memorial - Addressed in Section 3.3 (d).
- Impact on neighbouring amenity - Addressed in Section 3.3 (e).
- No onsite affordable housing - Addressed in Section 3.3 (i).
- Loss of open space - Addressed in Section 3.3 (c).
- Traffic levels and parking associated with 52 units - Addressed in Section 3.3 (j).
- Future occupier's amenity - Addressed in Section 3.3 (f).
- Proposals are of no benefit to the wider neighbourhood in terms of shortage of public green space - Addressed in Section 3.3 (c).
- Loss of trees - Addressed in Section 3.3 (h).
- Location of cycle parking impractical with no cycle parking for visitors - Addressed in Section 3.3 (g).
- Conflicts with Scottish Government's priority for low carbon usage - Addressed in Section 3.3 (e).
- Existing pedestrian crossing near to the site entrance will need to be improved - Addressed in Section 3.3 (g).

Non-Material - Objection

- Not aware of pre-application consultation events taken place - There are no statutory requirement to carry out pre-application consultation for a local scale development.
- Construction noise - This is not a matter for the planning authority.
- Value paid for own properties - Planning does not control fluctuations within the property market.
- Noise pollution impacting on older buildings - The proposal is to redevelop the site for housing within a residential area. This does not preclude assessment of the proposal.

Material - Support

- Development of appropriate scale and massing and the selection of high quality of materials will enhance the neighbourhood and will fit in with the conservation area.
- Demolition of inappropriate additions will enhance the area.
- Refurbishing the main school building will provide good quality housing.
- Landscape scheme will allow the development to fit in with the area.

Non-Material - Support

- Cala has engaged with communities and has involved entering a legal agreement to reflect the community's concern - This is a civil matter that carries no bearing in the assessment of the proposal.
- Former school has been vacant for considerable time, resulting anti-social behaviour and spate of burglaries - Not a planning matter.
- Requesting conditions to restrict construction hours - Not a planning matter.

- Requesting condition to restrict parking permits on adjacent streets being granted for future residents - Planning has no remit over the allocation of parking permits.

Conclusion

Whilst the proposal broadly complies with the policies in the Edinburgh Local Development Plan, there are policy infringements in relation to the density of development, the design of the flat roofs on all new builds and sustainability requirements. On balance, the benefits of the proposals outweigh the relatively minor infringements. The proposal will enhance the character and setting of the listed building. It will not adversely undermine the character and appearance of the conservation area. All occupiers will have acceptable levels of living amenity and neighbouring amenity will not be adversely affected. Adequate car and cycle parking will be provided. It is recommended that the application be granted.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building recording, excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.
3. Notwithstanding the approved drawings, sample/s of the proposed materials for the new townhouses shall be submitted to and approved in writing by the Planning Authority before commencing work on the site.

4. Notwithstanding the approved drawings, details of a 1.8 metres high trespass proof fence on the northern boundary of the site shall be submitted to and approved in writing by the Planning Authority before commencing works on the site. Details of the approved fence shall be implemented prior to the first occupation of the development.
5. The approved landscaping scheme (Drawing 48 and 49) shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for the proposed use.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In the interests of public safety and the protection of Network Rail infrastructure.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

The contribution shall be £293,594 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

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

2. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

The contribution shall be £792,000 indexed linked from the date of the decision by the Development Management Sub-Committee.

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

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

4. 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.
5. 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.

6. **Network Rail**

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

7. The applicant will be required to:
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

8. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
11. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
12. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build and Category E - Sub divided or converted)
13. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
14. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The original scheme was first advertised on 25 January 2019 and the proposal attracted 46 representations; 36 objected and 10 supported the proposal.

The second scheme was re-advertised on 3 May 2019 and the proposal attracted 9 representations; 2 were objections; 5 supported the proposal and 2 were general comments.

The representations received are addressed in the assessment section in the report.

Background reading/external references

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

- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

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

Date registered

15 January 2019

Drawing numbers/Scheme

01-12, 13A-14A, 21-26, 27A-32A, 33-37, 38A-43A, 44-59.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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

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

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

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

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

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

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

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

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

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Appendix 1

Application for Planning Permission 18/10180/FUL At Royal Blind School, 2B Craigmillar Park, Edinburgh Refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (27 units),(as amended).

Consultations

Scheme 1

Archaeology

The Royal Blind School first established in the late 18th century, moved to this site in 1835. The current c-listed main school building and gate-lodge are recorded as being constructed latter, in 1874, by a design by Charles Leadbetter. The school has evolved through to the present day with major extensions occurring in the in 1930's and 1960s'.

The Listed Royal Blind School is regarded as being of archaeological and historic significance. This application must be considered therefore under terms the Historic Environment Scotland's Policy Statement (HESPS) & Archaeology Strategy, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Firstly, it is welcomed that this scheme seeks to retain and restore the main Victorian School building and 19th century listed gate-lodge. The proposals will require extensive demolition of 20th century out buildings and extensions as well as internal alterations. It is considered however that such works will not have a significant adverse impact. Nevertheless, it is recommended that a historic building survey (phased & annotated plans and elevations, photographic and written survey and analysis) is undertaken of all school buildings prior to and during demolition/development. This is to provide a permeant archaeological of the school at the end of its history at this location and to development, with the results combined with those arising from the recommended archaeological field work.

As stated the school has undergone several phases of development, of interest being the development of the school in the 19th and early 20th centuries. Although latter construction and redevelopment has almost certainly had a significant impact upon survival evidence of earlier buildings may survive under more modern ones. Accordingly, it has been concluded that this scheme has a potentially significant but low archaeological impact in terms of disturbing insitu remains. It is recommended therefore that a programme of archaeological work (excavation) is undertaken prior to/ during development in order to fully excavated, recorded, analysed and publish any significant remains that may be disturbed.

It is recommended that the following condition is attached if consent is granted to ensure that this programme of archaeological works is undertaken.

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building recording, excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant. Please contact me if you require any further information.

Network Rail Scotland

Whilst Network Rail has no issues with the principle of the proposed development, we would have to object to the proposal unless the following conditions were attached to the planning permission, if the Council is minded to grant the application:

1. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons: In the interests of public safety and the protection of Network Rail infrastructure.

2. No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments. All landscaping, including planting, seeding and hard landscaping shall be carried out only in full accordance with such approved details.

Reason: To control the impact of leaf fall on the operational railway.

Network Rail would also recommend that the following matters are taken into account and are included as advisory notes, if granting the application:

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- *Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk*

Grange and Prestonfield Community Council

1. *Summary of Proposal: On this site, in the Craigmillar Park Conservation Area, it is proposed to provide 52 dwellings, 21 apartments by conversion of the C Listed original School Building, 30 in new build on the site and 1 by adapting and extending the C Listed Gate Lodge.*

2. *Support in Principle: GPCC supports the change of use to housing and welcomes the conversion of the original School Building to apartments. Although the original Listed Gate Lodge is to be substantially extended, we agree this is necessary to create an up to date and viable dwelling. We note that all other buildings and later additions on the site are to be removed. We support this as many are of indifferent quality and unsympathetic to the character of the original buildings. GPCC welcomes the prospect of this historic brownfield site coming to life again and the improved security for nearby residents resulting from this now vacant site being re-occupied.*

3. *GPCC Comments in General: The following comments are referenced to the 89 documents in the application and should be read with GPCC comments on the accompanying applications 18/10355/CON & 18/10258/LBC. We are ready to engage with Cala to see how our concerns could be mitigated. Some could perhaps have been avoided and time saved if there had been earlier engagement with all local residents affected by this scheme rather than just contiguous neighbours involved with the removal of limiting legal burdens on the site.*

GPCC considers that the title "Community Consultation" and the text on page 40 of the Design and Access Statement need further explanation. There was an exhibition by Cala on 7th June 2018 of proposals already largely finalised. Prior to that we understand there had been the negotiations with contiguous neighbours referred to above. At no time prior to June 2018 had there been any consultation with others affected by the scheme such as those living on the north side of the site. Page 58 of the same document states, "A set of height parameters were agreed with the immediate neighbours.....", a term which is not explained. Those neighbours on the north side of the site were never consulted and only learned about the adverse impact on them at the exhibition in June 2018. Since then only minor changes have been made, such as that to the Block A roof profile, which although welcome still maintains the same proposed roof height.

On 10 December 2018 GPCC held a public meeting in Craigmillar Park Church Hall when Cala representatives presented their proposals. In the following Q&A session there was support for the scheme in principle, but new build blocks A & B on the north side of the site were the main concern. We were told at the meeting the planning applications had already been submitted.

4. *Affordable Housing Obligation: This is addressed in a separate Policy Statement by Justin Lamb Associates (JLA). LDP Policy Hou6 requires that 13 homes out of the 52 proposed for this site are of approved affordable housing tenures. This Policy states: "For proposals of 20 or more dwellings, the provision should normally be on site." LDP paragraph 232 states: "A key aim is that affordable housing should be integrated with market housing on the same site etc " Further on in the same paragraph "Provision on an alternative site may be acceptable.....if there are exceptional circumstances." JLA for Cala propose a commuted sum in lieu of onsite provision, citing affordable housing policy tests. GPCC considers that JLA has not shown why there are such exceptional circumstances as to justify the setting aside of a key aim in the LDP. GPCC objects to what is proposed and asks for the affordable housing to be on site.*

5. *Transport Statement Parts 1 and 2: This is a separate study by SWECO and we agree with much of its content. We agree with the removal of existing car parking on the access road off Craigmillar Park and that this should be the only road access to the site. We support the retention of the other pedestrian accesses to encourage walking through the site. CEC car parking standards now stipulate no minimum provision and It is not at all clear why the maximum of 1 car space per dwelling, 52 in all, is justified, with bus stops just outside the site entrance on Craigmillar Park and nearby on Mayfield Road. We ask that the number of parking spaces be reconsidered.*

The study concludes that daily vehicle trips to and from the site when fully redeveloped may be no more than when it was in use as the school and Braille Press. However, the study ignores any traffic problems in the main road at this access, adjacent to the busy northbound bus stop, the church needing disabled access and the signal controlled pedestrian crossing. At peak times traffic on this busy primary route to and from the city can be backed up past this access. We urge that consideration be given to modifying and slightly relocating the signal controlled pedestrian crossing to incorporate a phase for the access road. This would greatly aid pedestrian safety.

6. *Car Parking: The Design and Access Statement Part 11 and the Site/Roof Plan 13 show car parking with 52 spaces in all being provided. (See 5 above for comment). A significant proportion of these are to be in buildings and this is welcome. We think that the 9 surface parking spaces in the SE corner of the site near the bend in East Savile Road, when in use for their intended purpose, could be detrimental to the setting of the Listed school building, contrary to LDP Policy Env3. We ask that these 9 parking spaces in this location be reconsidered.*

7. *Listed Gate Lodge: We have no objection to the downtakings shown for the Listed Gate Lodge or to the proposed substantial extension as we understand the need to change this building to offer better amenities for future residents. We are concerned about the proposed south elevation. In front of this is the attractive garden and lawn of Craigmillar Park Church with its buildings on two sides and War Memorial. We think the unsympathetic uPVC clerestory windows and flat roof of the proposed Lodge extension protruding above the boundary wall may jar with these existing features when seen from the main road and we ask that their treatment be reconsidered, to respect better the character of the Conservation Area (LDP Policy Env6).*

8. *Listed School Building - Glazing: The Listed School Building (Block H) currently has uPVC glazing. Drawings 39-41 state that these are to be replaced but gives no further detail. Drawing 61 shows that the replacement glazing is uPVC. We object to this as we think it will detract from the character of the refurbished building and not respect or enhance the Conservation Area. The Royal Blind School should not have installed uPVC glazing years ago and there is a stark contrast between the front elevation of the school building and the dwellings on the south side of West Savile Road with traditional sash and case. The opportunity should now be taken to further enhance and restore the character of this Listed Building and the Conservation Area by replacing the uPVC glazing with materials more in keeping.*

9. *New Build Materials:*

a) *Glazing: UPVC is proposed throughout the new build housing on the site for windows and doors. We think this would detract from the setting of the Listed School Building and the character of the Conservation Area and we object to it.*

b) *Cladding: The cladding of significant areas of the new build is stated to be Dark Grey Cladding (TBC). We think people living close to this site should be told what they might have to look at for a long time and its durability. We think all external materials should be detailed now as part of this application. This is a significant site in a Conservation Area.*

c) *Brick and Stone: Except where unspecified dark cladding and uPVC are to be used, external walls are generally to be of buff brick, with some intervening panels of buff stone. Buff stone is to be used for the Gate Lodge extension and adjacent to West Savile Road dwellings. We welcome this, but we think there may be other areas of new build in brick which would clash with natural stone dwellings surrounding the site. Whilst not opposing the use of appropriate brick, we ask that the relation between brick and stone be reconsidered having regard to the visual impact of brick new build on the stone dwellings and tenements nearby.*

10. *New Build Block A: This is the brick clad block of 6 Townhouses, each with 5 bedrooms, on the site of the existing swimming pool in the NW corner of the site, directly opposite the tenement dwellings on the south side of Mentone Terrace. All 4 storeys of the Townhouses will be visible from the north side and 3 on the south due to the slope of the site. The proposed new building is to extend further to the east than the swimming pool and will be much higher. Its southern frontage will follow the building line of the north side of Savile Terrace to the west. Although Block A will be slightly further away from the Mentone Terrace dwellings than the present swimming pool, we estimate its roof would be nearly 7m higher than the present pool roof, that is 1.5m higher than ridge line of the roof of the houses on the north side of Savile Terrace. Block A as proposed will appear dominant and massive, reducing some precious winter sunlight into many of the dwellings on the south side of Mentone Terrace and adversely impacting on the amenity of the people living there. We object to the height of Block A.*

11. *New Build Block B: This is the brick clad block of 7 Apartments to the east of Block A, also opposite the Mentone Terrace dwellings, to be sited on a landscaped area of the site where there are no existing buildings. All 5 storeys will be seen from Mentone Terrace and 4 storeys on the other 3 sides of this flat-roofed building containing 4 two bedroom apartments and 3 with three bedrooms. The view from all around it will be of a stark 4-5 storey building about 17m high overpowering its setting. Like its neighbour Block A, it may reduce direct winter sunlight into the Mentone Terrace dwellings opposite, adversely impacting on the amenity of residents. We think it would also have an adverse general effect on the character of the Conservation Area. We object to Block B and ask for development on this part of the site to be reconsidered.*

12. *New Build Block G: This is to be of 6 floors on the site of the school hall immediately to the north of the Listed School Building of about the same footprint and height as existing. The north side of the new building will be slightly nearer the Mentone Terrace dwellings than the existing and will have protruding balconies. It is to have a flat roof matching the ridge line of the existing hipped roof. For these reasons we think that the new building will appear much more dominant and overpowering than the existing. We object to the roof profile of Block G and ask that this be reconsidered, requiring the proposed top floor accommodation to be reconfigured.*

13. *The Combined Impact of Blocks A,B & G: For the reasons set out above we think that the combined effect of these new build blocks would be discordant when seen against the rest of the new build and the converted school building. The proposals for other parts of the site create a sense of place whereas Blocks A, B and G appear massive, overpowering and discordant, not respecting the character of the stone tenements nearby or the Conservation Area. The amenity of residents of Mentone Terrace in particular would be adversely affected. The Design and Access Statement itself we suggest finds it hard to justify the height of Block B, on page 51 referring to it as "a prominent marker". We do not think local people should have to put up with architectural jargon or a "prominent marker".*

Scheme 2

Grange and Prestonfield Community Council

This is a response on behalf of Grange/Prestonfield Community Council (GPCC) to your request for consultation of 1st May 2019. It is similar in content to comments on this amended application being sent in this week. On this site, in the Craigmillar Park Conservation Area, CALA propose to provide 49 dwellings, 21 apartments by conversion of the C Listed original School Building, 27 in new build on the site and 1 by adapting and extending the C Listed Gate Lodge. GPCC supports the change of use to housing and welcomes the conversion of the original School Building to apartments. Although the original Listed Gate Lodge is to be substantially extended, we agree this is necessary to create an up to date and viable dwelling. We note that all other buildings and later additions on the site are to be removed, except for the boiler chimney. We support this, as many are of indifferent quality and unsympathetic to the character of the original buildings. GPCC welcomes the prospect of this historic brownfield site coming to life again and the improved security for nearby residents resulting from this now vacant site being re-occupied.

So far GPCC has held two public meetings when CALA presented their proposals, on 10th December 2018 and 4th April 2019 and Notes have been produced of both meetings. At the 4th April meeting, revised proposals had a much better reception from those attending, than the original scheme announced on 10th December. The following comments in headed paragraphs are referenced to the 91 documents in the amended scheme and replace comments made on the original proposals.

Affordable Housing Obligation: This is addressed in a separate Policy Statement by Justin Lamb Associates (JLA) amended in May 2019. LDP Policy Hou6 requires that 12+ homes out of the 49 proposed for this site are of approved affordable housing tenures. This Policy states: "For proposals of 20 or more dwellings, the provision should normally be on site." LDP paragraph 232 states: "A key aim is that affordable housing should be integrated with market housing on the same site etc " Further on in the same paragraph "Provision on an alternative site may be acceptable.....if there are exceptional circumstances." JLA for CALA propose a commuted sum in lieu of onsite provision, citing affordable housing policy tests, with supporting financial statements. JLA also state in Part 2 that " the applicant has submitted a detailed costplan and construction costs schedule on a confidential and Open Book basis to the Council's Corporate Property Department, to provide evidence etc". We think any such information, denied to the rest of us, should not be taken into account in the assessment of this application.

Overall GPCC considers that JLA has not shown why there are such exceptional circumstances as to justify the setting aside of a key aim in the LDP. JLA seems to consider that cost alone justifies this approach and GPCC disputes this. Even accepting this argument, we suggest this might apply only to the conversion part of the development, with the new build affordable housing obligation being met on site. GPCC therefore objects to what is proposed.

Transport Statement Parts 1 & 2: This is a separate study by SWECO, amended in April 2019, and we agree with much of its content. We agree with the removal of existing car parking on the access road off Craigmillar Park and that this should be the only road access to the site. We support the retention of this as a pedestrian access and the gated pedestrian access onto Savile Terrace to encourage walking and cycling through the site. We note that overall there will be 130 cycle parking spaces provided.

CEC car parking standards stipulate no minimum provision, only a maximum, which at 49 vehicle parking spaces is what is proposed. Changes from the original proposals are welcome in making the car parking spaces less obtrusive. We make no comments on the revised car parking provision, except to point out that there are good bus services close by, with bus stops just outside the site entrance on Craigmillar Park and nearby on Mayfield Road. We acknowledge there is a balance to be struck between meeting the aims of CEC car parking policies and the risk of added pressure on street parking in the RPP Zone B6 in adjacent streets.

The SWECO study concludes that daily vehicle trips to and from the site when fully redeveloped may be no more than when it was in use as the school and Braille Press. However, there can be traffic problems on Craigmillar Park at this access, adjacent to the busy northbound bus stop, the church needing disabled access and the signal controlled pedestrian crossing. At peak times traffic on this busy primary route to and from the city can be backed up past this access. The study refers to the site access off Craigmillar Park as being a "priority access junction", but it is not clear what this priority is. There is a case for looking at this junction in relation to the adjacent signal controlled pedestrian crossing to see if there could be some integration of function to assist traffic in and out of the site and to aid pedestrian safety. We ask that this be considered in the assessment of this application.

Listed Gate Lodge: We have no objection to the downtakings shown for the Listed Gate Lodge or to the proposed substantial extension as we understand the need to change this building to offer better amenities for future residents. We welcome the changes made in the revised proposals so that they have less visual impact on the enclosed garden and lawn of Craigmillar Park Church and the War Memorial. We have some concern however that the detailing of the flat roof of the proposed extension to the Lodge introduces a jarring note at the site entrance and request that this be reviewed.

Conversion of Listed School Building: We support what is proposed for this building, with the exception of the glazing. The Royal Blind School installed uPVC glazing years ago, which in our view it should not have done, and it is now proposed to replace this on a like for like basis. We have to accept that CALA can do this, but we think it will detract from the character of the refurbished building and not respect or enhance the Conservation Area. There is an unfortunate contrast between the front elevation of the school building and the dwellings on the south side of West Savile Road with traditional sash and case. We hope that the proposed glazing can be reconsidered for the principal elevations, so that the existing glazing can be replaced with materials more in keeping.

The New Build Dwellings:

a) Glazing: UPVC is proposed throughout the new build housing on the site for windows and doors. Whilst we think this would detract from the setting of the Listed School Building and the character of the Conservation Area, we accept that it would be difficult to maintain an objection, when these materials have to be accepted for the Listed school building.

b) Cladding: The cladding is to be mainly of light wet dash render, dark grey brick to lower ground floor levels and natural buff stone, as well as the uPVC materials referred to above. Buff stone is to be used for the Gate Lodge extension. We have no further comments on the cladding proposed for the amended scheme.

c) Roofs: Flat roofs are now proposed for the new build in the amended scheme, except for the Garage Block fronting onto West Savile Road. This change has enabled roof heights to be lowered, which makes the new build more subservient to the original Listed School Building, emphasising its character. Whilst this approach may not be acceptable to all, in this context it enhances the coherence of the development, whereas sloping roofs would be of varying pitch or height due to the differing widths of the residential blocks. The durability of the flat roof materials compared with more traditional roofs ought, we suggest, to be further explored in additional supporting documentation.

d) General Arrangement: We think that the amended scheme layout works much better than the original and emphasises the character of the original school building, with the reduction in roof heights generally.

The landscaping scheme keeps to a minimum loss of existing trees and we support it. We support splitting Block A into 3 elements containing 6 Townhouses and welcome the reduction in roof height so as to have less adverse impact on winter sun into the Mentone Terrace dwellings. Taking into account the aluminium coping which raises stated roof heights slightly, the overall height of Block A is to be similar to the ridge height of the adjacent 7 Savile Terrace. Part 05 of the Revised Design and Access Statement shows visualisations from Savile Terrace and Mentone Terrace Gardens. The latter indicates that although there would still be some small loss of direct winter sunlight into habitable rooms of Mentone Terrace, this may be an acceptable compromise.

The amended Block B is to be of 5 Townhouses with a flat roof height very slightly lower than Block A. The same Part 05 referred to above also gives visualisations of this revised Block, which we think is now acceptable. Visualisations are also presented of Blocks C-F, on which we have no further comments, except to note that Block C appears not to score well in the Daylight and Sunlight Analyses. We trust therefore that in assessing this application, there will be a very vigorous examination of compliance with these standards for both the buildings to be on the site and those existing gardens and dwellings affected by this development.

Summary: GPCC supports much of this amended application, but some concerns still remain as set out above and we ask that these be taken into account in the assessment of this application.

Archaeology

No additional comments.

Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

14 Flats (7 one bedroom flats excluded)

28 Houses

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:
£293,594

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Transport Planning

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
2. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 2 car club vehicles. This would require the contribution of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
4. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport;
6. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
7. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build and Category E - Sub divided or converted);

8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

10. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.

Note:

- A total of 130 cycle parking spaces are being provided for the 49 units including: 1 space for the lodge, 100 spaces in Block H and 29 spaces within private garages. This is considered acceptable under the Council's standards.
- A total of 49 car parking spaces are being provided including 19 on-street, 29 in garages / porticos and 1 off-street for the lodge. There are 6 disabled spaces, 6 electric charging spaces and 3 motorcycle spaces. The 20 garages have electric charging provision.
- It is noted that a number of steps are proposed for the site. The applicant should satisfy themselves that they have addressed their responsibilities under the Equality Act 2010.

Flood Prevention

Given the constraints on this site it is a challenge to reduce the new build runoff down to greenfield levels as noted below. Whilst it is disappointing that the developer notes a discharge rate of 92.38l/s cannot be achieved with the current development arrangement we believe that it is possible should they change the development layout and reduce the number of units on the site and accommodate more attenuation for surface water. Planning should weigh up the other consultee inputs and consider whether an enforced change to the layout is appropriate for the submission (response dated 07/06/19).

Further clarification

Whilst the risk of flooding has been demonstrated to be acceptable to CEC, the principles of sustainable development have not. That being said Scottish Water are happy to accept the flows into their network. As a consultee Flood Prevention can only provide an opinion and the ultimate decision sits with Planning who must aggregate a number of different factors when recommending a decision (response dated 21/06/19).

Network Rail

We have examined the revisions to the proposal and do not have any new comments to make on the application.

Affordable Housing

WARD NO: B15

1. Introduction

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

Recommendation: Commuted Sum

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.
- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

2. Affordable Housing Provision

Application is for a development consisting of 48 homes and as such the AHP will apply, 12 units (25%) will be required to be provided as affordable housing.

In all instances for applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. It is only in where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that we consider alternative proposals.

Onsite RSL delivery was considered but discounted due to unusually high development costs associated with the project.

Cost Plan

- The applicant has submitted cost plan identifying the cost to build approximately £307,000 per unit. This figure is not inclusive of fees (at approximately 10%).
- CEC estates department asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal using current standard development costs/assumptions and identified higher development cost than those submitted by the applicant. This figure is £338k per unit.
- o The costs submitted have therefore been verified as being accurate for the purposes of discussion of viability for an RSL to purchase in this location

Discrepancies between cost plans

Cost plan assessment by Currie and Brown identifies that overall there is a £1.4m discrepancy between the two submitted cost plans. Some of the costs submitted by the developer have been overestimated, however, there were some costs underestimated and this meant the overall figure has risen from £14.7m to £16.2m. This increase is due to the following main areas.

Underestimated Costs

- Fittings and Furnishings
- Services

Overestimated Costs

- External Works
- Substructure
- Superstructure

Places for People and LAR Hosing Trust have confirmed the project is not viable for them for to purchase units on this site, with unusually high development costs, presented to them at a rate of £307,000 per unit.

The reasons for these exceptionally high build costs are due to the presence of the listed building, conservation area requirements, such as natural stone for the new-build blocks.

These expensive-to-deliver requirements are not an area of cost savings that can be negotiated between the developer and the RSL. Any affordable housing would be expected to conform to these same standards in order to be integrated and tenure blind. RSLs operate within tight financial margins and could not meet the unusually high build costs associated with this project.

It is the view of RSLs and the housing service that the site would be non-viable even if the developer provided land for the RSL to design a 12 unit block on the site, as any new-build block would require the same natural stone and be subject to the same conservation area requirements as the proposed CALA units.

To summarise, if an RSL were to be in receipt of the maximum subsidy level, assisted by their own private borrowing, even with the maximum subsidy available the site would still face a shortfall 200,000 per unit to deliver for affordable housing, and is consequently non-viable.

RSL Purchase - Summary

- RSLs secure properties from developers at approximately £130,000 per unit.
- If the costs were closer to £130,000 there would be the potential to look at the use of commuted sums to support the development to make on site delivery viable.
- However, as they stand the opportunity does not present value for money, either in terms of the RSL own resources, or with the associated grant/commuted sums funding for an RSL to purchase at approximately £338,000 per unit
- There are some potential savings that could be identified for an RSL. However, the savings on space standards and on fittings and fixtures would not get close enough to £200,000 per unit required to bring into the realms of feasibility for an RSL.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

Summary

The housing service considers that options for onsite delivery have been explored and that as a last resort will accept a commuted sum payment in lieu of onsite affordable housing.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

The commuted sum figure has been independently assessed by the District Valuer and is valued at £66,000 per unit.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the Informatives section of the report to committee. The commuted sum is likely to be paid in instalments, linked to site start. No project has been identified for the use of this sum to date but the Council and RSL development programme is ever increasing with an overall requirement for funding to support its programme.

Waste Planning

Thank you for getting the plans and swept path analysis to us. As discussed if the landscaping can be tightened up to allow the turning circles then everything else seems to be fine for waste collections. Please can you also ensure there is a dropped kerb at the bins store and areas where the kerbside bins will be pulled on to road from. I have attached our guidance and checklist for your information also.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Listed Building Consent 18/10258/LBC
At Royal Blind School, 2B Craigmillar Park, Edinburgh
Refurbishment and conversion of existing listed school for
residential use. Refurbishment and extension of gate lodge
building.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

With the exception of replacing the existing timber windows on the gate lodge, the works will not have an adverse impact on the character of the listed buildings. They will not detract from the character and appearance of the conservation area. The replacement of the windows on the gate lodge do not have regard to the desirability of preserving the building as one possessing special interest. A mixed decision is therefore appropriate.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN04, LEN06, NSG, NSLBCA, OTH, CRPCMP,

Report

Application for Listed Building Consent 18/10258/LBC At Royal Blind School, 2B Craigmillar Park, Edinburgh Refurbishment and conversion of existing listed school for residential use. Refurbishment and extension of gate lodge building.

Recommendations

- 1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The application site is the former Royal Blind School that specialised in the care and education of visually impaired children. It also includes the former building of the Scottish Braille Printing Press. The site is accessed via a junction road on the west side of Craigmillar Park with a gate lodge at its entrance. The junction road runs parallel to an existing railway line to the north of the site and faces onto the rear gardens of properties on Mentone Gardens/Mentone Terrace. The main school building sits on the highest point of the site and fronts onto West Saville Road with trees screening the site. A pedestrian access to the west of the site leads onto Saville Terrace.

The main school building is of 19th century stone construction. It is three storeys in height with an attic level. The building has a number of later 20th century alterations, including two large additions on its north and west elevations. The existing uPVC windows on the building were in-situ prior to the building being listed.

There are areas of open space to the front and side of the school building. Existing areas of hard surfacing relate to the previous play areas and parking arrangements.

The surrounding area is principally a Victorian residential suburb with detached and semi-detached villas and terraces.

The main school building, gate lodge and boundary walls are category C listed (date of listing: 25/03/1997, reference LB44443). The listing description of the building acknowledges that the interior of the building has been significantly remodelled with very few features remaining as a result of the site's use as a residential school.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

3 December 2018 - Application for planning permission submitted for the refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (30 units) (application number 18/10180/FUL).

13 December 2018 - Application for conservation area consent submitted for the substantial demolition in a conservation area (application number 18/10355/CON).

Main report

3.1 Description Of The Proposal

The proposal seeks to convert the main school into 21 flats (Block H). It will involve in the removal of all 20th century additions to the existing building and to reinstate its north and west elevations with stone to match. Slates on the roof are to be repaired and replaced where required.

The existing uPVC windows on the building are to be replaced with new uPVC windows.

It also proposed to refurbish and extend the existing gate lodge. Alterations to the existing gate lodge will include the repair and replacement of the existing roof slates and timber windows. A 5.5 metres by 6 metres flat roof extension is proposed on the west elevation of the existing gate lodge. The extension will have a natural buff stone and zinc finish.

Scheme One

The original scheme was significantly revised with a full scale re-design of the site. The main school building will have no additions to its elevations and it will be reinstated with more open space. The clerestory window on the proposed extension on the gate lodge has been omitted.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the demolition of the listed building is acceptable;
- b) the proposals will harm the architectural or historic interest of the listed building;
- c) the proposals will adversely affect the special character or appearance of the conservation area; and
- d) any issues raised in representations have been addressed.

a) Listed Building Demolition

The Historic Environment Policy for Scotland (HEPS) outlines how the Council should undertake the collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

Managing Change in the Historic Environment: Demolition, sets out the tests that apply to demolish a listed building.

LDP Policy Env 2 Listed Buildings - Demolition covers matters such as the condition, cost of repairing and maintaining, the adequacy of attempts to retain/adapt the building including its marketing and the merits of an alternative proposal.

The proposed demolition of a listed building relates to the existing outbuilding to the west of the gate lodge. The outbuilding is a small standalone structure that was used for storage. The outbuilding is traditional in character and appearance. The removal of the outbuilding would still allow the gate lodge to be architecturally and historically appreciated without impacting on its character. In addition, the removal of the outbuilding would allow the gate lodge to be adapted to enhance its beneficial use as a dwellinghouse. Therefore, it would not be necessary or proportionate to explore the costs of repair or alternative options to retain the outbuilding.

The demolition of unlisted buildings within a conservation area is addressed under application 18/10355/CON.

The proposed demolition of the outbuilding preserves the special interest of the listed building and conforms with policy Env 2 and HES guidance.

b) Setting and Listed Buildings

LDP Policy Env 3 - Listed Buildings - Setting states that new development adversely affecting the setting of listed buildings will not be permitted. The following Historic Environment Scotland's guidance note Managing Change in the Historic Environment sets out the principles that apply to altering historic buildings:

- Demolition
- Extensions
- External Fixtures
- External Walls
- Roofs
- Windows
- Interiors
- Use and Adaptation of Listed Buildings

Policy Env 4 Listed buildings - Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

Main School

The existing 20th century additions to the main school are incongruous by virtue of their scale, form and design. The removal of these additions will greatly improve the character and setting of the listed building.

The north and west elevations of the main school are to be reinstated with stone to match and this is acceptable. Slates on the main roof are to be repaired and replaced where required. A condition requiring sample details of the stone finish and the replacement slates are required. This is to safeguard the character of the listed building.

A number of comments received were aimed at the repeated use of uPVC windows on the main school building. The building was listed in 1997. Historic Environment Scotland listing description acknowledges the presence of uPVC pivot windows on the school building. The original timber windows were removed a significant time ago and there are no powers to reinstate what was there prior to the building being listed. The proposal to replace the existing windows with new uPVC windows has a neutral impact on the building's historic fabric and will not diminish its special architectural and historical interest.

The interior of the school has been significantly remodelled in connection to its previous use as a residential school with very few surviving features. The conversion of the building to flats will not impact on important features of architectural and historical interests.

The non-statutory 'Listed Buildings and Conservation Areas' states the following:

'The removal or alteration of any historic staircase, including handrails and balusters, is not normally acceptable. The stair is often the most significant piece of design within a building and can be important dating evidence.'

The proposal is to remove a central staircase on the ground floor of the existing school. This staircase originally formed an important and formal component of the buildings historic floor plan. However, the design and layout of the staircase has been altered and remodelled to facilitate the extension to the rear of the school. Whilst the ground floor balustrade show decorative detailing, the extent of later interventions to the staircase layout and balustrade design is overwhelming as you progress upward. Given the degree of intervention that has already taken place, it would not be proportionate to retain this small section of the staircase as the overall benefit of adapting the building into 21 flats significantly outweighs the loss of the existing staircase.

The proposed alterations to convert the building into flats will preserve the architectural character of the building and improve its setting.

Gate Lodge

The proposed internal alterations will not undermine features of important architectural or historical interests.

A portion of the west wall of the existing gate lodge will be removed to facilitate the proposed extension. However, its loss will be compensated by allowing the beneficial use of the gate lodge as a dwellinghouse. Whilst flat roof additions are generally not characteristic of traditional buildings, the extension will be subservient in scale and the use of high quality materials will provide an appropriate contrast and degree of physical separation between the existing building and the new addition. The extension will not adversely undermine the character of the gate lodge and it will not impact on the nearby listed church and war memorial.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Windows, sets out the principles that apply to altering historic buildings.

The Council's non-statutory guidance on 'Listed Buildings and Conservation Areas' advises that original windows are important features of any building and should not be removed or altered. The complete replacement of original windows will only be approved where they have clearly deteriorated beyond repair. Proposals must be accompanied by evidence to demonstrate that they are beyond repair.

In the event that replacement windows can be justified, they should be designed to replicate the original details, including materials, design and opening method. Slim profile double glazing with a cavity (the space between the two sheets of glass) of a maximum of 6mm can be fitted into existing windows, provided early glass is not present. Double glazing with a cavity of more than 6mm is not acceptable.

Findings

The scheme was revised to omit the proposed uPVC windows on the existing gate lodge. The drawings show the existing timber windows to be 'repaired or replaced' where necessary. The Design and Access Statement states that the existing windows are in poor condition.

No sufficient supporting evidence was submitted to demonstrate that the windows are beyond repair. An inspection of the windows indicated that windows are original and form part of the gate lodge's historic fabric as one possessing special interest. The state and conditions of the windows do not appear to be beyond repair. In these circumstances, the proposal is not an act of preservation but an unjustified intervention that will adversely undermine the special interest of the listed building. These elements of the proposal are not supported.

No detail on the proposed window replacement on the existing lodge were provided.

The replacement of the existing timber windows are not required to facilitate the adaption of the gate lodge to a dwellinghouse. Issues of repair costs, energy efficiency, noise attenuation and sustainability (thermal performance) do not outweigh the importance of retaining important historic fabric which is sustainable action in itself. Listed buildings are afforded statutory protection. Repair and refurbishment is feasible in this case.

c) Conservation Area

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the Craigmillar Conservation Area. The character appraisal states the following:

The Craigmillar Park Conservation Area is principally a Victorian residential suburb developed as part of Edinburgh's southward expansion in the late 19th and early 20th centuries.

Most of the buildings have changed little since they were constructed, solidly built of stone and slate, with many rich features characteristic of Victorian buildings, including low stone walls, making the buildings within gardens readily visible. The area is characterised by the consistent and unspoiled quality of the Victorian buildings and the important relationship of the buildings, trees, gardens and open spaces.

The character appraisal also identifies the main school building being a prominent building within the conservation area.

The existing later 20th century additions within the site are incongruous by virtue of their scale, form and design. They do not make a positive contribution to the character of the area. The removal of these additions to facilitate the redevelopment of the site under planning application 18/10180/FUL would result in conservation gains by allowing more open views to the site and this will enhance the setting of the school building.

Whilst the proposal seeks to replace the non-traditional use of uPVC windows, there is nothing to prevent the existing uPVC windows from being retained in-situ. The new uPVC windows will have a neutral impact on the character and appearance of the conservation area.

The extension to the existing gate lodge is contemporary in design and the use of high quality materials will provide an appropriate contrast and degree of physical separation between the existing and new addition. The extension will not adversely harm the character and appearance of the conservation area.

The proposals preserve the character and appearance of the conservation area.

d) Matters Raised in Representation

Relevant - Support

- The revised scheme is an improvement but the principle of flat roofs and uPVC windows are not supported - Addressed in Section 3.3 (a) and (b).

Original Scheme

Relevant - Objection

- Impact on the character and setting of the listed building - Addressed in Section 3.3 (a) and (b).
- Loss of the principal stair rising front the ground floor is in very good condition - Addressed in Section 3.3 (a).
- Inappropriate use of uPVC windows - Addressed in Section 3.3 (a) and (b).
- Impact on the character and appearance of the conservation area - Addressed in Section 3.3 (a) and (b).
- Inappropriate extension to the gate lodge - Addressed in Section 3.3 (a) and (b).

Relevant -Support

- Enhances the character of the listed building.
- Enhances the character and appearance of the conservation area.

Non- Relevant - Objection

Matters relating to neighbouring amenity, traffic impact, sustainability, value of properties, car parking layout, design of new build have been addressed under planning application 18/10180/FUL. The non-relevant issues raised have no bearing in the assessment of a listed building special architectural or historical interests.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to all the proposed works with the exception to replacing the existing sash and case windows on the main gate lodge building.

2. Notwithstanding the approved drawings, samples of the replacement roof slates on the main school building and on the gate lodge shall be submitted to and approved in writing by the Planning Authority before commencing works on the site.
3. Notwithstanding the approved drawings, details of the stone to reinstate the school building shall be submitted to and approved in writing by the Planning Authority before commencing works on the site.
1. In order to recognise which elements of the proposals are recommended for approval.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.

Reason for Refusal:-

1. This refusal relates to the replacement of the existing sash and case windows on the main gate lodge building.
2. The removal of the existing windows in the gate lodge involves the loss of historic fabric and does not have regard to the desirability of preserving the special interest of the listed building. The works will harm the character of the listed building and insufficient justification has been given for the replacement of the windows. As such, the proposed replacement is contrary to Government guidance Managing Change: Windows and Policy Env 4 of the LDP.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The original scheme was first advertised on 25 January 2019 and the proposal attracted 10 representations; 6 objected and 3 supported the proposal.

The second scheme was re-advertised on 3 May 2019 and the proposal attracted 3 letters of support.

The representations received are addressed in the assessment section in the report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 15 January 2019

Drawing numbers/Scheme 01-25.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail:laura.marshall@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

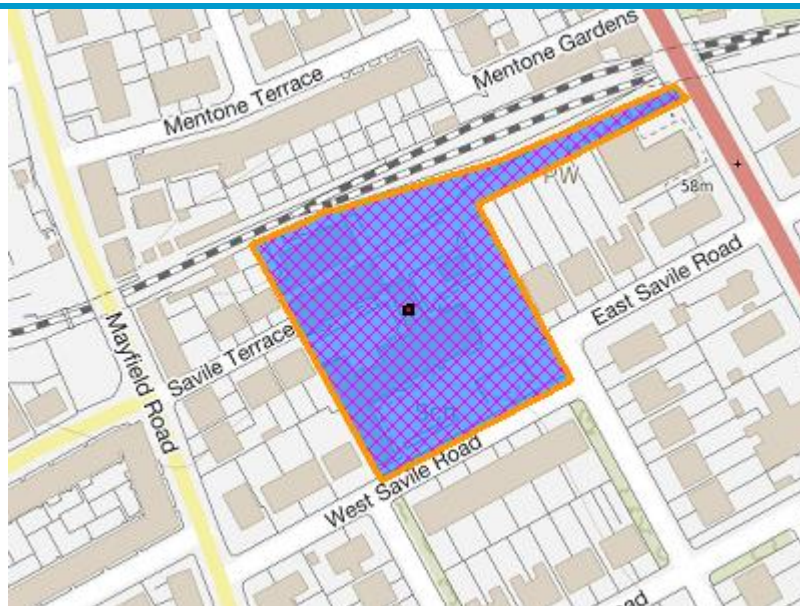
Appendix 1

**Application for Listed Building Consent 18/10258/LBC
At Royal Blind School, 2B Craigmillar Park, Edinburgh
Refurbishment and conversion of existing listed school for
residential use. Refurbishment and extension of gate lodge
building.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01068/FUL
At Royal Botanic Garden, 20A Inverleith Row, Edinburgh
Restoration, improvement and redevelopment of the North
East corner of the Royal Botanic Garden. Development
comprises works to listed buildings and structures;
construction of a new glasshouse, research glasshouses,
education building, horticultural support building and
associated buildings; landscape works; erection of
polytunnels and temporary decent facilities; temporary
construction access road; and associated development
and demolition (as amended)**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposals comply with the development plan and the relevant non-statutory guidelines, preserve the character and appearance of the conservation area and the character and setting of the listed buildings and would not prejudice residential amenity or road safety.

Links

[Policies and guidance for this application](#)

LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN03, LEN05, LEN06, LEN07, LEN09, LEN11, LEN12, LEN15, LEN16, LEN18, NSG, NSGD02, NSLBCA, CRPINV,

Report

**Application for Planning Permission 19/01068/FUL
At Royal Botanic Garden, 20A Inverleith Row, Edinburgh
Restoration, improvement and redevelopment of the North
East corner of the Royal Botanic Garden. Development
comprises works to listed buildings and structures;
construction of a new glasshouse, research glasshouses,
education building, horticultural support building and
associated buildings; landscape works; erection of
polytunnels and temporary decent facilities; temporary
construction access road; and associated development and
demolition (as amended)**

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The proposed application is 5.143 hectares in area and is located on the north eastern part of the Royal Botanic Garden of Edinburgh (RBGE). The site is identified as an Inventory Listed, Historic Garden and Designed Landscape. The site is further included in the Inverleith Special Landscape Area.

The structures on the site include the category A listed Victorian Palm Houses to the north which are two adjoining tall glass houses composed of the octagonal palm house built in 1834 (also known as the Palm Stove) (listed 14 December 1970) (LB ref; 27914) and a later rectangular addition to the west dating from 1859-60. This was listed category A on 14 December 1970 (ref. 27914).

These buildings are linked to the south by two ranges of modernist glasshouses, one running north-south (the Orchid House) and the other east-west (the Front Range). These glasshouses are also category A listed (listed on 4 June 2003, ref. 49216). They are characterised by an external structure of steel cables suspended from a tetrahedral lattice framework, accommodating the associated glazing system.

The Linnaeus Monument, a memorial to Sir Charles Linnaeus, and currently situated to the north of the east-west 1960s range, is an urn designed by Robert Adam in 1778. It was listed category A on 14 December 1970 (ref. 27916).

The category B listed Lecture Hall, classrooms and offices building at 20A Inverleith Row (the Balfour Building) (listed 4 June 2003) (LB ref: 49213) lies at the site entrance on Inverleith Row.

The horticultural service yard is located at the north east corner of the site and contains a range of ancillary buildings. It has existing accesses onto Inverleith Place Lane. A range of research glass houses is situated to the south of the service yard and faces onto the rear gardens of properties on Inverleith Row. An existing building used for educational purposes (known as the Fletcher Building), is located on this eastern boundary, immediately north of the Balfour Building.

The remainder of the site is landscaped and contains a number of trees and shrubs, which form part of the wider Royal Botanic Gardens landscape. Residential properties are located to the north and east of the site boundary. These include the category B listed, terraced dwellings on Inverleith Row to the east and the category B and C listed dwelling houses on Inverleith Place Lane to the north.

The gardens are bordered by category C listed boundary walls with cast iron railings and wrought iron gates (listed on 4 June 2003, ref. 49217). However, the listing description makes it clear this refers to the walls and railings in Arboretum Place, Inverleith Terrace, part of Inverleith Place and the back of Inverleith Row. The wall to Inverleith Place lane is not included in the listing.

The southern section of the site is included within a Local Nature Conservation Site.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

Applications within current application site

13 January 2012 - Listed building consent granted for the erection of new Alpine House (application number 11/03873/LBC).

16 January 2012- Planning permission granted for erection of new Alpine House (application number 11/03888/FUL).

4 March 2019 - Application for listed building consent submitted for alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works included the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access (application number 19/01069/LBC).

4 March 2019 - Application for conservation area consent submitted for the demolition of the unlisted glasshouses and other unlisted structures (application number 19/01070/CON).

Other Applications for Royal Botanic Garden

4 November 2004 - Planning permission and listed building consent granted for new visitor facility with studios, exhibition space and biodiversity garden, shop and cafe (application numbers 04/02106/GDT and 04/2016/LBC).

3 February 2010 - Listed building consent granted for alterations to Botanic Cottage to form cafe, offices and reception and alterations to external landscaping, including formal seating area at East Gate (application number 09/02758/LBC).

24 August 2011- Planning permission granted for new glass house (application number 11/0225/FUL).

29 August 2013 - Planning permission granted for erection of new Botanic Cottage (application number 13/00645/FUL).

3 August 2017 - Planning permission granted for amendment to application number 13/00645/FUL for erection of new Botanic Cottage (application number 17/01129/FUL).

16 January 2019 - Application submitted for construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (application number 18/10304/FUL).

A number of planning applications have also been granted for a range of temporary installations and structures on site, including those relating to seasonal events.

Main report

3.1 Description Of The Proposal

The proposed development comprises works to listed buildings and structures within the grounds of the Royal Botanic Garden of Edinburgh and constitutes a phased programme of works at the north east end of the garden. This will upgrade and expand upon existing facilities at the site which are important to its functions of research, conservation and education,

The proposals include alterations to existing glasshouses, the construction of a new public glasshouse, a research glasshouse, education and support buildings, landscape works, erection of polytunnels and temporary storage facilities and the construction of a temporary access road with associated development and demolition works.

i) Proposed New Buildings

New Public Glasshouse

The new public glasshouse forms the central part of the redevelopment proposals. It adjoins and overhangs the gable end of the Herbarium building and is connected to the Front Range glass house at basement level and via a glazed balustrade walkway above. It has a curved profile and massing which extends by up to 28 metres onto the lawn in front of the Front Range. The overall steel structure will be overlaid with glazing. The maximum height of this building is 20.1 metres.

This building contains a multi-level walkway and will be used to accommodate a wider range of plant specimens and will also serve as a visitor attraction. It will also be used initially to house some plants being displaced during the course of construction works on the Front Range Glass house. This building will be linked internally to the Front Range Glass House and onwards to the Palm Houses.

The proposed heating source for this building will be via a new Sustainable Energy Centre located within the RBG Nursery site. A shallow water feature is located on the south west side of the new glasshouse.

This building will be the first to be constructed on site and will be initially used as a decant facility, providing accommodation for plants and other infrastructure during the works for the reconfiguration of the existing glasshouses which are also the subject of this application.

Education Building

The proposed replacement education building is located on the eastern boundary of the site at a similar location to the existing one. Owing to the change in ground levels at this location, the building appears as a two to three storeys on its east elevation and one to two storeys on its west elevation. The building has a flat roof with a parapet and vertical proportioned windows. The entrance is located at the south end where it opens onto the courtyard facing the Balfour Building. The proposed materials are natural stone cladding, with a rusticated finish on the lower, northern end of the building and bronze coloured, aluminium windows, some with aluminium louvres.

Horticultural Support Building

The proposed horticultural support building is two storeys in height and is located on the northern boundary of the application site. It replaces existing horticultural support buildings and other outbuildings in this area and contains related offices and facilities. It is buff brick clad. The main entrance is on the east elevation.

New Research Glass House

This proposed large scale, multi spanned, single storey building replaces the existing range of interconnecting research glasshouses, occupying the north east end of the application site. It is constructed of aluminium framing and double glazing, laid out in a general north south direction.

ii) Work to Existing Buildings

Specific proposals with respect to the listed glass houses are as follows:

Octagonal Victorian glasshouse:

- Non-original glazing to be removed and to be replaced by double glazed Crittal glazing system; and
- Removal of the existing link between the octagonal glass house and the Orchid House to be replaced by a new link.

1960's glasshouses:

- Replacement of the original single glazing with a new double-glazed system;
- Connections from the Front Range at the basement level to the New Glasshouse;
- A new external entrance door on the south elevation of the Front Range and bridge access to the New Glasshouse;
- New external doors on the north elevation of the Front Range and the west elevation of the Orchid House;
- The replacement of existing doors on the north elevation with glazing;
- Removal of the existing links between Orchid House and Front Range; and
- Extension of basement accommodation of the Front Range by excavation.

The proposals also include the relocation of the Linnaeus Monument to a site within the gardens to the west of the glasshouses, as detailed under the relevant application for listed building consent.

iii) Other works

Proposed Landscaping:

- Redesign of front lawn, including terrace with external seating area in the corner, between the Front Range and New Glass House and resurfacing of connecting pathways. This will include replacement tree planting and mixed flower seeding towards the west and provision of a shallow pond in front of the new glass house;
- Remodelling of the Chilean Terrace to rear of the Front Range, providing improved connectivity through this route and enhancing the existing landscape;
- Provision of reflecting ponds to the rear of the Victorian Glasshouses;
- Encasing of the Fossil Log in front of the Orchid Glass House with glazed panelling and enclosing part of this lawn with fencing;
- Landscaped strip containing trees to rear of Education Building;
- Planting at the new entrance on Inverleith Place Lane and within the adjoining service yard; and
- External lighting scheme.

The proposed tree survey and protection plan includes details of measures to be put in place whilst the construction access is in place to safeguard tree roots. Forty-eight trees will require to be removed as identified on the proposed landscape plans. These include four category A, 13 category B, 15 category C and 16 category U trees.

Proposed Works to Service Areas:

- Reconfiguration of rear yard in north east corner in conjunction with proposed replacement of horticultural support building including;
- Resurfacing of the yard and replacement of two existing vehicular access into this yard with a larger gated one and a separate pedestrian access;
- Provision of 9 parking spaces for staff and operational use;
- Cycle parking stands for staff;
- Provision of tractor wash down area; and

- Siting of two polytunnels next to new horticultural building.

Works Associated with Construction Access Provision:

- Partial removal of railings and gates at Inverleith Place to facilitate the provision of a temporary construction access (to be re-instated at completion of construction period. This is also subject to the relevant listed building consent application (application reference 19/01069/LBC).

These works further include the temporary reinforcement of existing pathways to support construction traffic and temporary re-routing of pedestrian access paths.

iv) Demolition

The following demolition works are required to facilitate the development:

- North Block (offices);
- Research Glasshouses;
- Plant Quarantine Glasshouse;
- Fletcher (Education) Building Glasshouse Stairs and Canopy; and
- Boiler House north wall stores and garages horticulture support building.

These works are subject to the relevant application for conservation area consent (reference 19/01070/CON).

The proposals will be phased over a seven year period, as detailed in the proposed phasing plan.

Scheme 1

The proposals as submitted proposed a glazed link between the New Glasshouse and the Front Range at first floor level and also a different glazing system for the octagonal glasshouse. The facing material for use at the proposed educational centre was originally buff brickwork.

Supporting Documents

- Planning Statement;
- Pre-application Consultation Report;
- Sustainability Statement;
- Amended Design and Access Statement and Supplement;
- Flood Risk Assessment & Surface Water Management Plan;
- Landscape and Visual Impact Assessment;
- Heritage Statement (including Landscape Character Appraisal & archaeological desk based assessment);
- Noise Impact Assessment;
- Daylight and Sunlight Assessment;
- Ground Conditions Report;
- Tree Survey and Protection Plan;
- Root Protection Plan;

- Phase 1 Species Survey and bat report and update;
- Construction & Environmental Management Plan;
- Transport Information; and
- Landscape Design and Planting Schedule.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of the proposed development is acceptable;
- b) The proposals would safeguard the character of listed buildings and the setting of neighbouring listed buildings;
- c) The proposals would preserve or enhance the character and appearance of the Inverleith Conservation Area;
- d) The proposals would impact adversely on the value of the Royal Botanic Garden Inventory Garden and Designed Landscape;
- e) Impacts on the value of the Inverleith Special Landscape Area are acceptable;
- f) Impacts on landscape, biodiversity and nature conservation are acceptable;

- g) The design of the proposed development is acceptable;
- h) The proposals for access provision and impacts on road safety are acceptable;
- i) There are any detrimental impacts on neighbouring amenity;
- j) There are any other material issues;
- k) The proposals meet sustainability requirements;
- l) The impacts on equalities and human rights; and
- m) Issues raised in representations have been addressed.

a) The Principle of the Proposed Development

The application site is within the urban area and designated as Open Space in the Edinburgh Local Development Plan (LDP). It is therefore subject to the provisions of LDP Policy Env 18 (Open Space Protection). This policy states that proposals involving the loss of open space will not be permitted unless it is demonstrated that they meet a number of criteria. These criteria are:

- a) there will be no significant impact on the quality or character of the local environment; and
- b) the open space is a small part of a larger area or of limited amenity value or leisure value and there is significant over-provision of open space serving the immediate area; and
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value; and either:
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or
- e) the development is for a community purpose and the benefits to that local community outweigh the loss.

In assessing the proposal against these criteria, the majority of the proposed development relates to the replacement and/or upgrading of buildings currently on site, or the occupation of new buildings which are on areas of low amenity value, outwith the open parkland.

However, the proposed new glasshouse, adjoining the Herbarium building, occupies an area of lawn in front of the 1960s glasshouse and offers more amenity value. In this case, the loss of this open space is justifiable under policy Env 18, as the proportion of green space to be removed is minimal in relation to the overall scale of the RBGE. Furthermore, the adjacent area of parkland at Inverleith provides substantial amenity space at this locality.

Furthermore, the proposed glasshouse would not be detrimental to the continuity of the wider network, including biodiversity, as its loss would not obstruct access to adjoining areas of open space within this diverse area of parkland. Most importantly, the proposed greenhouse would form a major component of the plans for the redevelopment and upgrading of the Royal Botanic Garden. This will result in significant improvements to this important asset in terms of its recreational, educational and conservation use and it would particularly benefit those within easy access of the site. The benefits to the local and wider city community are therefore considered to outweigh the resulting loss of this area of green space.

In addition, the results of the submitted Landscape and Visual Impact Assessment have demonstrated that this proposal will have no significant impact on the special qualities or character of the LDP designated Special Landscape Area, providing further assurance that the quality and character of the local environment will be safeguarded.

Therefore, the proposals comply with the relevant provisions of LDP Policy Env 18 (Open Space Protection) and are acceptable in principle.

b) Impacts on Character and the Setting of Listed Buildings

The Historic Environment Policy for Scotland (HEPS) outlines how the Council should undertake the collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

Policy Env 3 Listed Buildings- Setting states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Policy Env 4 Listed buildings- Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The amended scheme proposes a minimal intervention connecting the New Glasshouse with the Front Range. A main point of entry for the public route through the glasshouses will be built at the basement level connecting the two buildings. The basement of the Front Range is a concrete podium upon which the glasshouse with its external structure sits. Although integral to the overall design, the main interest of the listed structure is above with the glazing and the structure. The proposed link from the New Glasshouse to the Front Range at this level does not significantly adversely impact the special interest of the building.

Access from the New Glasshouse to the first floor level of the Front Range is via a ramp and a new glazed door in the same sloped plane of the glazing on the Front Range. No changes will be made to the structure and when closed, the door will be almost invisible. This door system will be used at other entrance points on the building. Some existing access points will be infilled with glazing to match adjacent panels. The proposed door system is well designed and unobtrusive. It will have a minimal impact on the character of the listed glasshouses.

The 1960's Glasshouses are currently single glazed and the glazing system is failing. The glass needs to be replaced to accommodate safety glass. The RBGE is taking this opportunity to improve the thermal efficiency of the glasshouses by adapting the glazing system to incorporate double glazing. Details of this change have been submitted and the alterations will not affect the special interest of the listed building.

The octagonal glasshouse or 'Palm Stove' has a modern glazing system in the vertical glazing, although the glazing in the roof is in its original format. It is proposed to replace this modern glazing with a Crittal glazing system that incorporates double glazing. This will retain the general character of the original glazing with a system that increases thermal performance.

A new link will be formed between the 1960s Orchid House and the octagonal glasshouse to replace an existing one that has a poor visual relationship with the Victorian structure. The new link will be a contemporary structure. Its relationship with both the Victorian glasshouse and the 1960s glasshouse will be improved and the new link will not detract from the original listed structures.

The Linnaeus Monument, which is currently to the north of the South Range, will be relocated to another location within the Gardens between Inverleith House and the Botanic Cottage. The monument will be in a more public location and will be better accessed by the public. The applicant has submitted a method statement for its dismantling and relocation under the relevant application for listed building consent (reference 19/01069/LBC) which is satisfactory.

In order to create a temporary construction access road, a portion of the listed boundary wall and railings to Inverleith Place will need to be temporarily removed. The proposals provide for this boundary treatment to be reinstated when site works cease. A condition is added to ensure this will be done.

Overall, the alterations that are part of this refurbishment will allow the RBGE to maintain the high standard of the collection in buildings that are fit for purpose. The alterations are sensitive to the listed buildings and will preserve their special character in compliance with the HEPS and LDP policy Env 4.

In terms of the setting of the listed buildings, although the position of the proposed new glasshouse obscures the east end of the Front Range glass house, its carefully articulated form and positioning will minimise any impacts on the listed building's setting. Its curved shape is articulated to ensure that views of this listed building frontage from the front lawn are maintained from most directions.

The proposed amended, lower profile link from the New Glasshouse to the listed Front Range Glass House does not adversely impact the setting of the listed Front Range Glasshouse. Furthermore, it will have a minimal impact on the setting of the listed Balfour Building, to the east, where owing to the change in ground levels, the link will only be visible at ground level.

The proposed external alterations to form the new cafe which is proposed below plinth level in the 1960's glass house are minimalist in form and will have no adverse impacts on the setting of this listed building.

The proposed link between the listed palm house buildings, which is an improvement to the existing structure in terms of its appearance, will also safeguard the setting of these listed buildings.

The proposed new education building backs on to the row of Category B listed, terraced dwelling houses at numbers 21-29 Inverleith Row. At up to three storeys high, it is substantially taller than the existing glass houses occupying this space. However, these dwellings have relatively deep back gardens, which allows some set-back from the new building. Furthermore, the proposed building height is lowered to a single storey at its closest point to their boundary. The presence of this sympathetically designed building is not considered to significantly impact on the setting of this listed terrace.

The Horticultural Support Building is low profiled and will have no significant impact on the setting of the listed palm houses to its south west.

The proposed buildings and works therefore safeguard the character, special interest and setting of the listed buildings within the Garden. A condition will be added to ensure that suitable arrangements are made for the relocation of the Linnaeus Monument to an agreed location within the Park. A condition will also be required for the safe storage of the stonework and railings removed from the existing boundary on Inverleith Place and the re-instatement of this boundary treatment, once relevant site works are completed.

Overall, there is no adverse impact on the character, appearance, interest, or setting of the listed buildings on the site, in compliance with the HEPS and LDP policies Env 3 and Env 4.

c) Impact on the Character and Appearance of Inverleith Conservation Area

LDP Policy Env 6 Conservation Areas- Development requires that development within a conservation area or affecting its setting will only be permitted where it:

- a) *Preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;*
- b) *Preserves trees, hedges boundary walls paving and other features which contribute positively to the character of the area and;*
- c) *Demonstrates high standards of design and utilises materials appropriate to the historic environment.'*

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

The special characteristics of the Inverleith Conservation Area are noted in the character appraisal as follows:

Landscaped spaces dominate the area, contrasting with surrounding, denser development. The substantial amount of open space allows panoramic views across to the city skyline. The conservation area is characterised by playing fields, a public park and the Royal Botanic Garden.

The Appraisal also makes reference to the Royal Botanic Garden as containing:

'a unique and self-contained collection of buildings'.

The majority of the new development is located on the site of existing buildings or service areas, where their presence will not impact on the landscaped setting provided by the Garden.

The main exception is the new glasshouse which extends over part the front lawn. The affected area is relatively small in relation to the overall scale of the gardens. Furthermore, the Landscape and Visual Impact Assessment has demonstrated that there will be no significant impacts to and from the site on protected city views or the contribution they make to the area's setting. The proposed striking and innovatively designed building will make a positive contribution to the character and appearance of the conservation area. Its overtly modern design will be viewed as a processional timeline from the Palm House to the 1960s Glasshouses through to the New Glasshouse and the visitor experience and appreciation of the Gardens will be enhanced by this new feature.

The proposals for the demolition of the existing range of horticultural glasshouses, associated outbuildings and the existing educational building are considered in more detail under the relevant application for conservation area consent (Planning Reference 19/01070/CON). However, in summary these buildings are not of any significant architectural or historic merit. Furthermore, in the case of the glasshouses, these are declining in condition and are inefficient to run, due to their single glazing. The proposals for their replacement will not only be more sustainable, but will improve the appearance of this area of the gardens and provide an enhancement to the overall appearance of the Inverleith Conservation Area.

The predominant materials in this part of the conservation area are noted as buff stone to the front and rubble to the rear, with slate roofs. The proposed facing materials for use on the educational and horticultural buildings are buff stone cladding and buff brickwork respectively. These materials will blend with the buff stone work on the neighbouring Georgian townhouses. The brickwork on the horticultural building will reflect its more ancillary usage.

The stone boundary walls are also noted as a characteristic of this townscape. The proposed works to form a new vehicular accesses on to Inverleith Place Lane and the temporary access on Inverleith Place will result in the loss of part of this historic fabric. As a result there will be some localised impacts on the appearance of the streetscape. In the case of Inverleith Place Lane, it is noted that the stonework to be removed will be reused in the construction of the wall bounding the proposed set back at the new entrance. This provision, along with the proposals for appropriate landscaping at the sides of this enlarged entrance, will help soften the impact of these proposals on this mews lane.

Concerns have been raised regarding the design and finish to the proposed gateway, which is modern in appearance and constructed of anodised aluminium. The metalwork has an attractive latticed pattern, the appearance of which could be softened through the use of a tinted finish. The finalised details of this finish will be required though the general provisions of a condition requiring full specifications for all external materials.

In the case of the Inverleith Place entrance, provisions have been made for the listed gates, railings and ground cope stones to be stored and re-instated once the construction phase is completed. These relatively small scale works are considered justifiable, in this case, given the overall positive impacts the proposals will have in terms of enhancing the quality and condition of the buildings within the Garden and the contribution they make to the area's character and appearance.

The proposals for the replacement of trees to be removed, as a result of the proposed works, will ensure that these important elements of the area's character are retained. A suitable planning condition will be applied requiring these measures are implemented at an appropriate stage in the works programme.

The proposals therefore preserve the character and appearance of the Inverleith Conservation Area, in compliance with the relevant provisions of LDP policy Env 6.

d) Value of Royal Botanic Garden Inventory Garden and Designed Landscape

LDP policy Env 7 (Historic Gardens and Designed Landscapes) provides that development will only be permitted where there is no detrimental impacts on a site recorded in the Inventory of Gardens and Designed Landscapes.

The Historic Environment Scotland Inventory description for the Royal Botanic Garden describes it as:

the second oldest botanic garden in the UK (which) hosts a vast collection and some interesting architectural features.'

It is therefore of outstanding historic value, as well as having outstanding value as a 'Work of Art'.

The landscape is attractively laid out and the plant collection is recorded as having outstanding Horticultural and Botanic value. The Garden is also recorded as having outstanding architectural value, in terms of providing the setting for the Palm Houses. The buildings and tree canopy are recorded as having some value in the local scenery and the 'abundant wildlife supported by the Garden', is noted to have some Nature Conservation Value.

Whilst large in scale, the carefully sited and articulated form of the proposed new glasshouse will not have a detrimental impact on the Garden or on the setting of the listed Large Palm House. The glazed link connecting the new glasshouse to the 1960s Glasshouses south range glass house is now largely at basement level and is more modest in scale and less conspicuous than the original proposal. It will not detract from its setting or the contribution this listed building makes to the Architectural Value of the Inventory Garden.

The proposed new horticultural support and education buildings which are located on the periphery of the RBGE grounds, will not adversely impact on the park's landscape setting. These proposals will not affect the setting of the listed Large Palm House and 1960's Glasshouses, or the contribution these make to the Architectural Value of the Inventory Garden.

The removal of the Category A listed, memorial to Sir Charles Linnaeus would result in some loss of an historic attribute within the Inventory Garden as noted by Historic Environment Scotland. However, providing measures are put in place to secure its removal to an alternative position in the gardens, as detailed in section 3.3b) above, this will not impact adversely on the values of the Inventory Garden.

The proposals for the new glasshouse require some re-configuration of the front lawn, necessitating the loss of some trees (as noted by neighbours or Community Council in their response). However, the submitted Tree Protection and Removals Plan will provide for their replacement with a commensurate number of a suitable species, thus providing suitable mitigation measures.

The proposals will not detrimentally impact on the Inventory Garden and Designed Landscape providing that suitable measures are put in place for replanting and new landscaping once the construction phase is over. Conditions will be applied to ensure these works are carried out in a timely manner. On this basis, the proposals comply with policy Env 7.

e) Impacts on Special Landscape Area (SLA)

LDP policy Env 11 (Special Landscape Areas) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape areas.

The Inverleith SLA follows the boundaries of Inverleith Park and the Royal Botanic Garden Edinburgh. The following characteristics were identified for this area in a report from 2010 used as the basis for the designation.

Landscape characteristics and qualities

An extensive wooded parkland landscape in the north of the city, of cultural and recreational significance.

The juxtaposition of Inverleith Park and the Royal Botanic Garden Edinburgh aids their interpretation as a single landscape unit, when viewed at a distance from elevated locations such as Edinburgh Castle and Calton Hill. Although differing in layout and character, the Park's mature avenue trees visually coalesce with the tree canopy of the Royal Botanic Garden, which is punctuated by the glass-domed roof of the Victorian Temperate Palmhouse.

Changes in the management of the two areas and provision of new recreation or visitor facilities may affect the character of the landscape.

As indicated above, the proposals will initially impact on the level of tree cover in this part of the SLA. However, the proposed replacement planting programme will provide for similar levels of tree cover to be provided and established on site, at an appropriate time in the works programme, as will be ensured through the use of a planning condition.

The results of the submitted Landscape and Visual Impact Assessment have demonstrated that this proposal will have no significant impact on the views across the city as experienced to and from the LDP designated Special Landscape Area, providing assurance that these qualities will be safeguarded.

Also, as noted above, the proposals will result in the loss of a small area of greenspace in order to accommodate the new glasshouse. However, the area concerned is small in comparison to the extensive area of the overall garden grounds.

As noted in the description of the SLA, the Garden also serves as an important visitor attraction and the new greenhouse, with its multilevel walkway with viewpoints and high spanned roofline, will also help support taller ranges of species which will provide an enhanced facility for both residents and visitors to Edinburgh. Its sensitive siting and organic form ensures that it will not have a detrimental impact on the Area's landscape character.

The proposals will result in no significant adverse impact on the special character and qualities of the Inverleith Special Landscape Area, in compliance with the requirements of LDP Policy Env 11.

f) Trees, Landscaping, Biodiversity and Nature Conservation

Trees and Landscaping

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or any other tree or woodland worthy of retention, unless necessary for arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset loss to amenity.

The tree survey and protection plan includes details of measures to be put in place whilst the construction access is in place, to safeguard tree roots. A condition will be added to ensure that these proposed protection measures are undertaken in accordance with the approved measures.

The application includes proposals for the replacement trees which are lost or damaged as a result of the proposed development. An appropriate condition will be applied to secure the undertaking of these proposals.

The proposals for the landscaping on the front lawn are required in association with the siting of the new glasshouse in this area. These proposals will result in the loss of some trees, notably those closest to the Herbarium building. However, proposals are included for the replanting of some trees in this area, as well as mixed flower seeding on the lawn. As full details of the species to be planted at these locations have not been provided to date, these will be required through the use of an appropriate planning condition. A further condition will be required to ensure the undertaking of these works as part of the phased development scheme.

LDP Policy Des 8 (Public Realm and Landscape Design) states that planning permission will be granted for development where all external spaces and features including footpaths, green spaces and boundary treatments have been designed as an integrated part of the scheme. It should also be demonstrated that:

- a) the design and materials are appropriate for their use and within the context of the character of the area;
- b) different elements of paving and landscaping are coordinated;
- c) particular consideration is given to the planting of trees to provide a setting for buildings and to provide a robust landscape structure; and
- d) a satisfactory scheme of maintenance is put in place.

The provision of a reflecting pond in front of the new glasshouse will enhance its landscape setting, as well as serving as a cooling pond. The proposed ponds next to the Palm House will have similar benefits. Concerns have been raised by the Community Council that the pond next to the new glasshouse could endanger pedestrian safety on the adjoining pedestrian route. Although the pond is shallow in depth, the applicant has agreed to add suitable planting to this edge, in order to serve as a buffer and address this safety concern.

The works to the Chilean Terrace which include remodelled pedestrian access routes and an enhanced planting scheme, will improve its accessibility and appearance in this currently underused area of the gardens.

The proposed landscaping is high quality as befits the new glasshouse.

The proposals for trees make appropriate provision for the safeguarding of existing trees and replacement replanting. The landscaping will be high quality as befits this conservation area and Special Landscape Area location, in accordance with the requirements of policies Env 12 and Des 8.

Biodiversity and Nature Conservation

LDP Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on protected species unless several criteria can be met. These criteria include whether there is an overriding public need for the development and it is demonstrated that there is no alternative, a full survey has been carried out of the current status of the species and its use of the site, and that suitable mitigation is proposed.

Surveys of the application site have identified the presence of protected species. A condition is applied to ensure measures to be put in place in order to safeguard badgers. Further updates to bat surveys will also be required at appropriate times in the development phase. An informative will be required to advise of this statutory requirement.

This is acceptable and the proposal is in accordance with policy Env 16.

g) The design of the proposed development is acceptable

LDP Policy Des 1- Design Quality and Context of the LDP requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features of the LDP states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting of the LDP also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

Policy Des 11(c (Tall Buildings- Skyline and views) sets criteria for buildings that rise above the prevailing heights of the area.

The sculptured, light-weight form of the New Glasshouse building reduces the impacts of its height and scale in relation to the surrounding landscape. The nature inspired design, which resembles that of a palm leaf, reflects the building's function and site's landscaped setting. Other new buildings are largely functional and low key. They therefore demonstrate compliance with the requirements of LDP Policy Des 1 in terms of its contribution towards a sense of place within this designed landscape and public garden.

The remodelling of the landscape on the lawn in front of this building to facilitate access to the public glasshouses has been attractively planned with water features and walkways. This will ensure a good quality of public realm within this landscaped setting, in compliance with the requirements of LDP Policy Des 3 (Incorporating and Enhancing Existing Features).

The height and scale of the proposed New Glasshouse exceeds that of existing buildings in the Garden and surrounding locality. This has been a point of concern raised by contributors. However, this building has been carefully sited and articulated to minimise impacts on the setting of neighbouring listed buildings. The amended lower profile design of the glazed link between this glasshouse and the listed Front Range Glasshouse ensures that the setting of both the Front Range and listed Balfour building are safeguarded. The link between the listed Palm House and Front Range Glass house is similarly restrained. Overall, the design has been carefully considered.

The results of the landscape and visual impact assessment demonstrate that there will be no significant adverse impacts on views of the city skyline, in accordance with the requirements of policies Des 4 and Des 11.

The proposed Education Centre, has been carefully positioned to respects the site's backdrop of listed dwelling houses and their residential amenity. The fenestration is suitably restricted to safeguard privacy. The elevation containing the main entrance faces onto the Balfour Building, and has a suitably strong presence, reflecting its public function. The use of natural stone as a facing material ensures it relates well to its setting next to listed buildings and within the conservation area, in accordance with the requirements of LDP Policy Des 4.

The proposed horticultural support building is low profiled in form and suitably restrained in design, reflecting its usage as does the use of brickwork at this location.

It is concluded that the proposals as a whole, are acceptable in terms of their height, scale, materials, positioning and relationship with context, in accordance with the requirements of relevant LDP Design policies.

h) Access and Road Safety Impacts

LDP Policy Tra 1 (Location of Major Travel Generating Development) requires that for sites outwith the City Centre, the suitability of a proposal will be assessed having regard to the accessibility of the site by modes other than the car, the contribution the proposal makes to the Local Transport Strategy Objectives, and the impact of any travel demand generated by the new development on the existing road and public transport networks.

Similarly, LDP Policy Tra 9 (Cycle and Footpath Network) seeks to ensure that proposals will not have a detrimental impact on the implementation of cycle paths/footpaths; be detrimental to a path which forms part of the core paths network or prejudice the continuity of off-road network generally; or obstruct or adversely affect a public right of way or other route with access rights unless satisfactory provision is made for its replacement.

The Roads Authority has no objections to the formation of the proposed temporary access for construction traffic from Inverleith Place. The width of this road carriageway will allow vehicles to enter and leave the site safely from this point.

The proposed arrangements for utilising part of the shared access route through the gardens during the construction phase and provisions for temporary pedestrian access in places, are also considered acceptable in terms of public safety. However, a condition will be required to ensure that the proposed protection measures (as detailed on the Root Protection Plan) are put in place prior to the commencement of the construction phase and removed thereafter. Furthermore a condition will be required to ensure that the proposed temporary surface on the diverted sections of the pedestrian accesses is removed and the lawn reinstated, at the end of the construction phase.

A number of concerns have been raised by local residents in relation to safety issues concerning the new vehicular access proposed at Inverleith Place Lane and potential use of this access and the lane by larger vehicles.

The Roads Authority has no objections on road safety grounds to the proposals for the re-configuration of the existing entrances on the Inverleith Lane frontage. The formation of a single, dedicated vehicular entrance, with gates and a separate pedestrian access point, should improve pedestrian safety. Furthermore, the set-back position of the new entrance, which includes wider visibility splays at its sides will improve sight lines on the lane and allow vehicles to enter and leave the site more safely. Allied to the proposed arrangements for improved traffic flow within the yard, these provisions should also enable drivers to undertake turning movements at this junction more accurately, to the further benefit of public safety.

No details are provided for the proposed opening mechanism for the gates. It is noted that the use of outward opening gates will not be permitted under the Roads Act. A relevant informative will be applied.

In response to concerns that this end of the lane will be used for access proposes for construction traffic, the applicant has clarified that this is not the intention as the construction traffic will be using the proposed temporary access route. However, as a public road, it is not possible to restrict roadworthy vehicles from the lane. The applicant has confirmed that they are willing to work in accordance with a Construction Traffic Management Plan. The Council, as Roads Authority would support this provision. It is noted, that this provision cannot be enforced through the Planning function but an informative will be added to this effect.

In response to concerns that the proposed use of the fuel storage facility within the yard, it has been confirmed that this storage facility will be used solely to serve horticultural related machinery. Refuelling facilities for RBG vehicles will in future be located at the proposed sustainable energy centre at the Nursery site (subject to application number 18/10304/FUL).

The proposals for vehicle and cycle parking provision accord with the Council's standards for this parking zone and are acceptable. A traffic regulation order would be required to allow the Council statutory powers to regulate the use of the proposed parking spaces for disabled drivers. A sum of £2,000 would be required from the applicant, to promote such an order. An informative is added to advise the applicant of this requirement. A further informative is added, advising the applicant to install Electric Vehicle charge points within the proposed parking areas.

A number of contributors have also raised concerns regarding the potential increased demands for on-street parking provision on surrounding streets and have requested that temporary parking spaces are put in place during the construction phase. The Roads Authority considers that the proposed development will have a negligible impact on on-street parking provision within this controlled zone.

The proposals are considered to have acceptable impacts on road safety and parking, subject to the implementation and usage of the proposed temporary access proposals during the construction works phase. As stated above, the use of a construction traffic management plan, as proposed by the applicant, will help ensure that construction vehicles adhere to the agreed terms of the CTMP during the course of operations. A transport statement was not required as part of the application as the road impacts can be adequately addressed.

The proposal is in accordance with policies Tra 1 and Tra 9.

i) Impacts on Neighbouring Amenity

The design policies in the LDP are supported by the Edinburgh Design Guidance, which provides advice on site development with regards to ensuring appropriate levels of amenity. LDP Policy Des 5 (Development Design - Amenity) is relevant for assessing the impact of proposals on amenity for existing and new residents.

The proposals have been assessed in terms of impacts on daylight and sunlight provision to neighbouring occupiers, and no detrimental impacts have been found.

Additional information has been submitted as requested by Environmental Protection, in order to give full consideration to the potential impacts of noise disturbance to neighbouring occupiers. This was specifically in respect of the operations to be carried out at the proposed plant room within the re-configured horticultural support yard. This information confirms that the related energy plant will be located at the nursery site outwith this area. Furthermore, it has been confirmed that suitable noise attenuation mechanisms will be utilised within the BTG plant-room. A condition will therefore be applied, to ensure these measures are implemented.

Additional information relating to the proposed external lighting scheme has also been submitted in response to the request from Environmental Protection. This information demonstrates that the proposals would not result in light spillage on to residential areas. In order to provide further assurance regarding potential risk of glare, the applicant has submitted a further statement, giving relevant assurance on this matter. Environmental Protection has advised that the design and layout of this lighting is such that the likelihood of complaints regarding glare is low. If such issues do arise, these may be dealt with under the Control of Pollution Act.

Neighbouring occupiers on Inverleith Place Lane have raised concerns regarding the potential impacts on neighbouring amenity, as a result of increased noise, dust and fumes as a result of the increased size of the entrance to the service yard, which will now be directly opposite the properties at numbers 6 and 7 Inverleith Row. The applicant has clarified that this yard will be used by vehicles carrying out operations relating to the functions of the existing RBGE and not for construction traffic, which will have a separate access on Inverleith Place. As such, there should be no significant increase in related noise and dust emissions. However, it is acknowledged that as an adopted public road, there is a risk that construction traffic will utilise this entrance. The applicant has confirmed that they intend to submit a Construction Traffic Management Plan when works commence to guard against such usage and resulting impacts on amenity. An Informative will be added, regarding this intention.

The other matters raised by contributors relating to traffic matters are addressed in the relevant section of this report.

The impacts on residential amenity are considered acceptable under policy Des 5 and the Edinburgh Design Guidance, subject to the use of a planning condition requiring the installation of sound attenuation measures at the proposed plant room, as recommended above.

j) Other Issues

Drainage and Flood Prevention

The proposals for Sustainable Urban Drainage consist of underground cellular storage located provision on the front lawn, as well as bio-retention systems and permeable paving. These systems would be maintained privately.

These measures are considered acceptable and in accordance with the provisions of LDP policy Des 6 (Sustainable Buildings).

Archaeological Interests

LDP Policy Env 9 (Development of Sites of Archaeological Significance) requires the protection and enhancement of archaeological remains.

This site was previously included within the grounds of Inverleith House which dates back to the 14th century and as such is of potential archaeological interests. A condition is therefore included requiring the undertaking a programme of relevant archaeological works, to include the reporting and publication of relevant findings, in accordance with the recommendations of the City Archaeologist. This is acceptable in terms of policy Env 9.

k) Sustainability

LDP Policy Des 6 (Sustainable Buildings) requires consideration be given to mitigating the environmental impact of the development. The applicant completed the required Sustainability S1 form and this confirmed that the proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. The proposals for sustainability are in compliance with the Edinburgh Design Guidance.

This is acceptable in terms of policy Des 6.

l) The impacts on equalities and human rights

The proposals have been assessed in terms of equalities and human rights.

It has been found that the proposals will provide enhanced accessibility provision for wheelchair users and others with mobility difficulties or special needs, as a result of the proposed alterations and improvements to pedestrian access routes to and between the proposed glasshouses. The proposed parking provision for disabled drivers, meets the Council's standards and will ensure that appropriate allocation is provided. However, as noted in section 3.3h), a Traffic Regulation Order will be required to allow for their use to be regulated for such purposes by the Council.

In terms of human rights, the proposals would ensure that the benefits to health and wellbeing which the gardens provide will not be detrimentally impacted upon, providing suitable measures are provided for the re-instatement of areas of the garden affected at construction stage. Conditions will be imposed to ensure such works are carried out.

The proposed sound attenuation measures at the plant room will ensure there are no resulting detrimental impacts on health and wellbeing.

The impacts on the health and wellbeing of neighbouring occupiers at the construction phase, although not controlled by the planning function, would be subject to protection under the Control of Pollution Act. The use of a Construction and Environmental Management Plan, although not controlled through the planning function, would further serve as a mechanism to manage such potential temporary impacts, as referred to in paragraph 3.3 h).

m) Issues Raised in Representations

Material Objections

Traffic Issues

- Safety of pedestrians and road - assessed in section 3.3 (h).
- Increased demand for on-street parking - assessed in section 3.3(h).
- Lack of Transport Statement and traffic management proposals submitted with application - assessed in section 3.3(h).
- Increased risk of traffic obstructions on lane - assessed in section 3.3(h).
- Suitability of lane for use by RBGE vehicles - assessed in section 3.3(h).
- Impact on bin deliveries - assessed in section 3.3(h).

Amenity Issues

- Increased noise, fumes and vibration, as a result of increased usage of lane by vehicles, including lorries, in close proximity to neighbouring occupiers - assessed in section 3.3(i).
- Impact on outlook from neighbouring properties - relevant visual impacts are assessed in section 3.3(c) and (g).
- Proposed replacement of two vehicle entrances to service yard, off Inverleith Place Lane, with a larger one could negatively impact on amenity of neighbouring residents - assessed in section 3.3(i).

Impact on Conservation Area

- Design, scale, height and materials out of character with the conservation area and listed building ' assessed in section 3.3(c).
- Proposed gateway on lane is out of keeping with scale of the lane carriage-way and dwelling houses fronting onto it - assessed in section 3.3(c).
- Demolition of the stone boundary wall is detrimental to the character of the conservation area - assessed in section 3.3 (c).
- Lack of information regarding appearance of proposed entrance - assessed in section 3.3(c).

Other Issues

- Impacts on quality of open space and its benefits, in terms of promoting health and wellbeing - assessed in section 3.3(a) and m).
- Increased commercially run facilities will conflict with the RBGE's role - assessed in section 3.3(a).
- Impact on ecology due to tree felling and disturbance to wildlife - assessed in section 3.3 (f).
- Concerns regarding safety of water features - assessed in section 3.3(f).

Non-Material Issues

- Asbestos pollution as result of demolition works.
- Power washing of wheels at gate.
- Damage to surface of lane.
- Loss of aquarium - this facility is internal and not part of the planning application.
- Proposed position of gateway is detrimental to the visual amenity of occupiers of the houses facing directly onto it.
- Need for on street parking time limits to be reduced on Inverleith Row.
- Dedicated parking spaces should be provided for residents on north side of Inverleith Place.
- Lack of details on how new entrance will operate, in terms of traffic flows, types and size of vehicles and timings of usage - assessed in section 3.3(h).
- Impact from noise, fumes, vibration and disturbance during construction phase - assessed in section 3.3(i).

Community Council Comments

Material Objections

- Detrimental impacts of new glasshouse and connecting structures on character and setting of listed 1960s greenhouse - assessed in section 3.3 (b).
- Inappropriate design and scale of new glasshouse in relation to existing glass house - assessed in section 3.3(b).
- Impact on neighbouring residents as a result of repositioning of service yard entrance - assessed in section 3.3(i).
- Proposed extent of tree loss (e.g. silver birch group near 1960's building) - assessed in section 3.3(f).
- Public pedestrian safety as a result of proposed positioning of water ponds - assessed in section 3.3(f).

Further response from Community Council relating to revised scheme

- Detrimental impacts of new glasshouse and connecting structures on character and setting of listed buildings - assessed in section 3.3 (b).
- Inappropriate design and scale of new glasshouse - assessed in section 3.3(b).
- Detrimental Impact on neighbouring residents as a result of repositioning of service yard entrance - assessed in section 3.3 (c) and (i).
- Considers an alternative position for new entrance to yard is required - assessed in section 3.3 (i).
- Detrimental impacts of proposed cafe at ground floor level of 1960s glasshouse on setting of this listed building - assessed in section 3.3 (b).

Inverleith Society Comments

- Unsympathetic design of the proposed structures connecting the 1967 glasshouse to the new glasshouse and to the 1967 glasshouse - assessed in section 3.3(g).
- Concerns regarding use of Inverleith Place Lane as a site access - assessed in section 3.3(h).

Conclusion

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines, preserve the character and appearance of the conservation area and the special qualities of the Special Landscape Area and the setting of the listed buildings and would not prejudice residential amenity or road safety; or impact adversely on the site's biodiversity value.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. The development hereby approved shall be carried out in accordance with the terms of the approved phasing plan (reference BIO-SSM-NEC-XX-DR-AR-00051) (or with any subsequent variations, as agreed in writing, in advance of such works commencing).
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work commences on the site of the relevant development phase; Note: samples of the materials may be required.
3. No demolition/development shall take place, until the applicant has secured and implemented a programme of archaeological work (historic building survey, excavation, public engagement, reporting and analysis and publication) in accordance with a written scheme of investigation, to include details of the schedule for the implementation of this programme, which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

4. A fully detailed landscape plan for the external areas, including details of hard and soft surfaces and boundary treatment and all planting numbers and species shall be submitted to and approved in writing by the Planning Authority, before works at any approved development phase commences (unless as otherwise agreed in writing with the Planning Authority).
5. The approved landscape scheme, shall be fully implemented within 6 months of the completion of development at the relevant development phase, unless otherwise agreed in writing with the Planning Authority.
6. Notwithstanding the terms of condition number one above, a programme detailing the proposed phasing for the implementation of the tree protection measures, as included in the approved Tree Protection and Removals Plan, shall be submitted to and approved by the Planning Authority prior to the commencement of development.
7. Prior to the commencement of development, the trees at the respective phase of the tree protection implementation programme, approved under the terms of condition no. 6 above, shall be protected during construction works throughout the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 'Trees in relation to design, demolition and construction' and by other identified measures, as specified in the approved 'Tree Protection and Removals Plan'.

8. Notwithstanding the approved landscape plans, a detailed plan, showing provision of a suitable planting scheme for the edge of the reflecting pond, on its border with the pedestrian access route, shall be submitted to and approved by the Planning Authority, prior to the commencement of development.
9. The approved works to form a temporary access for construction traffic on the boundary with Inverleith Place, shall be implemented in full, prior to the commencement of any development works on site and maintained in place for up to 10 years of the date of this consent, or 3 months of the completion of the development, whichever is less, unless otherwise agreed in writing with the Planning Authority.
10. The section of the boundary wall and railings on Inverleith Place, to be removed in order to form the temporary access entrance, shall be reinstated within 10 years of the date of this consent, or 3 months of the completion of the development, whichever is less.
11. Prior to any construction taking place, a Badger Protection Plan, detailing any licence requirements, should be submitted to the Planning Authority for approval.
12. The following noise attenuation measures shall be put in place and retained at all times within the plant room:
 - All ventilation plant shall incorporate duct-mounted attenuators prior to intake/exhausts.
 - All mechanical plant items inside the plant room shall incorporate anti-vibration mounts/ assemblies.
13. Full details of the proposed relocation of the Linnaeus Monument shall be submitted for the further approval of the planning authority and thereafter implemented in full prior to the first use of the New Glasshouse
14. The proposals for the construction of the temporary pathway provision within the application site, during the construction phase, (as referred to in drawing number BIOM -IFL-ZZZ-00-DR- LA-45700) (Tree Protection and Removals), shall be implemented in full prior to the commencement of development works and retained in situ until the completion of the final phase of development, unless otherwise agreed in writing with the Planning Authority.
15. The proposed temporary pathway construction, as referred to under the terms of condition number 14, shall be removed in full and the land re-instated to its former condition, within 10 years of the date of this consent or within 3 months of the completion of the development, whichever is the sooner.

Reasons:-

1. To ensure the development proceeds in accordance with the approved phasing plan, or as otherwise agreed in writing with the planning Authority.
2. In order to enable the planning authority to consider this/these matter/s in detail.

3. In order to safeguard the interests of archaeological heritage.
4. Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.
6. To ensure that adequate measures are taken at the appropriate time period to safeguard protected trees.
7. To allow for the protection of existing trees.
8. To improve pedestrian safety.
9. To ensure that suitable access provision is in place for construction traffic throughout the course of the development works, in the interests of public safety.
10. Due to the temporary nature of these works.
11. In order to safeguard protected species.
12. In order to safeguard residential amenity.
13. In order to ensure that satisfactory proposals are in place for the relocation of this listed monument and to ensure it is adequately safeguarded.
14. To safeguard public safety.
15. To safeguard to the landscape quality of this Special Landscape Area.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Further updates to bat surveys shall be submitted at a period to be agreed by the planning authority prior to the commencement of the works.

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), staff changing, shower and drying facilities, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport
6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
7. The applicants should put in place a Construction Management Plan for the safe use of vehicles, during the construction phase of the development.
8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
9. The applicant should note that under Section 767 of the Roads (Scotland) Act, no doors, gates or windows should open out onto or interfere with a road. Therefore, the Council has powers to ensure that the proposed gate on Inverleith Place Lane does not open outwards onto the road.
10. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 March 2019.

A total of 21 representations were received.

These included objections from the Inverleith Society and Stockbridge and Inverleith Community Council (which is also a statutory consultee) and 15 individuals. Three letters of comment (neither supporting nor objecting to the proposals) were received from individuals.

A letter in support of the application was received from the Cockburn Association.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Historic Garden and Designed Landscape
Inverleith Conservation Area
Special Landscape Area name xxx

Date registered

4 March 2019

Drawing numbers/Scheme

01-12,13A,14,15A- 22A,23-31,33A,34-37,38-
42A,43,44,,
45A,46- 56,57A-71A,72B 73A,74, 75,76A-88A,89-119,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Carla Parkes, Senior Planning Officer

E-mail:carla.parkes@edinburgh.gov.uk Tel:0131 529 3925

Links - Policies

Relevant Policies:

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

**Application for Planning Permission 19/01068/FUL
At Royal Botanic Garden, 20A Inverleith Row, Edinburgh
Restoration, improvement and redevelopment of the North
East corner of the Royal Botanic Garden. Development
comprises works to listed buildings and structures;
construction of a new glasshouse, research glasshouses,
education building, horticultural support building and
associated buildings; landscape works; erection of
polytunnels and temporary decent facilities; temporary
construction access road; and associated development and
demolition (as amended)**

Consultations

Response SEPA

Advice for the planning authority:

We have no objection to this planning application. Please note the advice provided below.

1. Waste water drainage

1.1 The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposals should change we would wish to be consulted at the earliest opportunity.

2. Sustainable Urban Drainage System (SUDS)

2.1 We provided an email to all local authorities on 30 March 2017 confirming that from May 2017 our standing advice for SUDS would be extended to include major developments and that we would no longer be providing site specific SUDS advice on major developments, excluding EIA. We therefore refer your authority to our standing advice on SUDS.

-2-

2.2 We advise that developers should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.

2.3 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). The applicant may also need to apply for a construction site licence under CAR for water management across the whole construction site. Please refer to Section 5.3 below for further details.

2.4 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, the views of your authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.

3. Waste management

3.1 Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged. Any waste removed from a site must be deposited at a suitably licensed site under the Waste Management Licensing (Scotland) Regulations 2011.

4. Other planning matters

4.1 For all other matters we have provided standing advice applicable to this type of local development.

Regulatory advice for the applicant

5. Regulatory requirements

5.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

5.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

5.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 xx

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

5.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

5.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT Tel: 0131 273 7296.

Response Environmental Protection

Environmental Protection has no objections to this application subject to the conditions recommended below:

1. In the plant room, all ventilation plant will have duct-mounted attenuators prior to intake/exhausts.

2. All mechanical plant items inside the plant room will include anti-vibration mounts/assemblies.

Assessment

The redevelopment of the Botanics site raised concerns relating to the amenity of nearby residents being impacted by noise from a new plant room and light pollution issues from new external lighting.

The agent provided further information that the plant room would contain electrical switchboards and control panels for the new research glasshouses, pipes, pumps and heat exchangers required to transfer heat from the district heating pipes to the various glasshouse heating systems and a/c with limited amount of mechanical ventilation plant to serve the Horticulture Support Building (toilets/stores etc.)

The agent did not envisage noise issues as they will install mitigation measures. Therefore, it was decided that a Noise Impact Assessment (NIA) was not required and condition has been recommended.

In terms of external lighting, information was provided showing lighting levels, the location of lights and the design of the lighting units. This provided assurance that light spillage would be minimal and within acceptable limits. In terms of lighting glare, and potential complaint, from the information supplied it is not possible to say there is no likelihood of lighting glare complaints. However, it would appear that the design and layout are such that there is a low likelihood of complaint.

CEC Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to these linked LBC & FUL applications for the restoration, improvement and redevelopment of the North East corner of the Royal Botanic Garden. Development comprises works to listed buildings and structures; construction of a new glasshouse, research glasshouses, education building, horticultural support building and associated buildings; landscape works; erection of polytunnels and temporary decent facilities; temporary construction access road; and associated development and demolition.

The Royal Botanic Gardens were related to Inverleith in the early 19th century and occupy grounds of Inverleith House. The origins of the house and estate date back to the at least the early 14th century and an early version of the house is depicted on the 1559-60 map of the Siege of Leith. The RBG has constantly developed since its inception with historic mapping in part mapping this change. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As outlined in the applications Design and Access Statement these proposals will see significant alterations to the listed glasshouses and structures. Although significant in terms of the archaeological understanding of these buildings the proposed impacts have been concluded as having overall moderate impact though one which requires a programme of archaeological historic building survey prior to/during development to ensure a permanent record is made.

In addition, the new scheme will necessitate significant ground-breaking activities associated with demolition and new construction. Such works could provide important information on the development and form and structure of the 19th century outhouses as well as potential evidence relating to the development of the earlier Inverleith Estate. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to and during development to fully excavate and record any buried remains (both external and internal) that may be affected by construction.

In addition, given the historic significance of the site it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.

It is recommended that the following condition is attached to ensure that undertaking of the above elements of archaeological work;

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, excavation, public engagement, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

CEC Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (incl electric cycles), staff changing, shower and drying facilities, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

2. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*

3. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Note:

I. *The 2017 Parking Standards do not have a relevant section that this application can be assessed against. The proposals for the service yard include retention of 10 secure and covered cycle parking spaces for staff use. 2 accessible car parking spaces are proposed along with 9 car parking spaces for site based vehicles. The proposed parking provision is considered acceptable. It should be noted that the service yard along with the entirety of the Royal Botanic Gardens site is a "private access" meaning the Council as the Road's Authority has no control over this area;*

II. *It is considered that the proposed development will have a negligible impact on the surrounding on-street parking provision and Controlled Parking Zone;*

III. *The application proposes a single vehicular access point and dedicated pedestrian access from Inverleith Place Lane. The proposals look to provide a safer situation than existing by proposing a wider vehicular access that is slightly set back to improve sight lines for vehicles exiting the site. It is understood that the applicant has reviewed alternative access arrangements to the site, and found that all would have a significant impact on the Gardens and how certain areas are used. It should be noted that the application site currently has two existing vehicular accesses from Inverleith Place Lane. It should also be noted that Inverleith Place Lane is an adopted road that is considered to be a "mews" style residential street, and the applicant has a right of access to their site from an adopted road;*

IV. *Regarding trip generation and the requirement for a transport assessment, it is considered that the trip generation related to the proposals will be negligible as this development is not a substantial change of use. Also it should be noted that any additional trips that the proposed development will generate are likely to be additional visitors who will mostly travel at off-peak times. Consideration has been given to section 3.2 of Transport Scotland's Transport Assessment Guidance in terms of the requirement for a transport assessment and it being considered unnecessary;*

V. *Reviewing road accident statistics for the last 15 years shows there has been no reported incidents in the vicinity of the Inverleith Place Lane - Inverleith Row junction. It is anticipated that there will not be a significant change in type, size and amount of vehicles utilising Inverleith Place Lane to access the application site once the proposals have been implemented. The applicant is aware that Inverleith Place Lane is not ideal for construction traffic and has a preferred alternative that will accommodate large vehicles required for the construction phase. The applicant is aware that access requirements for construction vehicles is the responsibility of the Locality Roads team and have been advised to contact them at the earliest opportunity. The impact of the proposed development on the existing road safety situation is considered to be minimal.*

Further Response CEC Roads Authority - 11 July 2019

Under Section 67 of the Road (Scotland) Act, no doors, gates or windows should open out onto or interfere with a road.

Therefore the Council have powers to ensure that the proposed gate cannot open out onto the road.

Historic Environment Scotland

Thank you for your consultation which we received on 12 March 2019. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
<i>LB27914,</i>	<i>Botanical Gardens Large Palm House Arboretum Road and Inverleith Row</i>	<i>Listed Building,</i>
<i>LB49216,</i>	<i>Royal Botanic Garden, Inverleith Row, 1967 Greenhouse</i>	<i>Listed Building,</i>
<i>LB27916</i>	<i>Botanical Gardens Memorial to Sir Charles Linnaeus Arboretum Road and Inverleith Row</i>	<i>Listed Building</i>
<i>GDL00334</i>	<i>Royal Botanic Garden, Edinburgh</i>	<i>Garden and Designed Landscape</i>

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Background

The NE corner of the Garden is of outstanding cultural heritage value. Part of that significance derives from its role as the working centre of a dynamic botanic garden with an international reputation. This part of the Garden has undergone change in order to accommodate the growing and changing needs of the organisation, which continue to evolve and expand to the current day. For instance, an extensive series of Edwardian greenhouses were demolished to accommodate the 1967 Glasshouses.

We welcome the opportunity that this project brings to conserve and enhance the Inventory designed landscape and its listed buildings. The palm house, old palm stove and 1967 glasshouses are a nationally significant complex of innovative 19th and 20th century glasshouse construction. There is, in our view a great opportunity to add a 21st century glasshouse to the existing collection of 19th and 20th century glasshouses in the Garden.

However, the existing category A listed structures and designed landscape are nationally important heritage assets. Proposals to change these structures and their setting and this part of the GDL must be based on a sound knowledge and understanding of the sites cultural significance.

Inventory Garden and Designed Landscape (GDL)

The Royal Botanic Garden, Edinburgh is included in the Inventory of Gardens and Designed Landscapes (GDL) in recognition of its national importance. The Inventory site has outstanding value as a Work of Art in its present form. It has outstanding Historic value as the second oldest Botanic Garden in the UK, and the plant collection held in the Garden has outstanding Horticultural and Botanic value. The Garden provides the setting for the Palm Houses and for other interesting architectural features and thus has outstanding Architectural value. The Plant Exhibition Houses are situated in the north-east of the Garden, the site of the proposed development, and stand amid lawns with specimen trees which provide a setting for the buildings when viewed from the various points in the Garden.

The North East corner of the Inventory site contains the following listed building: Large Palm House, category A listed (Designation Reference: LB27914). Octagonal old palm stove, built in 1834, modified by Robert Matheson in 1859-60 to reflect the design of the adjacent new palm house (1856-58). The new palm house, a Roman Doric style rectangle, incorporating iron arcades that support the structures two superimposed convex roofs.

1967 Greenhouse, category A listed (Designation Reference: LB49216). Designed by George A.H. Pearce and John Johnson of the Department of the Environment. A long mansard profile glasshouse on a concrete base with an unattached wing to the north connecting to the palm house. The structure is suspended on steel cables from an external tetrahedral lattice tubular framework. The seven interconnecting houses provide a range of distinct climatic regimes and are landscaped as habitats appropriate to the plant life which has been established in them.

Memorial to Sir Charles Linnaeus, category A listed (Designation Reference: LB27916). By Robert Adam, 1778 an urn on a decorated base with an oval marble panel.

Our Advice

Proposed new glasshouse

The location, form and scale of the proposed new glasshouse would not in our view have a significant impact on the Inventory Garden or on the setting of the Large Palm house.

As currently proposed, the 2-storey link connecting the new glasshouse to the 1967s Glasshouses south range would, in our view diminish the buildings distinctive, unaltered linear appearance. An alternative, less visually disruptive solution to connect the glasshouses should be sought. Our detailed assessment of the potential direct impacts of the proposal on the character and appearance of the 1967 Glasshouse are set out in our consultation response letter on the associated listed building consent application (your ref:19/01069/LBC).

Proposed new horticultural support and education buildings.

The location, form and scale of the proposed buildings would not in our view have a significant impact on the Inventory Garden or on the setting of the Large Palm house and 1967 Glasshouses (both category A listed).

Memorial to Sir Charles Linnaeus

The proposals include the removal of the category A listed memorial from its current location. Detailed proposals regarding a new location for siting the memorial are not included in this application. We would not object to the principle of relocating this important 18th century monument to a more prominent location within the Gardens. We do not, however, support the proposed removal of the listed memorial without agreed, detailed proposals for its careful down-taking, safe storage and for its re-erection in an agreed location.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Historic Environment Scotland Further Response dated 2 July 2019

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Stockbridge and Inverleith Community Council

Stockbridge and Inverleith Community Council, as a statutory consultee, would like to make the following comments. We understand and support the Botanic need to preserve their plant collection, to repair their A-listed glasshouses and replace their old research glasshouses. We can support most of the plans. However we have 3 main concerns:

1. The New Glasshouse

The New Glasshouse is an interesting design - however it is unsuitable for this context as it will overwhelm the character of the A-listed 1967 Front Range cantilevered glasshouse and it will have a negative impact on its setting. The view of the front of the Front Range glasshouse will be compromised as almost a quarter of the front will be obscured by the new building which overlaps it at the east end where it projects out 28metres into the green open space in front of the A-listed 1967 glasshouse. The 2 buildings are not compatible and will spoil each other. The connecting section with the cafe is clunky in design and does not enhance either building. We would ask the Botanics to think again about this design which is detrimental to the setting of the A listed glasshouse and will be overly dominant and remove too much green open space in front of the 1967 Front Range glasshouse. This is contrary to LDP policy Env 18.

The height of the New Glasshouse is 6.25 metres higher than the already high Herbarium building to which it will be attached. This is very high for a building that is so close to the A listed Front Range glasshouse. We understand that the Botanics needs to temporarily decant tall trees from the Victorian Palmhouse, however permission was given for a very tall structure to be built on their nursery site a few years ago in 2014. Why is this option not being used? The New Glasshouse should be redesigned to conform with LDP 2016 policy on design (Des 3 and Des 4) and LDP policy on listed buildings (Env3 and Env 4).

LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

Planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 Development Design - Impact on Setting

a) Height and form b) scale and proportions, including the spaces between buildings c) position of buildings and other features on the site.

LDP Policy Env 3 Listed Buildings - Setting

Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

LDP Policy Env 4 Listed Buildings - Alterations and Extensions

Proposals to alter or extend a listed building will be permitted where

a) those alterations or extensions are justified; b) there will be no unnecessary damage to historic structures or diminution of its interest; and c) where any additions are in keeping with other parts of the building.

2) Entrance at Inverleith Place Lane

Local people living in Inverleith Place Lane are very concerned at the position of the proposed new entrance into the working area north of the glasshouses. We have read and we support the detailed objections that have been sent to you by the residents of no. 7 and no. 19 and which have been copied to the Community Council.

The new entrance through which large vehicles will turn will be directly opposite the windows of Nos. 6 and 7. The present entrances are opposite some garages in Inverleith Place Lane and it should be possible to re-position the proposed new wider single entrance to this place where it will be less obtrusive. The RBG would still have a wide new entrance but they would not be spoiling the environment of their neighbours. The proposed change to the entrance will cause loss of amenity to neighbours and is contrary to LDP policy Des 5a below.

LDP Policy Des 5 Development Design - Amenity

Planning permission will be granted for development where it is demonstrated that:

a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, a) sunlight, privacy or immediate outlook.

3) Trees

48 mature trees are to be removed. Some of them seem neither to be in the way of the new buildings nor in the way of the temporary route for site traffic. For example, the group of silver birch trees towards the west end of the 1967 glasshouse. This is a group between the 1967 glasshouse and the area of the wild flower lawn and is aesthetically very attractive. There appears to be no necessity to remove such a large number of trees for the development and the general public might be shocked by the result as they were recently in East Princes St Gardens when 50 mature trees were removed. The proposed loss of trees is contrary to LDP Policy Env12 on Trees.

Conclusion

Aspects of the development are contrary to the 2016 LDP and these aspects should be re-designed. For these reasons the Community Council objects to the application and asks that you recommend refusal.

Stockbridge and Inverleith Community Council, further response (25 April 2018)

Water Ponds

The Community Council would like to query the placing of shallow water ponds in front of the Victorian Glasshouse and also the water in front of the New Glasshouse. We do not object to these water features but question the present design and safety aspects.

We are aware that when a water feature by Charles Jenks was installed in front of the Scottish Gallery of Modern Art it was not intended that it have a fence but had to be quickly adjusted soon after it was unveiled. It was then surrounded by a post and wire fence which was not part of the original design and somewhat spoiled the intentions of the designer.

The safety aspect of the proposed water features for the Botanics needs to be discussed between the Planning Department and the RBGE. If there might be a safety problem, it is better to design an alternative rather than have to be forced to a last-minute solution. It may be that judicious low planting around the 'ponds' would solve any problems.

Stockbridge and Inverleith Community Council - response 27 July 2019

Stockbridge and Inverleith Community Council, as a statutory consultee, would like to make some further comments. We have commented negatively on the nature of the connection between the New Glasshouse and the 1967 A listed New Range glass house. We note that HES also objected to this aspect of the design. The new proposals are better than the original ones but the New Glasshouse will still be very obtrusive in the protected setting of the 1967 A listed cantilevered glasshouse which projects 28m on the east side and is very high. The newly proposed connecting bridge will still obscure the present pleasant view from the main lawn of the listed Lecture Theatre which is part of the Balfour Building. The cafe below will not enhance the setting. This proposal is still not a satisfactory solution and will not enhance the setting of the A listed 1967 cantilevered New Range glasshouse.

We notice that no change is proposed to the arrangements for the new positions of gates to Inverleith Place Lane. Seeing the space available when on the site visit, it seemed quite possible to move the proposed new traffic entrance so that it does not decant RBGE traffic directly opposite the sitting room windows of no 6 and 7 Inverleith Place Lane. This exit could be moved so that it is opposite the garages and therefore would not impinge on the neighbours. This change may not be quite so ideal for the Botanics but it would show consideration for the amenity of their neighbours which would be much appreciated instead of causing bad neighbourly relations which would have a negative effect on the Botanics' reputation.

We are disappointed that there is no change in the bulk of the New Glasshouse which will be overly dominant in a much-loved area of the RBGE. Our previous objections still hold and we hope there will be further changes made to these proposals.

Edinburgh Urban Design Panel

The Panel welcomed the opportunity to provide design advice for this proposal at an early stage in the design process and were supportive of the design approach to date for this internationally important site. In particular the Panel supported:

- *the bold organic design approach*
- *the conservation design approach*
- *improved public access and linkages*
- *sustainability approach to the site*
- *opportunity through decant to create a permanent enhancement*

In developing the proposals, the Panel suggested the following matters be considered further:

- *outstanding cultural and heritage importance of the site*
- *view analysis from city views and the world heritage site*
- *design of the education building*
- *the importance of the detail design both for the new and existing listed structures*
- *quality of the materials particularly the glass and masonry elements of the new design*

Applications will be submitted for full planning permission, conservation area consent and listed building consent.

The site is approximately 5.143 hectares in area. It is located at the north eastern side of the Royal Botanic Garden. The Garden is an Inventory recorded, Historic Garden and Designed Landscape and within the Inverleith Conservation Area.

The site of the proposed development is occupied by a group of glasshouses to the north east. These included the category 'A' listed greenhouse (listed 4 June 2003) (ref; LB49216) and the category 'A' listed Palm House (listed 14 Dec. 1970) (Ref; 27914). The category 'B' listed lecture hall, classrooms and offices building at 20A Inverleith Row (listed June 2003) (Ref. LB 49213) lies at this entrance to the Garden. A category 'B' listed memorial to Sir Charles Linnaeus is located at the centre of the group of greenhouses. The remainder of the site of the proposed application is landscaped with trees and shrubs, forming part of the wider Botanic Garden landscape.

A Proposal of Application Notice (PAN) has been submitted for the redevelopment and refurbishment of the north east corner of Gardens. The proposed development comprises works to listed buildings and structures, construction of a new glass house and research glasshouses, education and support buildings and landscape works, the erection of polytunnels and temporary storage facilities. The construction of an access route, with associated development and demolition works and temporary storage facilities are also proposed.

The site is part of the Inverleith Conservation Area, and Special Landscape Area, as defined in the adopted Edinburgh Local Development Plan (LDP). The proposals will therefore be subject to consideration under local Development policies Env 5 and Env 6 (Conservation Areas Demolition and Development).

The impact of the proposals on the special character and qualities of the Inverleith Special Landscape Area will require consideration under LDP policy Env 11. The safeguarding against detrimental impacts on the Historic Garden and Designed Landscape site will require to be demonstrated under LDP policy Env 7.

The site is also located within a local Biodiversity Site and as such is subject to the requirements of relevant LDP policy.

The safeguarding of the character and setting of listed buildings on the site and the setting of those in the surrounding area, is protected under LDP policies Env 2, Env 3 and Env 4.

No declarations of interest were noted.

This report should be read in conjunction with the pre-meeting papers.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

3 Panel Comments

The Panel had detailed comments as follows:

The Panel welcomed the opportunity to offer advice on the proposals at this early stage of the design process.

Design Concept and Layout

The Panel supported the site wide design concept in particular the improvement to public access and the linkages within the site, the organic form of development and conservation proposals for the existing buildings and structures.

The Panel noted that layout options have been considered by the design team in particular whether the existing Herbarium building is fit for purpose and if it could be used as an education building with internal alterations forming suitable accommodation, classrooms and an auditorium accessed from the new glass house which in its current form would allow access on all levels. The current education building proposal might offer a better position for a new Herbarium and its associated accommodation. Therefore, if demolished could provide options for a more comprehensive layout for the site and a combined herbarium and education facility.

The Panel noted that the existing Victorian glasshouses are not orientated north south which is unusual given their horticultural value and use.

Education Building

The Panel appreciated the constraints associated with the sitting and design of the education building. However, noted that it does appear 'utilitarian' in its design compared to other the new structures proposed for the site. It was suggested that this building may benefit from a design approach which reflect the approach taken for the rest of the site particularly given its use.

The Panel also questioned the use of brick for this building on this site. If brick is to be pursued as a material the Panel noted that the quality and detailing of the brick facades will be important in ensuring a high quality building appropriate for this sensitive context.

New Glasshouse

The design concept for the new glasshouse was supported by the Panel and the opportunities it could deliver in providing an iconic structure and enhanced public access to the existing glasshouses.

With respect to the positioning of this building the Panel noted that it will impact on the area known as the front lawn, which is regrettable given this is the only open spaces of this character within the site. However the Panel, understood the design rational for the positioning of the building and the benefits it bring to both public access and linkages.

The Panel noted that the design of this building is at a very early stage and that the importance of the detail coming forward. In particular the Panel noted the following areas will require to be fully considered as part of the detail design process:

Given the height, mass and scale of the new glasshouse the Panel noted the importance of verified LVIA views and analysis being provided as part of the supporting information with the application to allow the full impacts of the new structure to be fully assessed. This will include key views back from city views and the World Heritage Site and relationship to the front lawn in the gardens.

The specification of the glass will require careful consideration as part of the planning application including the effect of solar glare and illumination at night from such a large glass structure.

The detail of how the new glass house links with the existing Herbarium Building.

Listed Buildings and Structures

The strategy for the works to the 1967 listed structures was briefly outlined by the design team. The Panel noted that the detail of this work will be very important to ensure the integrity and character of the listed buildings and structures is not altered. The Panel welcomed the retention and conservation of the listed workshop building.

With respect to these works the Panel noted that the design development and detail associated with the replacement of the single glazing with double glazing will be important.

Public Access and Linkages

The Panel applauded the design with respect to the proposed improvements to public access, circulation and linkages within the greenhouse and buildings structures.

Also, the reworking of the levels and access to the Chilean Garden Terrace was welcomed by the Panel.

With respect to servicing this will require to be fully addressed in the proposal coming forward.

Historic and Designed Landscape Site and Special Landscape Area

The Panel noted the outstanding cultural heritage and landscape design importance of this nationally significant site.

The impact of the proposals will have to be clearly documented and shown against these qualities as part of the supporting information.

The Panel also noted that coupled with the above a clear heritage statement will be required. This should illustrate the evolution of the site wide design, with respect to both the landscape and the listed structures/ buildings, as to how it is responding to the outstanding cultural and heritage importance of the site.

Community Safety

The Panel noted the importance of ensuring adequate access control and security to the site to help manage visitors to the site, particularly to the education and exhibition areas.

Sustainability

The site brief requirement to reduce energy consumption was fully supported by Panel. As currently proposed, the 2-storey link connecting the new glasshouse to the 1967s Glasshouses south range would, in our view diminish the buildings distinctive, unaltered linear appearance. An alternative, less visually disruptive solution to connect the glasshouses should be sought. Our detailed assessment of the potential direct impacts of the proposal on the character and appearance of the 1967 Glasshouse are set out in our consultation response letter on the associated listed building consent.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Listed Building Consent 19/01069/LBC
At Royal Botanic Garden, 20A Inverleith Row, Edinburgh
Alterations and restoration works to the Victorian Palm
houses, the 1967 glasshouses, and relocation of the
Linnaeus Monument. Works will also include the temporary
removal of gates and railings at Inverleith Place to facilitate
the proposed construction access. (as amended)**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposals have special regard to the desirability of preserving the building and its setting and do not adversely affect any features of special architectural and historic interest. The proposals preserve the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, NSG, NSLBCA, HES, HESACC, HESBND, HESEXW, HESINT,

Report

Application for Listed Building Consent 19/01069/LBC At Royal Botanic Garden, 20A Inverleith Row, Edinburgh Alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works will also include the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access. (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site relates to the Royal Botanic Garden Edinburgh (RBGE) which is a publicly accessible botanical gardens. It is bordered by Arboretum Road to the west, Inverleith Terrace to the south, Inverleith Place and Inverleith Place lane to the north and the rear gardens of residential properties on Inverleith Row to the east. Inverleith Park is to the west of the gardens on the other side of Arboretum Road and, apart from that, the surrounding area is characterised by large residential properties.

The proposed works relate to the listed glasshouses that occupy the north-east corner of the gardens. They include the Victorian palm houses to the north which are two adjoining tall glass houses composed of the octagonal palm house built in 1834 (also known as the Palm Stove) and a later rectangular addition to the west dating from 1859-60. This was A listed on 14 December 1970 (ref. 27914).

These are linked to the south by two ranges of modernist glasshouses, one running north-south (the Orchid House) and the other east-west (the Front Range). These are characterised by an external structure of steel cables suspended from a tetrahedral lattice framework, with a glazing system within this. These buildings are also A listed (listed on 4 June 2003, ref. 49216).

To the east of the listed glass houses are administrative buildings for the RBGE and the Herbarium. To the north are research glasshouses and other support facilities.

The Linnaeus Monument, a memorial to Sir Charles Linnaeus, and currently situated to the north of the east-west 1960s range, is an urn designed by Robert Adam in 1778. It was A listed on 14 December 1970 (ref. 27916).

The gardens are bordered by C listed boundary walls with cast iron railings and wrought iron gates (listed on 04 June 2003, ref. 49217). However, the listing description makes it clear this refers to the walls and railings in Arboretum Place, Inverleith Terrace, part of Inverleith Place and the back of Inverleith Row. The wall to Inverleith Place lane is not included in the listing.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

There is an extensive planning history with respect to the rest of the RBGE site but with respect to the glasshouses only the following is relevant:

1 November 2012 - Proposal of Application Notice (PAN) approved for the redevelopment and refurbishment of the north-east corner of the RBGE to maintain Scotland's world class status in plant conservation and science including: Redevelopment of the existing back-of-house glass houses and building to create improved research, education and support facilities. Refurbishment of the existing listed public glasshouses and other listed buildings (application reference no. 12/03736/PAN).

4 March 2019 - Concurrent planning and conservation area applications to this application are lodged (application reference nos. 19/01068/FUL and 19/01070/CON).

Main report

3.1 Description Of The Proposal

This application proposes alterations and refurbishment of both the Victorian and 1960's glasshouses and the relocation of the Linnaeus Monument to a site within the gardens to the west of the glasshouses. There will be a new connection from the South Range of the 1960's glasshouses to the New Glasshouse proposed to its south that is the subject of the planning application (19/01068/FUL).

It is also for the temporary removal of part of the C listed gates and walls on Inverleith Place in order to facilitate the creation of a construction access road.

Specific proposals with respect to the listed glasshouses are as follows:

Octagonal Victorian glasshouse:

- Non-original glazing to be removed and to be replaced by double glazed Crittall glazing system.
- Removal of the existing link between the octagonal glass house and the Orchid House to be replaced by a new link.

1960s glasshouses:

- Replacement of the original single glazing with a new double-glazed system.
- Connections from the Front Range at the basement level to the New Glasshouse.

- A new external entrance door on the south elevation of the Front Range and bridge access to the New Glasshouse.
- New external doors on the north elevation of the Front Range and the west elevation of the Orchid House.
- The replacement of existing doors on the north elevation with glazing.
- Removal of the existing links between Orchid House and Front Range.
- Removal of the elevated concrete walkway in the Front Range to be replaced with a steel structure.
- Refurbishment of the fish ponds.
- Extension of basement accommodation of the Front Range by excavation.

Scheme 1

The proposals as submitted proposed a glazed link between the New Glasshouse and the Front Range at first floor level and also a different glazing system for the octagonal glasshouse.

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement; and
- Planning Supporting Statement.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals will have an adverse impact on the character of the listed buildings;
- b) the proposals will preserve or enhance the character of the conservation area; and

c) any comments raised have been addressed.

a) The Impact on the Listed Buildings

HES's guidance on Managing Change - Accessibility, Boundaries, External Walls and Interiors set out the principles that apply and how it should inform planning policies.

Policy Env 4 in the Edinburgh Local Development Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The proposed works to the listed glasshouses are part of a larger plan to conserve and enhance the public glasshouses, to redevelop the research and education facilities behind them and to expand the collection with a new public glasshouse. As part of the refurbishment of the existing structures, the RBGE seeks to enhance the visitor experience to the public glasshouses and to improve the visitor journey through the glasshouses, adding to it the New Glasshouse.

1960's Glasshouses

The amended scheme proposes a minimal intervention connecting the New Glasshouse with the Front Range. A main point of entry for the public route through the glasshouses will be built at the basement level connecting the two buildings. The basement of the Front Range is a concrete podium upon which the glasshouse with its external structure sits. Although integral to the overall design, the main interest of the listed structure is above with the glazing and the structure. The proposed link from the New Glasshouse to the Front Range at this level does not significantly adversely impact the special interest of the building.

Access from the New Glasshouse to the first floor level of the Front Range is arrived at by a ramp and a new glazed door that is in the same sloped plane of the glazing of the Front Range. No changes will be made to the structure, and when closed, the door will be almost invisible. This door system will be used at other entrance points on the building. Some existing access points will be infilled with glazing to match adjacent panels. The proposed door system is well designed and unobtrusive. It will have a minimal impact on the character of the listed glasshouses.

Internally, the 1960s glasshouses will be remodelled. Currently there is an elevated concrete walkway at first floor level in part of the Front Range, allowing the space to be a two-storey high space. The placement and solidity of the walkway inhibits light and limits growing area for the plants. It is proposed to replace this structure with a lightweight steel structure with a grate for a floor that will allow considerably more light to reach the plants below. The sculptural element that is the current walkway is part of the original design concept and contributes to the experience of the interior of the glasshouses. However, it is accepted that it limits what can be grown in this section and, as a lightweight structure, the replacement is acceptable. The route through the glasshouses will be rationalised to be wheelchair accessible and to comply with safety standards by introducing the appropriately high guards where required. At basement level, the public accommodation will be extended by excavation. These internal alterations will not adversely impact the special interest of the listed building

The building is currently single glazed and the glazing system is failing. The glass needs to be replaced to accommodate safety glass. The RBGE are taking this opportunity to improve the thermal efficiency of the glass houses by adapting the glazing system to incorporate double glazing. Details of this change have been submitted and the alterations will not materially impact the appearance or character of the building.

Victorian Glasshouses

The octagonal glasshouse or 'Palm Stove' has a modern glazing system in the vertical glazing, although the glazing in the roof is in its original format. A more sympathetic system is sought and it is proposed to replace this modern glazing with a Crittall glazing system that incorporates double glazing. This will retain the general character of the original glazing with a system that increases thermal performance.

A new link will be formed between the 1960s Orchid House and the octagonal glasshouse to replace an existing one that has a crude relationship with the Victorian structure. The new link will be a contemporary structure. Its relationship with both the Victorian glasshouse and the 1960s glasshouse will be improved and the new link will not detract from the original listed structures.

Other Elements

The Linnaeus Monument which is currently to the north of the South Grange will be relocated to another location within the Gardens between Inverleith House and Botanic Cottage. The monument will be in a more public location here and better accessed by the public. The applicant has submitted a method statement for its dismantling and relocation which is satisfactory. In order to create a construction access road, a portion of the boundary wall and railings to Inverleith Place will need to be temporarily removed, to be reinstated when the need for access ceases. A condition is added to ensure that this will be done.

Overall, the alterations that are part of this refurbishment will allow the RBGE to maintain the high standard of the collection in buildings that are fit for purpose. The alterations are sensitive to the listed buildings and will preserve their special character.

b) The Impact on the Character and Appearance of the Conservation Area

The Inverleith Conservation Area Character Appraisal notes that "The conservation area is characterised by playing fields, a public park and the Royal Botanic Garden".

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Policy Env 6 relates to new development within a conservation area.

With respect to the works to the listed buildings which are the subject of this LBC application, the impact on the conservation area will be minimal. The most obvious impact will be the introduction of a new link between the Orchid House and the octagonal Victorian glasshouse. This will use contemporary materials within the existing language of the glasshouses and will preserve the character and appearance of the conservation area.

c) Public Comments

Material objections

Impact on Listed Structures - The comments with respect to the link structures are addressed in section 3.3.a and b) Comments with respect to the loss of part of the boundary wall on Inverleith Place Lane are not relevant as there is no listed boundary wall in this location.

Conclusion

In conclusion, the proposals preserve the special character of the listed buildings and preserve the character and appearance of the conservation area.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Details of the dismantling, storage and reinstatement of the boundary wall and railings on Inverleith Place shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The section of the boundary wall and railings on Inverleith Place shall be reinstated within 10 years of the date of this consent, or 3 months of the completion of the development, whichever is less.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. Due to the temporary nature of the proposed development.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The works to the listed buildings will enhance accessibility. The proposals will have a positive impact on equalities and a neutral impact on human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 March 2019. In all there have been four letters of representation. Two sets of neighbours have objected as have the Stockbridge and Inverleith Community Council, and the Inverleith Society.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is located within the Inverleith Conservation Area, Open Space, A Special Landscape Area, A Local Nature Conservation Site and a Historic Garden Designed Landscape within the Urban Area as defined by the Local Development Plan.

Date registered

4 March 2019

Drawing numbers/Scheme

1-12, 13a, 14, 15a-22a, 23-32, 33a-37a, 38-39, 40a, 41-47,,
48a - 62a, 63b, 64a-65a, 66, 67a-78a, 79-107,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail:barbara.stuart@edinburgh.gov.uk Tel:0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Accessibility sets out Government guidance on the principles that apply to improving physical access to listed buildings.

Managing Change in the Historic Environment: Boundaries sets out Government guidance on the principles that apply to altering boundary treatments of listed buildings.

Managing Change in the Historic Environment: External Walls sets out Government guidance on the principles that apply to altering the external walls of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Appendix 1

Application for Listed Building Consent 19/01069/LBC At Royal Botanic Garden, 20A Inverleith Row, Edinburgh Alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works will also include the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access. (as amended)

Consultations

Historic Environment Scotland

First response dated 16 April 2019

The proposed development would directly impact on the following listed building:

Large Palm House, category A listed. Octagonal old palm stove, built in 1834, modified by Robert Matheson in 1859-60 to reflect the design of the adjacent new palm house (1856-58). The new palm house, a Roman Doric style rectangle, incorporating iron arcades that support the structure's two superimposed convex roofs.

1967 Greenhouse, category A listed. Designed by George A.H. Pearce and John Johnson of the Department of the Environment. A long mansard profile glasshouse on a concrete base with an unattached wing to the north connecting to the palm house. The structure is suspended on steel cables from an external tetrahedral lattice tubular framework. The seven interconnecting houses provide a range of distinct climatic regimes and landscaped habitats.

Memorial to Sir Charles Linnaeus, category A listed. By Robert Adam, 1778 an urn on a decorated base with an oval marble panel, located to the north of the 1967 greenhouse's south range.

Comments on specific proposals

Large Palm House: Proposed alteration to internal paving and planting, re-glazing of the old palm stove and alterations to entrance doorways.

We understand that the internal elements were inserted in the 2000s and are not part of the original layout. We note the proposed replacement of the Old Palm Stove's existing, unsympathetic modern glazing, this would provide an opportunity to enhance the character and appearance of this part of the large palm house. The detailed design of replacement glazing, including the pattern, scale and proportions of the glazing bars must respond to and protect the old palm stove's distinctive character and appearance. Detailed proposals for replacement glazing, glazing bars, frame fixing method and new external doorway (on east elevation) would be required to enable us to provide detailed comment.

1967 Glasshouses: Proposed removal of internal built elements, including a pond with bridge, high level walkway bridge, insertion of new external doorway on west elevation of north range, new 2-storey structure to east end of the front range linking into the proposed new glasshouse.

We note the requirement to replace the new glasshouses' original glazing system and are content that the proposed re-glazing details provided would have minimal impact on the structure's character and appearance.

The uninterrupted rhythm of the lattice tubular framework is a defining characteristic of the 1967 front-range glasshouse's long, south elevation, external access being restricted to basement level. To protect the character and appearance of structure's south elevation, further consideration should be given to the location and form of the proposed link between the 1967 glasshouse and the proposed new glasshouse. This could, for example be achieved by restricting the physical connection into the 1967 glasshouse to basement level, enabling the retention of the prominence of the bold, unaltered linear form of the glazing envelope and its support structure. Alternatively, the upper level connection into the 1967 glasshouse should be repositioned from the south elevation to the less prominent east, gable elevation.

The sculptural form of the mass concrete walkway bridge that spans the front range's double-height central glasshouse contributes to the glasshouse's character. We would ask that further consideration be given to its retention.

As outlined above, the uninterrupted rhythm of the lattice tubular framework is a defining characteristic of the 1967 Glasshouses. Inserting a new doorway into the west elevation of the north range would disrupt this rhythm and detract from this part of the building's character and appearance. The proposed new external doorway to the north range should be relocated from the west elevation to the southern, less prominent gable elevation.

Memorial to Sir Charles Linnaeus

The proposals include the removal of the category A listed memorial from its current location. There is no information regarding a new location for siting the memorial. We would not object to the principle of relocating this important 18th century monument to a more prominent location within the Gardens. We do not, however, support the proposed removal of the listed memorial without agreed, detailed proposals for its careful down-taking, safe storage and for its re-erection in an agreed location.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Second response dated 02 July 2019

Our Advice

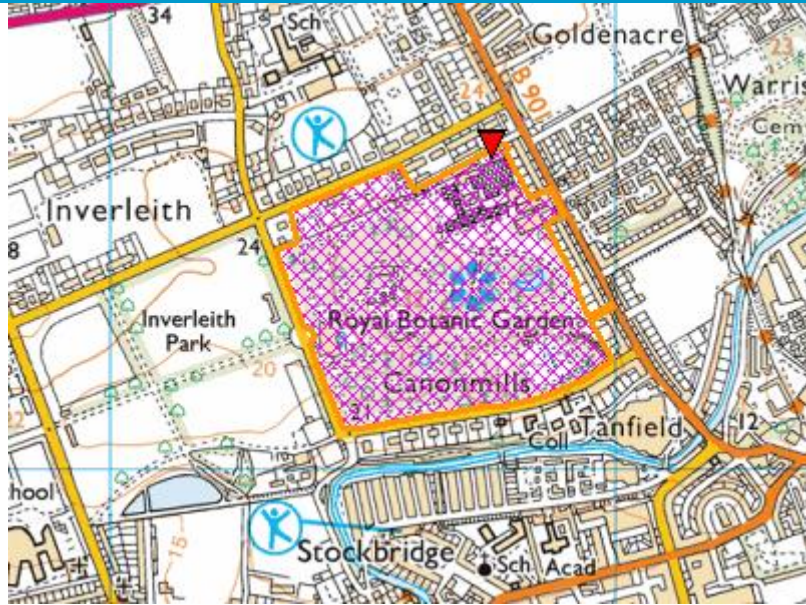
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

Application for Conservation Area Consent 19/01070/CON At Royal Botanic Garden, 20A Inverleith Row, Edinburgh Complete demolition in a Conservation Area.

Item number

Report number

Wards

B05 - Inverleith

Summary

The removal of the unlisted buildings on the site to make way for the redevelopment proposals is acceptable. The demolition will not have an adverse impact on the character or appearance of the conservation area as the buildings do not make a valuable contribution. Demolition is in accordance with Government guidance and policy Env 5 of the LDP.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN05, NSG, NSLBCA, CRPINV,

Application for Conservation Area Consent 19/01070/CON At Royal Botanic Garden, 20A Inverleith Row, Edinburgh Complete demolition in a Conservation Area.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is approximately 5.143 hectares in area and is located on the north eastern side of the Royal Botanic Garden of Edinburgh. The Garden is an Inventory listed, Historic Garden and Designed Landscape. The site is further included in the Inverleith Special Landscape Area.

The site includes the Category A listed, Victorian Palm Houses to the north which are two adjoining tall glass houses composed of the octagonal palm house (also known as the Palm Stove) built in 1834 and a later rectangular addition to the west dating from 1859-60. These were Category A listed on 14 December 1970 (ref. 27914). These buildings are linked to the south by two ranges of modernist glasshouses, one running north-south (the Orchid House) and the other east-west (the Front Range). These glasshouses are also Category A listed (listed on 4 June 2003, ref. 49216). They are characterised by an external structure of steel cables suspended from a tetrahedral lattice framework, accommodating the associated glazing system.

The Linnaeus Monument, a memorial to Sir Charles Linnaeus and currently situated to the north of the east-west 1960s range, is an urn designed by Robert Adam in 1778. It was Category A listed on 14 December 1970 (ref. 27916).

The Category B listed lecture hall, classrooms and office buildings at 20A Inverleith Row (the Balfour Building) (listed 4 June 2003 LB ref: 49213) lies at the site entrance on Inverleith Row.

The horticultural service yard is located at the north east corner of the site, and contains a range of ancillary buildings. It has existing accesses onto Inverleith Place Lane. A range of research glasshouses are situated to the south of the service yard and face onto the rear gardens of properties on Inverleith Row. An existing building used for educational purposes, (known as the Fletcher Building) is located on this eastern boundary, immediately north of the Balfour Building.

The remainder of the site is landscaped and contains a number of trees and shrubs, which form part of the wider Royal Botanic Gardens landscape. Residential properties are located to the north and east of the site boundary. These include the Category B listed terraced dwellings on Inverleith Row to the east and the Category B and C listed dwelling houses on Inverleith Place Lane to the north.

The gardens are bordered by Category C listed boundary walls with cast iron railings and wrought iron gates (listed on 4 June 2003, ref. 49217). However, the listing description makes it clear this refers to the walls and railings in Arboretum Place, Inverleith Terrace, part of Inverleith Place and the back of Inverleith Row. The wall to Inverleith Place lane is not included in the listing.

The southern section of the site is included within a Local Nature Conservation Site, as designated in the Edinburgh Local Development Plan.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

Applications within current application site

13 January 2012 - Listed Building Consent granted for erection of new Alpine House (application number 11/03873/LBC).

16 January 2012- Planning permission granted for erection of new Alpine House granted (application number 11/03888/FUL).

4 March 2019 - Application for listed building consent submitted for alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works will also include the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access (application number 19/01069/LBC).

4 March 2019 - Application for planning permission submitted for restoration, improvement and redevelopment of the North East corner of the Royal Botanic Garden. Development comprises works to listed buildings and structures; construction of a new glasshouse, research glasshouses, education building, horticultural support building and associated buildings; landscape works; erection of polytunnels and temporary decent facilities; temporary construction access road; and associated development and demolition (application number 19/01068/FUL).

Other Applications for Royal Botanic Garden

4 November 2004 - Planning permission and listed building consent granted for new visitor facility with studios, exhibition space and biodiversity garden, shop and cafe (application numbers 04/02106/GDT and 04/2016/LBC).

3 February 2010 - Listed building consent granted for alterations to Botanic Cottage to form cafe, offices and reception and alterations to external landscaping, including formal seating area at East Gate (application number 09/02758/LBC).

24 August 2011- Planning permission granted for new glass house (application number 11/0225/FUL).

29 August 2013 - Planning permission granted for erection of new Botanic Cottage (application number 13/00645/FUL).

3 August 2017 - Planning permission granted for amendment to application number 13/00645/FUL for erection of new Botanic Cottage (application number 17/01129/FUL).

16 January 2019 - Application submitted for construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (application number 18/10304/FUL).

A number of planning applications have also been granted for a range of temporary installations and structures on site, including those relating to seasonal events.

Main report

3.1 Description Of The Proposal

The proposals are for the demolition of the following unlisted buildings located within the north east corner of the Royal Botanic Garden of Edinburgh (RBGE):

- The North Block (Offices)
- Research Glasshouses
- Plant Quarantine Glasshouse
- Mouse House (Lab)
- Fletcher (Education) Building
- Glasshouse Stairs and Canopy
- Boiler House
- North Wall Stores and Garages
- Horticulture Support Building

These demolitions are proposed in order to facilitate the proposed development works, subject to planning application number 19/01068/FUL.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for conservation area consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the loss of the buildings will adversely affect the character or appearance of the conservation area;
- b) the proposed replacement buildings are acceptable;
- c) there are any impacts on equalities or human rights; and
- d) comments raised have been addressed.

a) Impact of the Loss of the Buildings

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

LDP Policy Env 5 Conservation Areas - Demolition of Buildings states that proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and taking into account the considerations set out in Policy Env 2 Listed Buildings - Demolition.

LDP Policy Env 2 also covers matters such as the condition, cost of repairing and maintaining, the adequacy of attempts to retain/adapt the building including its marketing and the merits of an alternative proposal.

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. It notes that *landscaped spaces dominate the area, contrasting with surrounding, denser development and that the substantial amount of open space allows panoramic views across to the city skyline.*

Historic Environment Scotland (HES) produced interim guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) which outlines criteria to assess the acceptability of the demolition of an unlisted building within a conservation area.

The guidance states that planning authorities should take into account the importance of the building to the character or appearance of any part of the conservation area and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made to achieve its retention, restoration and sympathetic conversion to some other compatible use before properties to demolish are seriously investigated.

Demolition may be thought appropriate if the building is of little townscape value, if its structural condition rules out its retention at a reasonable cost, or if its form or location makes its re-use extremely difficult. Consent to demolish should in general be given only where there are acceptable proposals for the new building.

The unlisted buildings to be demolished are of no intrinsic architectural or historic value. Pre-1965 structures include the Boiler House and storage sheds along the north wall. The remaining buildings for removal generally date from the 1970s to the 1990s. These include the Fletcher Building, the research glasshouses, and other ancillary buildings and outhouses. In some cases, they inhibit the appreciation of the listed structures. The buildings do not make a valuable contribution to the character of Inverleith Conservation Area. The removal of these structures will preserve the character and appearance of the conservation area.

b) Replacement Structures

The buildings to be demolished will be replaced with new structures - new glasshouses, education building, horticultural support building. These are assessed under application 19/01068/FUL and will not have an adverse impact on the character and appearance of the conservation area.

c) Equalities and Human Rights

There would be no impacts on equalities or human rights as a result of the proposed demolitions. Any impacts arising as a result of the proposed replacement development scheme, subject to application number 19/01068/FUL, are summarised in section 3.3 of the relevant committee report.

d) Public Comments

Four objection comments have been received but these relate to the planning permission and listed building consent and no comments have been made on the demolition of the unlisted buildings.

Conclusion

The removal of the unlisted buildings on the site to make way for the redevelopment proposals is acceptable. The demolition will not have an adverse impact on the character or appearance of the conservation area as the buildings do not make a valuable contribution. Demolition is in accordance with Government guidance and policy Env 5 of the LDP.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As this application involves the demolition of an unlisted building in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 15 March 2019.

Four objection comments were received, including one from the Stockbridge and Inverleith Community Council.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is designated within the Inverleith Conservation Area and Inverleith Special landscape Area, as designated in the Edinburgh local Development Plan. It is also a designated Historic Garden and Designated Landscape.

Date registered

4 March 2019

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Carla Parkes, Senior Planning Officer

E-mail: carla.parkes@edinburgh.gov.uk Tel: 0131 529 3925

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Application for Conservation Area Consent 19/01070/CON At Royal Botanic Garden, 20A Inverleith Row, Edinburgh Complete demolition in a Conservation Area.

Consultations

Historic Environment Scotland response - dated 16 April 2019

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

As this application involves the demolition of an unlisted building in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Archaeology response - dated 3 April 2019

The Royal Botanic Gardens were related to Inverleith in the early 19th century and occupy grounds of Inverleith House. The origins of the house and estate date back to the at least the early 14th century and an early version of the house is depicted on the 1559-60 map of the Siege of Leith. The RBG has constantly developed since its inception with historic mapping in part mapping this change.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS)(2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As outlined in the applications Design and Access Statement these proposals will see significant alterations to the listed glasshouses and structures.

Although significant in terms of the archaeological understanding of these buildings the proposed impacts have been concluded as having overall moderate impact though one which requires a programme of archaeological historic building survey prior to/during development to ensure a permanent record is made. In addition, the new scheme will necessitate significant ground-breaking activities associated with demolition and new construction. Such works could provide important information on the development and form and structure of the 19th century outhouses as well as potential evidence relating to the development of the earlier Inverleith Estate. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to and during development to fully excavate and record any buried remains (both external and internal) that may be affected by construction.

In addition, given the historic significance of the site it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.

It is recommended that the following condition is attached to ensure that undertaking of the above elements of archaeological work.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, excavation, public engagement, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/02404/FUL
At 37 Corstorphine Road, Edinburgh, EH12 5QQ
Demolition of existing house, erection of new building to
form residential apartments with associated car parking
and landscaping.**

Item number

Report number

Wards

B06 - Corstorphine/Murrayfield

Summary

The proposal complies with the local development plan and the non-statutory guidance. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

A suitable legal agreement shall be entered into to ensure an appropriate contribution to the provision of affordable housing and education.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA is objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA is a statutory consultee, the Scottish Ministers will require to be notified should Committee decide to grant the application. There are no material considerations that outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 19 June 2019.

Links

[Policies and guidance for this application](#)

LDES01, LDES03, LDES05, LHOU01, LHOU02, LHOU03, LHOU06, LTRA02, LTRA03, LDES04, LEN15, LEN21, NSG, NSGD02, LDES10,

Report

Application for Planning Permission 18/02404/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ Demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is located on the south side of Corstorphine Road and extends to approximately 0.17 hectares. The site is triangular in shape, bounded by a stone wall and is currently occupied by a detached two storey residential villa, single storey garage and incidental garden ground. Neither of the buildings are listed. The Water of Leith is directly to the rear of the site, with Roseburn Park lying beyond this. To the north of the site are large detached villas which are in residential and commercial use, detached villas also lie to the west. Number 39, 41 and 43 Corstorphine Road, that lie to the west, are category C listed (LB ref: 28587 and 28588, listed 18/09/2002).

There are three vehicular access points to the site from Corstorphine Road.

The site is not located within a conservation area but is adjacent to the West Murrayfield Conservation Area to the west and the Coltbridge and Wester Coates Conservation Area to the east.

2.2 Site History

17 July 2003 - Planning permission granted to construct two way vehicle access with gates and turning area (application number 03/01727/FUL).

16 May 2016 - Planning permission granted to form new vehicle access and associated parking area (application number 16/01583/FUL).

Main report

3.1 Description Of The Proposal

The application is to demolish the existing villa and garage and erect a residential development comprising 20 apartments: 14 two-bedroom and six three-bedroom within a four storey block with terraces, balconies, cycle and car parking, landscaping and refuse space.

The proposed building comprises a contemporary style, flat roofed structure of four storeys with part of the top floor recessed at the front and rear elevation. The main facing material is ashlar stone, supplemented with brick cladding, bronze coloured aluminium, timber cladding and bronze finished windows and steel metal balustrades.

Landscaped areas are proposed to the front, in the north east corner and south west corner of the building, with timber decked private gardens facing onto the Water of Leith and Roseburn Park.

The scheme provides 18 car parking spaces, including three spaces with electric car charging points, 44 secure cycle parking spaces and four sheffield stands for 8 cycles.

Scheme 1

This scheme did not include EV charging points or external cycle spaces.

Applicant's Supporting Statement

The following documents are available on the Planning and Building Standards On-Line Services:

- Planning Supporting Statement;
- Transport Statement;
- Drainage Strategy; and
- Design Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the development is acceptable in principle in this location;
- b) the proposal will have any adverse impacts on the setting of the adjacent listed building;
- c) the scale, form, design and materials are acceptable;

- d) the development will impact on residential amenity;
- e) the proposal raises any issues in terms of residential amenity for the future occupiers of the development;
- f) transport, parking and access are satisfactory;
- g) there is an Affordable Housing contribution required;
- h) the proposal have any significant impacts in terms of flooding;
- i) the proposal is acceptable in relation to other relevant material considerations;
and
- j) the representations have been addressed.

a) Principle

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy Hou1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

b) Impact on the Setting of the Listed Building

The new development is located approximately 20 metres from number 39 Corstorphine Road, a category C listed building. The proposal will replace the existing building with another built form of a similar height and along with the established landscape setting it will ensure that the proposal will not affect the setting of the listed building.

c) Scale, Form, Design, Materials and Density

Edinburgh Local Development Plan policies Des 1 and Des 3 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings. Policy Hou 4 seeks appropriate density on each site.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The surrounding area is of a mixed character, encompassing detached dwellings and larger commercial buildings to the east. The proposed development takes its character from the larger commercial developments on the street. The building is angled at its south west corner, where it follows the line of the Water of Leith and the site boundary towards the north east corner of the site. Elements of the north elevation of the building respond to the established building line on Corstorphine Road. This element of the development reflects and follows the more established commercial character to the east of the site. The building is generally four stories in height, although the height and mass on the west elevation has been reduced to respond to the adjacent listed building and villa properties, whilst the height on the east elevation responding to the commercial development. The building sits comfortably within the general context of the street given the different building heights and the proposal will integrate well within the wider townscape.

The proposed contemporary design and use of stone on the main elevations and the range of building styles, materials and tones is appropriate in this context with no set rhythm when considering the streetscape, particularly to the east of the site. The rear elevation is articulated with large windows and balconies to take advantage of the open outlook over Roseburn Park and the Water of Leith, and provides a sympathetic and attractive frontage onto that watercourse.

The overall design will make a positive contribution to the site with an appropriately scaled and designed building.

The development complies with LDP policies Des 1, Des 3 and Des 10.

Density

Edinburgh Local Development Plan policies Hou 4 seeks an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The spatial character of the area is mixed. Generally higher densities and larger built form and footprints exist along the Corstorphine Road corridor particularly to the east of the site, the closer it gets to the city centre. To the north, lower densities prevail. The site, marks the gateway to this change in character and an opportunity exists to create a development which contributes to a greater sense of arrival. There is a strong urban design rationale for a high density development which reflects its sustainable location along an arterial route.

The density of the proposal is acceptable and it will not have a detrimental impact on the spatial character of the area.

The proposals are therefore acceptable in terms of scale, form, design and materials and will have no adverse effect on the character of the surrounding area.

The development complies with LDP policy Hou 4.

d) Flora and Fauna

The site is adjacent to a Local Nature Conservation Site as defined in the LDP. Policy Env 15 guards against development which is likely to have an adverse impact on the flora, fauna, landscape or geological features of the site.

Adjacent to the riverbank the site has been cleared of any vegetation which was to accommodate the flood prevention works. The only vegetation and planting on the site is around the existing house and this has no restrictions on removal.

The proposed development is set back approximately 2.8 metres from the site boundary to the south and will have a row of terraces at the ground floor level. Outwith the site there is a natural river edge to the Water of Leith abutting the flood wall and this provides a reasonable set back.

The development will therefore have no adverse impact on flora or fauna, in compliance with LDP Policy Env 15.

e) Residential Amenity

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity.

Environmental Protection has no objections to the proposed development subject to a condition relating to the provision of electric vehicle charging points in accordance with the requirements of the Edinburgh Design Guidance. Relevant conditions and informatives have been applied according to enforceability under planning legislation.

The internal floor area of each for the two-bedroom flats range from 79 square metres to 109 square metres and 109 square metres to 137 square metres for the three-bedroom flats which complies with the minimum standards as set out in the Edinburgh Design Guidance.

The development also complies with the daylighting, overshadowing and privacy standards in the Edinburgh Design Guidelines as there are no neighbouring residential properties in close proximity to the site.

Green open space will be provided by way of communal green space and terraces. The green areas in the north of the site provide a setting for the building, with the flats having private balconies facing south onto the Water of Leith and Roseburn Park. The main living apartments are also on the south side of the development so future occupiers of the flats will have a high level of amenity. Although the level of communal, useable greenspace does not meet the standards set out in Policy Hou 3, the location of the proposal, being in close proximity to Roseburn Park, ameliorates the level of provision within the scheme.

The development complies with LDP policy Des 5 and the minor infringement to Hou3 is acceptable in these circumstances.

f) Road Safety

Policy Tra 2 and Tra 3 states permission will be granted for development where proposed car parking provision complies with and does not exceed parking standards and cycle parking and storage complies with the standards.

The development is providing 18 parking spaces for the residential units, including 3 with electric charging points. The distribution of parking around the site, access routes to them and overall provision meets levels required in the Council's guidance and is satisfactory. Cycle stores are to be located to the north of the site to provide secure cycle parking.

Transport, parking and access are satisfactory and accord with policy Tra 2 and Tra 3 of the LDP.

g) Affordable Housing

Policy Hou 6 Affordable Housing of the local plan states that sites consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. For proposals above 20 or more units, the provision should normally be on site. Whenever practical, the affordable housing should be integrated with market housing.

The application is for 20 units and as such the policy requires 5 affordable units to be provided on site for affordable housing. It is only where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that we consider alternative proposals.

Onsite RSL delivery was considered but discounted for the following two reasons:

1. High purchase costs - The properties are not financially viable for an RSL, as they have an average unit cost of £260,000.

Cost Plan

- The applicant has submitted a cost plan identifying the cost to build approximately at £240,000 per unit. This figure is not inclusive of fees (at approximately 10%). This raises the indicative cost plan figure to at least £260,000 per unit.
- CEC estates department asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal using current standard development costs/assumptions and identified higher development cost than those submitted by the applicant. This figure is £260k per unit (inclusive of fees approximately £280k).
- The costs submitted have therefore been verified as being accurate.

Potential Cost Saving for RSL

The following development factors have been identified as potential areas from which to make cost savings to allow for an RSL to purchase from the developer:

- Materials The external finishes of stone / zinc are expensive. The planning department's view on these are they are not strictly required, as they are on the fringes of two conservation areas. However, as the finishes face these conservation areas the external finishes are desirable.
- Internal specification - The flats are of high spec, aimed at the upper end of the market. An estimated value on the reduction for an RSL are at circa £5,000 per unit.
- Floor areas - The flats have generous space standards but these are not excessive. There is potential to reduce floor areas by 15% to make a more compact/efficient build for an RSL build to reduce cost per flat by 15%.
- Lift - As the properties are 3 storey there is no requirement for lift. This could lead to a potential saving of circa £5k per flat.
- Taking all these potential savings into account would bring the all in development cost to circa £228,000.

RSL Purchase

- RSLs secure properties from developers at approximately £130,000 per unit.
- If the costs were closer to £130,000 there would be the potential to look at the use of commuted sums to support the development to make on site delivery viable.
- However, as they stand the opportunity does not present value for money, either in terms of the RSL own resources, or with the associated grant/commuted sums funding for an RSL to purchase at approximately £228,000 per unit

2. Minority ownership within a communal stair - RSLs do not want to take on flats within a shared stairwell due to the ongoing responsibility for tenants and maintenance implications. There are two stairwells for this development of 20 units.

- Should the stairwells be reconfigured, to allow for an RSL to purchase a single block, this could have an impact on the overall numbers of units and potentially reduce the number of homes overall. If the project has under 20 units in total; the default policy position would be for a commuted sum payment

Both Places for People and Dunedin Canmore Housing Association have confirmed the project is not viable for them for these two reasons.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

The housing service considers that options for onsite delivery have been explored and that a commuted sum payment in lieu of onsite affordable housing is acceptable.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

The instruction has not been provided to calculate the commuted sum figure. This will require to be independently assessed by the District Valuer. For information, based upon recent commuted sum payments, the sum is likely to be in the region of £40,000 to £50,000 per unit.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. An informative has been added requiring the conclusion of a legal agreement to secure financial contribution for this purpose.

h) Flooding

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudicial to existing or planned flood defence systems.

The proposal will provide adequate drainage. The Council's Flood Team has confirmed that sufficient information has been submitted to satisfy flooding arrangements.

SEPA has objected to the principle of residential development on this site on the grounds of flood risk.

The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (FPS). In August 2017, SEPA published a Planning Information Note 4 which sets out the position that it now takes for development behind a FPS. In summary, where a planning application will result in a land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change. However, SEPA is now concerned that this climate change allowance may not be sufficient and therefore objects to the principle of housing development on the site.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as a residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

In this instance, SEPA has stated that, should the Council be minded to approve the application, it recommends that:-

- finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard,
- flood resistant and resilient design and materials are included, and
- safe flood free access and egress can be provided during a flood.

The applicant has amended the proposals to meet these requirements and the Council's Flooding team is satisfied that the mitigation proposed is acceptable. Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection. As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers.

i) Other relevant material considerations

Archaeology

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Although the site has been significantly affected by modern disturbances, ground breaking works associated with demolition and development may disturb evidence for this historic settlement. It is recommended that a programme of archaeological work (excavation) is undertaken prior to/during development to fully excavate, record, analyse and publish any significant remains that may be disturbed. A condition has been added in respect of this.

Education

Policy Del 1 requires proposals to contribute towards education provision.

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application. Total infrastructure contribution required is £2,240 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

A legal agreement is recommended to secure the required contribution.

j) Representations

Material Representations - Objection

- visual impact on the area - addressed in section 3.3 b).

- scale and impact on the river and walkway -addressed in section 3.3 b).
- lack of parking - addressed in section 3.3 e).
- traffic impact - addressed in section 3.3 e).
- loss of villa - addressed in section 3.3 b).
- height of the building - addressed in section 3.3 b).
- loss of privacy and overshadowing - addressed in section 3.3 d).
- no affordable housing - addressed in section 3.3 f).

Material Representations - Support

- good location for transport links
- address the housing shortage
- appropriate development
- good level of accommodation
- high quality residential development.

Murrayfield Community Council

- The Murrayfield Community Council did not request to be a statutory consultee but it objected on the following grounds:
- The proposal is not sympathetic to its surroundings - addressed in paragraph 3.3 (b).
- Height of the proposed block is excessive - addressed in paragraph 3.3 (b).
- Proximity to the flood defence wall - addressed in paragraph 3.3 (c).
- limited green space - addressed in section 3.3 (b).

Conclusion

In conclusion, the proposal largely complies with the local development plan and the non-statutory guidance. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

A suitable legal agreement shall be entered into to ensure an appropriate contribution to the provision of affordable housing and education.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA are objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA are a statutory consultee, the Scottish Ministers will require to be notified should committee decide to grant the application. There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. The application shall be notified to the Scottish Ministers prior to determination.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. 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.
5. 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.

6. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
Any gate or doors must open inwards onto the property;
Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point;
The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted);
All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 69 letters of representation has been received. 37 of these are objections and 32 letters are in support.

An objection was received from Murrayfield Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Edinburgh Local Development Plan - The site is designated as Urban Area.

Date registered

1 June 2018

Drawing numbers/Scheme

01-04,05A,06-14,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

Appendix 1

Application for Planning Permission 18/02404/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ Demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

Consultations

Affordable Housing

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

Recommendation: Commuted Sum

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*

2. Affordable Housing Provision

This application is for a development consisting of 20 homes and as such the AHP will apply, 5 units (25%) will be required to be provided as affordable housing.

In all instances for applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. It is only in where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that we consider alternative proposals.

Onsite RSL delivery was considered but discounted for the following two reasons:

- 1. High purchase costs - The properties are not financially viable for an RSL as have an average unit cost of £260,000 per unit*

Cost Plan

- The applicant has submitted cost plan identifying the cost to build approximately £240,000 per unit. This figure is not inclusive of fees (at approximately 10%). This raises the indicative cost plan figure to at least £260,000 per unit.*

- CEC estates department asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal using current standard development costs/assumptions and identified higher development cost than those submitted by the applicant. This figure is £260k per unit (inclusive of fees approximately £280k).
- The costs submitted have therefore been verified as being accurate.

Potential Cost Saving for RSL

The following development factors have been identified as potential areas from which to make cost savings to allow for an RSL to purchase from the developer:

- *Materials* The external finishes of stone / zinc are expensive. The planning department's view on these are they are not strictly required, as they are on the fringes of two conservation areas. However, as the finishes face these conservation areas the external finishes are desirable.
- *Internal specification* - The flats are of high spec, aimed at the upper end of the market. An estimated value on the reduction for an RSL are at circa £5,000 per unit.
- *Floor areas* - The flats have generous space standards but these are not excessive. There is potential to reduce floor areas by 15% to make a more compact/efficient build for an RSL build to reduce cost per flat by 15%.
- *Lift* - As the properties are 3 storey there is no requirement for lift. This could lead to a potential saving of circa £5k per flat.
- Taking all these potential savings into account would bring the all in development cost to circa £228,000.

RSL Purchase

- RSLs secure properties from developers at approximately £130,000 per unit.
- If the costs were closer to £130,000 there would be the potential to look at the use of commuted sums to support the development to make on site delivery viable.
- However, as they stand the opportunity does not present value for money, either in terms of the RSL own resources, or with the associated grant/commuted sums funding for an RSL to purchase at approximately £228,000 per unit

2. *Minority ownership within a communal stair* - RSLs do not want to take on flats within a shared stairwell due to the ongoing responsibility for tenants and maintenance implications. There are two stairwells for this development of 20 units.

- *Should the stairwells be reconfigured, to allow for an RSL to purchase a single block, this could have an on the overall numbers of units and potentially reduce the number of homes overall. If the project has under 20 units in total; the default policy position would be for a commuted sum payment*

Both Places for People and Dunedin Canmore Housing Association have confirmed the project is not viable for them for these two reasons.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

Summary

The housing service considers that options for onsite delivery have been explored and that as a last resort will accept a commuted sum payment in lieu of onsite affordable housing.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

The instruction has not been provided to calculate the commuted sum figure. This and will be required to be independently assessed by the District Valuer. For information, based upon recent commuted sum payments, the sum is likely to be in the region of £40,000 to £50,000 per unit.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the Informatives section of the report to committee.

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. The applicant proposes 52 cycle parking provision and complies with the Council's 2017 Parking Standards which requires the applicant to provide a minimum 52 secure, quality and easy to use cycle parking provision for the proposed development (2 bedroom(8); 3bedroom(12)).*
- 2. The applicant proposes 3 electric charging parking spaces and complies with the Council's 2017 parking Standards which requires at least one in every six of the proposed parking spaces be ducted.*
- 3. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 4. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 5. Any gate or doors must open inwards onto the property;*
- 6. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 7. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point;*
- 8. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted);*
- 9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation.*

A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note:

The applicants proposes 18 parking provision and complies with the Council's 2017 parking standards which allows a maximum of 36 parking provision for the proposed development in Zone 2.

SEPA

We object in principle to this planning application on the grounds of flood risk. Please note the advice provided below.

1. Flood Risk

Executive Summary Outlining Policy Context

1.1 We object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 Given the location of the proposed development within the functional floodplain we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations be considered.

1.3 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.4 Notwithstanding this position we have included our review of the information supplied. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

Technical Appendix

1.5 We have reviewed the information provided in this consultation and it is noted that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

1.6 The proposal is for the demolition of an existing house and an erection of residential apartments. A level 1 Flood Risk Assessment (FRA) undertaken by Terrenus Land & Water Ltd has been submitted in support of the application.

1.7 Review of the FRA section 3.3 states that the City of Edinburgh Council (CEC) provided modelled outputs from the works carried out on the Water of Leith. The consultant claims that a design flow provided to it by the Council represents its estimate of the 1 in 200 year flood with a 20% uplift for global climate change. It is also stated within the FRA that the Standard of Protection for the existing flood defences scheme is "understood to be for the 1 in 200 year plus 20% GCC event." We would advise that we have received information from the council that the Standard of Protection of the Water of Leith varies depending on the area protected from 1:150 year to 1:200 year, including a 12% allowance for climate change. Within the documents reviewed there has been no account of a 20% climate change uplift applied within the model.

1.8 In August 2017, we published new guidance including Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme (FPS). This sets out the position that SEPA now takes for development behind a FPS. Based on our guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change, generally a minimum of 20% uplift. We would also advise that early indications from UKCP18 is that future climate change uplifts may be higher than this current allowance. To be confident in the standard of protection offered by the Water of Leith FPS for all current and future phases of the scheme, we undertook an extensive review of the Water of Leith FPS documentation, spanning the last 18 years

1.9 We have reviewed the FPS documentation held by SEPA, City of Edinburgh Council (CEC), and Scottish Government. We do not own these documents therefore should you wish to review these documents, please approach the council in the first instance. We have not included our entire review of the scheme in this response, but focused our response on the limitations of the scheme along this area of interest. Our position has been agreed with SEPA agency management teams and will thus be used to inform any future responses to proposed development along the Water of Leith that is offered some protection by the FPS.

1.10 The remaining uncertainties of the scheme after a review of all readily available documentation includes; flow estimates, storm durations, reservoir operation, urban assumption, climate change allowance, bridge blockage and sensitivity analysis, reliance on flood gates, and freeboard. These uncertainties are elaborated upon below.

1.11 Flow estimates only include the gauged record which is approximately 55 years long at Murrayfield gauging station. Two significant events of similar magnitude to 2000, which occurred in 1920 and 1948, are not included within the gauged record and therefore not included within the analysis undertaken by the council's consultant. Taking into account these events, the April 2000 flood event may be a 1:70 year return period flood or even more frequent, rather than a 1:100 year return period as estimated by the Council's consultant at that time.

1.12 Flow estimates are further complicated by uncertainties associated with the theoretical stage-discharge calibration at the upstream Colinton gauging station and the peak flow that the Murray Burn can generate, bearing in mind it is heavily culverted.

1.13 The storm duration used in the original study by the council's consultant is 10.5 hours at Colinton. We would highlight that the significant flood generating storms on the Water of Leith have been over 10.5 hours in the past, and closer to 24-48 hours in duration.

1.14 CEC have confirmed that the upstream reservoirs are not managed for flood reduction and are left "as be", i.e. not drawn down prior to a predicted storm and not used to lower water levels quicker after an event. This 'hands off' approach is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. As such, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms.

1.15 The number of combined sewer overflows complicate the hydrology. Due to the assumption that the urban catchment would have a quicker response time than the arrival of the dominant rural flood peak, Babbie's initial study and continued in the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003), reduced the contribution of the urban catchment area by 21km². It is assumed that these areas would drain to the combined sewer network.

1.16 The applied climate change allowance is only a 12% increase and this has been applied to a peak flow estimate reduced to take account of the reservoir operating as designed, i.e. drawn down prior to a storm, which is currently not done. The Ove Arup & Partners Ltd Response to Reporter's Report (2005) states that "If the current SE predictions prove correct, then the scheme will continue to provide a 1 in 200 Standard of Protection for up to 45 years." It is worth noting that the lifetime of the proposed residential development would likely be greater than the lifetime of the scheme, especially since this report was published 13 years ago.

1.17 Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. Additional sensitivity of the model to varying flows, Manning's 'n' values, reservoir operation, and urban assumption are not fully investigated within the documentation reviewed. John Riddell and CarlBro (February 2003) demonstrated that the Water of Leith model is sensitive to changes in model parameters. Therefore, it is not clear whether a sufficient freeboard has been incorporated into the scheme design to take account of these uncertainties.

1.18 Flood levels vary for this site and are dependent on the model used and whether climate change has been included and the operation of the reservoirs.

1.19 The FRA supplied in support of the application, identifies the minimum elevation of the FPS wall at this location is 42.09mAOD. The freeboard available will be dependent on the peak flood levels applied to the model, model set-up, operation of the reservoirs, the urban assumption, and whether the climate change allowance is appropriate.

1.20 Whilst we understand that the site is afforded some level of protection from the Water of Leith FPS there are uncertainties associated with the standard of protection the scheme affords. Therefore, we do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming years. The proposed development will result in material increase in the number of persons and buildings at risk contrary to the Flood Risk Management (Scotland) Act as there is an increased risk to human health. As such, we object in principle to the current planning application. No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided above, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in the number of persons and buildings at risk.

1.21 *Should the council be minded to approve the planning application, in spite of our advice to the contrary, and given all the uncertainties highlighted above, we would strongly recommend that finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard. We would also recommend that flood resistant and resilient design and materials are included as well as ensuring that safe, flood free access and egress can be provided during a flood.*

Detailed advice for the applicant

2. Flood Risk

Caveats & Additional Information for Applicant

2.1 *The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>*

2.2 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

2.3 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>*

Children and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

20 Flats

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development of 20 flats is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.

The Council has assessed the impact of the proposed development on the identified education primary school infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established primary school 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£2,240

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Environmental Protection

The planning application site is located at 37 Corstorphine Road. The site is bounded by the Water of Leith to the south and a neighbouring residential house to the west. Further west are located substantial detached and semi-detached residential properties, followed by a Medical Centre and large office building. To the south and south west are located cricket playing fields with Murrayfield Rugby Stadium further south. Approximately 80m to the west, is a vehicle tyre and exhaust centre. On the opposite side of the road to the north are substantial detached residential properties. To the north-west is located a church.

Due to the previous use of the land there are no concerns regarding contaminated land. The proposed development is located between two Air Quality Management Areas. It is approximately 275m from the western extent of the City Centre Air Quality Management Area (AQMA) at Roseburn Terrace. It is also approximately 2km from the eastern edge of the St John's Road AQMA. However, as it is a small development with 18 vehicle parking spaces, it will have a negligible impact on the AQMA.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points. The Edinburgh Design Guidance now requires that one of every six spaces should include a fully connected and ready to use electric vehicle charging point. A condition has been recommended.

Environmental Protection has no objections to this application subject to the condition below.

Conditions

1. The three Electric Vehicle (EV) parking spaces marked on drawing L(PL)056 shall each be provided with a 7kw (Type 2 sockets) charging point, installed and fully operational prior to occupation.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As stated the development will require the demolition of a 19th century villa possibly shown on the 1st Edition OS Map as Hawthornbank. Although its loss will have a significant impact, the loss of this locally important building is not regarded as being significant to warrant refusal of consent. However, it is recommended that a detailed historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and demolition, in order to provide a permanent record of this historic buildings.

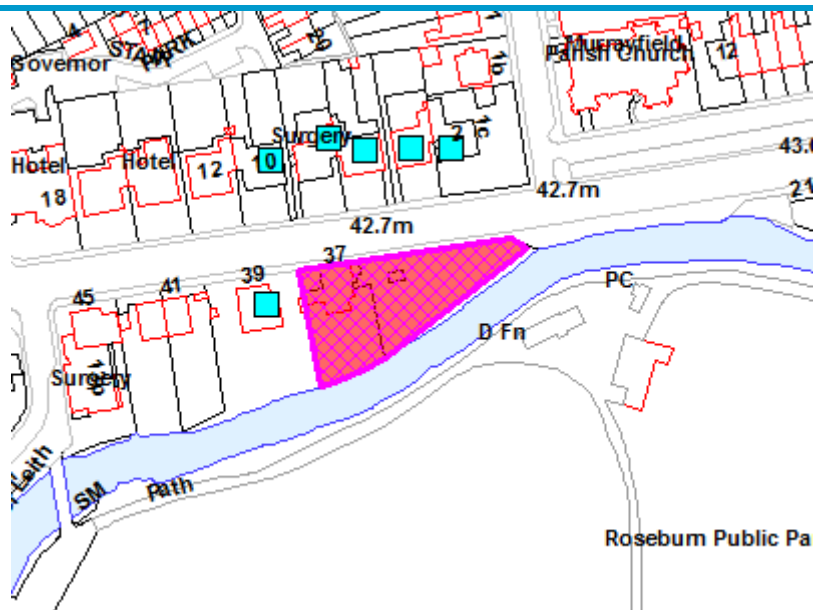
In addition, General Roy's 1750's military survey indicates the site may overly an unnamed row of buildings located, located either side of this historic road. Although the site has been significantly affected by modern disturbances ground breaking works associated with demolition and development may disturb evidence for this historic settlement. Accordingly, it is recommended therefore that in association with the historic building recording that a programme of archaeological work (excavation) is undertaken prior to/during development too fully excavate, record, analyse and publish any significant remains that may be disturbed.

Such mitigation should be secured by the following condition;

'No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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