

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 14th August, 2019

Dean of Guild Court Room - City Chambers

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

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1. Order of business

- 1.1 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 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 12 August 2019** (see contact details in the further information section at the end of this agenda).
- 1.3 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 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

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| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee 24 April 2019 – circulated for approval as a correct record | 9 - 28 |
| 3.2 | Minutes of Previous Meeting of Development Management Sub-Committee 8 May 2019 - circulated for approval as a correct record | 29 - 38 |
| 3.3 | Minutes of Previous Meeting of Development Management Sub-Committee 22 May 2019 - circulated for approval as a correct | 39 - 50 |

record

- 3.4** Minutes of Previous Meeting of Development Management Sub-Committee 5 June 2019 - circulated for approval as a correct record 51 - 54

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.

- 4.1** 36 - 39 Market Street Edinburgh EH1 1DF - Change of Use to former nightclub [36-39] to extend Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various alterations to and reinstatement of original windows & shopfront, install roof mounted plant. Internal alterations: removal of 1st floor to create double height gallery to east section of property and on west, over two floors, toilets, stores & workshop located to west, with staff accommodation above. Internal slappings to single storey link connect two properties forming one venue - application no 19/02006/FUL – Report by Chief Planning Officer 55 - 78

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

- 4.2** 36 - 39 Market Street Edinburgh EH1 1DF - Externally: form new entrance in fully glazed central opening retaining existing features; reinstate windows blanked off by previous occupants [excluding some to North facade]; alter frontage to single storey link [between 36-39 & 45] & install external roof mounted services. Internally: form access linking 36-39 to 45, create central plant room, remove floor to create double height gallery to east; over two floors to west, form gallery stores, workshop, public WCs & staff accommodation- application no 19/02004/LBC – Report by Chief Planning Officer 79 - 98

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

- 4.3** 45 Market Street Edinburgh EH1 1DF - External: alter main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station. - application no 19/02007/FUL – Report by Chief Planning Officer

99 - 118

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** 7, 11, 13 Eyre Terrace Edinburgh EH3 5ER - Planning permission in principle for mixed use development. Retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business (class 4); hotels (class 7); residential (class 8, 9 + sui generis), car parking, access + other works, approval of siting + maximum height of principal building block, points of vehicular/pedestrian access + egress - application no 14/01177/PPP – Report by Chief Planning Officer

119 - 126

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

6. Applications for Hearing

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

- 6.1** None

7. Applications for Detailed Presentation

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

- 7.1 Niddrie Mains Road Edinburgh (Redevelopment Site At) - 127 - 166
Erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, 'town square' proposal, external sports provision and car parking. - application no 19/01771/FUL – Report by Chief Planning Officer

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

- 7.2 2 Windrush Drive Edinburgh (Land North Of) - Victoria Primary School - New primary school and nursery and associated playground spaces - application no 18/10570/FUL – Report by Chief Planning Officer 167 - 190

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

8. Returning Applications Following Site Visit

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

- 8.1 None

Andrew Kerr

Chief Executive

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon,

Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Rob Munn and Councillor Cameron Rose

Information about the Development Management Sub-Committee

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

Further information

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

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

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

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

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

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 24 April 2019

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, McLellan, Mitchell, Mowat, Osler, Rose (substituting for Councillor McLellan on Items 6.1(b), 6.1(c) and 6.1(d) 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 this meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.3(a) and 4.3 (b) 1 Bath Street – Requested by Councillors Booth and Osler.

The Chief Planning Officer gave a presentation on agenda Item 4.4 – 23 Corbiehill Road, Edinburgh, EH4 5EB – Requested by Ward Councillor Work.

The Chief Planning Officer gave a presentation on agenda Item 4.10 – 198 Great Junction Street, Edinburgh, EH6 5LW – Requested by Councillor Gardiner.

The Chief Planning Officer gave a presentation on agenda Item 4.11 – 4 Huly Hill Road, Newbridge, EH28 8PH – Requested by Councillor Osler and Ward Councillor Work.

The Chief Planning Officer gave a presentation on agenda Item 4.13 – 13 Lister Square, Edinburgh, EH3 9GL – Requested by Councillor Staniforth.

The Chief Planning Officer gave a presentation on agenda Item 4.15 – 144 Newhaven Road, Edinburgh, EH6 4PZ – Requested by Councillor Gordon and Ward Councillor Day.

Decision

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

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

2. 35-36 St Andrew Square, Edinburgh, EH2 2AD

The Chief Planning Officer had identified an application for planning permission to be dealt with by means of a hearing. The application for planning permission proposed the erection of a music and performing arts venue with licensed café/restaurant and bar facilities, and related

arrangements for infrastructure, demolitions, and other works at 35 - 36 St Andrew Square Edinburgh EH2 2AD – application no 18/04657/FUL.

(a) Report by the Chief Planning Officer

The proposal was for a new music and performing arts venue. The Chief Planning Officer highlighted an administrative error on section 3.2 of the planning application. The third determining issue should have stated Section 59 instead of Section 14.

The application lay within the city centre and covered an area of 0.77ha. The site was located to the east of St Andrews Square, south of Multrees Walk and west of the residential tenements at St James Square and the new Edinburgh St James development beyond. New Register House and General Register House were located to the south of the site. The site comprised of the of the Category A listed building Dundas House and its 1960s office extension and associated car park to the rear. The proposed site was located within the New Town Conservation Area, the New Town Gardens and Dean Historic Garden Designed Landscape Inventory Site and the Old and New Towns of Edinburgh World Heritage Site.

The application proposed the removal of the 1960s extension located at the rear of Dundas House. The retained structures would continue to operate as a bank and associated office. The application also proposed the removal of the sections of boundary wall to Elder Street and the shared boundary wall with 35 St Andrew Square. These new openings would enable pedestrian and vehicle access to the site for servicing purposes.

The proposed development would have 11,347sqm gross floor space with 5 storeys above ground. The site would contain a main concert hall and two orthogonal side volumes. The oval form of the main concert hall, with a curved form and domed roof sits on axis with George Street.

The applicant proposed to use concrete made from selected stone aggregates of varying scales exposed through a refined honing process. The proud surfaces would be a honed finish, whilst the recessed surfaces would be grit blasted. Large format glazing was proposed for the ground foyer and the domed roof was formed from a standing seam metal. Continuity was provided within the site through the creation of unified surface material of sandstone. A picked finish to the sandstone was proposed to the rear of number 35. This would subtly delineate the historic feu whilst also enabling a seamless surface for vehicle and pedestrian movement. Six new trees were proposed in combination with lines of mature beech hedging to form green edges to the new civic spaces.

Given the range of heritage issues there were 3 statutory provisions relevant to the decision making for the planning application. There would be negative impacts from the proposal and the use of the word 'special regard' under Section 59 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 means that any negative impact on the listed building or its setting should be given a high weighting in terms of its overall decision making

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(b) New Town and Broughton Community Council

Richard Price spoke on behalf of New Town and Broughton Community Council.

Mr Price spoke of the continued support for the principle of development for a world class performance venue at this part of the city. It would compliment and be a welcome addition to the performance spaces across Edinburgh. Mr Price stated that the venue would add to the amenity offered in central Edinburgh. The proposed development would make a significant and positive contribution to the immediate area, enhancing activity permeability further revitalising the streets, lanes and businesses that surround it. However, Mr Price stated that the design brief resulted in a significant challenge to the facilities on this constrained site, requiring an innovative approach to be taken as well as some compromise to the wider setting including the proximity to the residential tenement to the east. Mr Price stressed the importance of giving due regard to the residents to the east at James Craig Walk.

The Community Council was usually a strong advocate of using sandstone for important developments in the new town, especially in proximity to listed to listed buildings. However, Mr Price said the Community Council were aware of the advantages of using reconstituted material and accepted that it could rest sympathetically with the main buildings that sit round the development site including the lime stone façade on the new Edinburgh St James development. The key however was the quality of the final finish and the attention to detail given to it.

In sum, there was support from New Town and Broughton Community Council in Edinburgh. Although the site was constrained, and the size and height of the proposal was challenging, there were significant benefits to the proposal and notwithstanding the caveats mentioned about the tenement block, the Community Council was broadly supportive of the proposal.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(c) Edinburgh World Heritage Trust

Adam Wilkinson gave a presentation on behalf of Edinburgh World Heritage Trust.

A major part of the context of the proposals is the area formally occupied by the St James Centre. The St James Centre was not included in the original proposal for the World Heritage Site, but the boundaries were adjusted before inscription following discussions with UNESCO'S advisory body The International Council on Monuments and Sites to include the St James Centre within the World Heritage Site. The purpose of including St James Centre was not in recognition of any architectural or historic merit but instead it was to encourage the improvement of the area.

The proposals had to be judged against the backdrop formed by the St James Centre plans that were currently being built out, including the tall and wide hotel structure on the axis of George Street. The application for the Impact Centre, the documents showed a good understanding of the World Heritage Site and relevant aspects of Outstanding Universal Value, as well as the ambitions of the World Heritage Site management plan.

Outstanding Universal Value was broken down into attributes, then receptors. In a large living World Heritage Site with a long history these could be multi-layered and complex. Taking into account the World Heritage Site nomination document, the advisory body evaluation, the statement of Outstanding Universal Value brief synthesis, the Edinburgh World Heritage Trust identified 9 key attributes and 4 individual receptors could be affected by the proposals. These were:

- the planned alignments of key buildings in both the Old and New Towns
- the clarity of the urban structure
- the nature of the very fine public and commercial monuments in the city
- the classical set pieces
- the overall layout leading to distinctiveness of the nature of the urban fabric
- the cultural traditions of Scotland
- the evolution of Scottish society and settlements with Edinburgh being the built embodiment of these and Edinburgh being an associative cultural landscape within that
- philanthropy was also noted within the nomination document of being an important part of how the city came to be adorned with fine architecture
- and the fact that Edinburgh remained the administrative and cultural capital of Scotland

The individual receptors that contributed to Outstanding Universal Value nearby included Dundas House, 23-26 St James Square, Melville Monument and Register House.

The proposals were for a large building in a sensitive location and that sensitivity was largely limited to the view along George Street, the principal axis of the first New Town, and to St Andrews Square and then close up around Dundas House and the rear of the Registers complex and the remaining St James Square tenement.

Edinburgh World Heritage Trust judged there to be a negative impact on 1 attribute at 2 receptors in the form of classical set piece around Dundas House, Dundas House itself and 23-26 St James Square. Edinburgh World Heritage Trust judged there to be a neutral impact on 3 attributes and 2 receptors in the form of the planned alignments of key buildings, the city skyline, the Melville Monument and Register House. Edinburgh World Heritage Trust judged there to be a positive impact on 6 receptors, 4 of which were intangible. Those were the clarity of urban structure, public buildings, culture of the city, Edinburgh as the embodiment of the evolution of Scottish society and settlements, philanthropy and Edinburgh's historic role as administrative and cultural capital of Scotland. Having considered these impacts, the Edinburgh World Heritage Trust's view as that in terms of Outstanding Universal Value of the World Heritage Sites, the 3 harmful impacts identified were balanced out by the positive impacts to give as a minimum and neutral impact and if Committee gave greater weight to the cultural

benefits then the proposals may be viewed as beneficial to the Outstanding Universal Value of the World Heritage Site.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(d) Cockburn Association

Terry Levinthal gave a presentation on behalf of the Cockburn Association. Overall, the Cockburn Association accepted that the site was constrained for such a civil building. However, the Association believed the regenerative impacts could create a new quarter in the city based upon a more public use of the Registers linking the New Town in to the new St James quarter.

In terms of the impact, the category A listed building, Dundas House, it was acceptable for the following reasons. The current building's history and its subsequent sequencing rear wood extensions, ending in a 1960s building which would be replaced, suggested that further adaptations were conceptually possible and acceptable.

With regard to the medium and long-distance views, the Cockburn Association accepted that the proposals were a sizeable and visible intervention in the view of the central axis of the New Town. However, the rational form and simple but elegant expression would assist in the view rather than hinder the legibility of Dundas House and provide a largely symmetrical screen against the Chambers masterpiece which would reduce the somewhat more chaotic skyline that was beginning to emerge. This would therefore allow the Chamber building to be read in a much more holistic fashion.

In terms of the impact of the New Town Conservation Area the Cockburn Association believed special regard had been given how this intervention was taking place. As such, the Cockburn Association felt the Impact Centre would do no harm to the New Town Conservation character and therefore passed the relevant test in statute policy and guidelines.

Against the support the Cockburn Association did have several caveats. The Cockburn Association did not believe that the floor scape of the exterior expression of the building was resolved. The Cockburn Associations view was the public realm surrounding the Impact Centre should be part of the Registers wider public realm. The public and active travel links to this site were excellent. However, it was highly likely that many of those attending evening concerts would attend by private transport. The residential New Town, at its closest, was only a 5-minute walk away from the development. It was important that any impact of concert goers going to the building is managed and considered so the Cockburn Association recommended a travel plan. There was a single mature beech tree in the north west corner of the site. The Cockburn Association's analysis from their landscape architects suggested this was remnant of the former garden landscape and it should be retained if possible.

Mr Levinthal concluded the Cockburn Association welcomed the proposals for a new civic building in Edinburgh and with some further work and refinement believed it would be a fine addition to the city's architecture and historic legacy.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(e) Nuveen Real Estates

Mike Prentice gave a presentation objecting to the proposed development on behalf of Nuveen Real Estates. Mr Prentice was accompanied by Michael Nelson (Avison Young), Neil Heggie (Sweco) and Ken Williamson (Hurd Rolland).

Mr Prentice stated that Nuveen Real Estates supported the principle of a concert hall but the site selected could not properly or safely accommodate one. Nuveen Real Estates objection was threefold. The scale of the concert hall, the proposed materials and the traffic issues. Mr Prentice also stated he had concerns over the robustness of the cultural and economic benefits.

On size, the concert hall was too big for the site and in order to create the size it needed to be commercially successful, it breached a number of planning policies and guidance documents as well as those of HES. The concert hall would have an adverse impact on the grade A listed Dundas House. The development would be in close proximity to the grade A tenement building and will and would have an adverse effect of views from and on the central hotel.

With regard to materials, Mr Prentice noted the whole of the exterior of the building was to be built in concrete. This was contrary to the Council's policies and design guidance which required stone to be used. Every building in the vicinity was built in stone, even the building which was being taken down to put the Impact Building there.

When Nuveen Real Estate's development opened, they were anticipating 26 million visitors each year and a significantly vehicle free area had been created for them to enjoy. This included Elder Street and St James Square. All of Nuveen Real Estates' servicing took place underground to separate pedestrians and vehicles. Mr Prentice stated that Nuveen Real Estates had offered the developer the opportunity to service the concert hall from their basement, but the offer was rejected. Mr Prentice raised concerns about vans being used to service the concert hall.

Given the range of issues, Mr Prentice questioned why the concert hall was being proposed at this site. The proper basis for site selection was not adhered to. The Committee report referred to policies that were not being adhered to, but these were trumped by cultural benefits. These cultural benefits were not properly defined and were dependent on the business case, neither of which were thoroughly assessed. Those cultural benefits were not restricted to this site and could be available anywhere in the city. Mr Prentice suggested the concert hall should be located somewhere where its

regenerative effect would have greater benefit and would have a significant impact on such an internationally important building.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(f) Mr Antony Jack and Mr Andrew Jack

Mr Antony Jack was a resident and co-owner of a property in the A listed tenement at 23-26 St James Square. Mr Antony Jack stated the Impact Centre was in the public interest, for the local area, for Edinburgh and for Scotland. Mr Antony Jack complimented Impact Scotland on their consultations and their proactive and helpful attitude to the residential neighbours. With the exception of some small points, Mr Antony Jack stated he was satisfied that the development team had tried as best they could to meet the needs of the neighbouring listed buildings. Mr Antony Jack hoped the construction management plan would be subject to close consultation with neighbours in terms of noise and vibration and movement monitoring at 23-26 St James Square and that a baseline was established well prior to the work starting, including a laser scan of the whole tenement. There was legitimate concern regarding privacy and sunlight to the tenement and its garden. Mr Antony Jack stated he was content to lose a little light in the public interest and the public should be pulling together to make the application work. Mr Antony Jack hoped Committee would approve the application with a condition regarding wind impact.

Mr Andrew Jack was also speaking on behalf of Christina Anderson who was unable to attend. Mr Andrew Jack was a resident and co-owner of a property in the A listed tenement at 23-26 St James Square. As immediate neighbours, Mr Andrew Jack stated he was concerned about the planned development and objected to it. The proposed size of the development was too large and tall as currently set out. The development would crowd Dundas House and overshadow the tenement and private garden at 23-26 St James Square. If the plans were approved, access to light would be reduced. Mr Andrew Jack also raised concerns regarding privacy to the homes and garden at 23-26 St James Square. The disruption caused during construction work was also a concern, especially noise. The City of Edinburgh Council's response to the Noise Impact Assessment stated that it would be unlikely there would be significant impact on the residential amenity in relation to noise. Mr Andrew Jack asked Committee to ensure that noise and vibrations were kept within statutory limits and that results from the monitoring would be shared with neighbours. The issue of ongoing noise was a concern, particularly as there would be many people leaving concerts late at night. A further concern was how the tenement would cope with further excavation just meters away from the western wall. The full impact of the St James Quarter Development was not yet known, but in Mr Andrew Jack's view, there was clear evidence that damage had occurred. Access to the tenement building during proposed construction was also a concern. There was limited information within the planning documents on how access to the tenement would be safely and openly maintained. Mr Andrew Jack urged Committee to ensure access details were fully fleshed out and agreed with residents before approving the proposed development. Mr Andrew Jack questioned how the hammerhead would be used after

any other proposed construction was completed. The area was earmarked to home waste collection bins. Mr Andrew Jack asked Committee to give residents some resolution and ensure these details were included in the proposed development before it was granted.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

(g) Applicant and Applicant's Agent

Sir Ewan Brown (Impact Scotland), Sir David Chipperfield (David Chipperfield Architects), Alasdair Graham (David Chipperfield Architects) and Brian Muir (Ryden Planning) were heard in support of the application.

Sir Ewan Brown stated the proposed development was the cultural flagship of the City Region deal and was supported by an incredible level of philanthropy. The developer's objective was to create a thriving public space where everyone felt welcome, which would be of long-lasting benefit to the city and a destination to be proud of. Sir Ewan Brown was encouraged from the support received from interest groups within the city and beyond.

Sir David Chipperfield gave a brief summary of the building. The approach to the development was based on a lengthy comprehensive analysis and understanding of the site, the importance of the site from a historical point of view and its relationship to the wider city and the setting of its immediate neighbourhood buildings. Sir Chipperfield stated the development of the design had been collaborative with a broad range of stakeholders, including the City of Edinburgh Council, Historic Environment Scotland, Edinburgh World Heritage, the New Town and Broughton Community Council, Cockburn Association and various neighbours around the site. Many meetings were held as well as two open public consultation events.

As a public building, the venue would be both a place of performance and a new focus of civic and social gathering for the city. The new venue would position a public building at the eastern end of the George Street axis. Due to its concealed location, the key aspect of the project had been to increase permeability through the site. This permeability would exploit excellent public transport links, create a series of entrances for the venue and open up the quarter to the surrounding area. This would link St Andrew's Square, Register Lanes and the new St James lanes to the other site for the first time. Details were provided of the two main performance bases, the series of public foyers, cafes and bars that would be housed within the new development. The 1000 seat timber aligned concert hall would sit within the buildings main oval drum. The smaller 200 seat rehearsal hall would be in the basement of the proposed development. The ground floor foyer would connect in to the rear of Dundas House to allow its entrance to be used on special occasions.

Brian Muir stated the applications needed to be considered in the round. Heritage and environmental impacts needed to be clearly assessed as well as the cultural and social benefits which would be delivered for the city. Officers and external consultees rigorously assessed the proposed development in relation to the current legal framework and policy. They properly considered all matters, in the proper sequence, and reached a measured and considered judgement in the round.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372414

Decision

Motion

To grant planning permission subject to the reasons, condition and informatives as detailed in Section 3 of the report and to expand informative 18 to include assessment of neighboring tenement property.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To refuse planning permission as it was contrary to policy Des 4, Des 5, Des 7, Env 1, Env 3 and Env 4(c).

- moved by Councillor Osler, seconded by Councillor Rose.

Voting

For the motion: - 6 votes

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

For the amendment: - 4 votes

(Councillors Mitchell, Mowat, Osler and Rose)

Decision

To grant planning permission subject to the reasons, condition and informatives as detailed in Section 3 of the report and to expand informative 18 to include assessment of neighboring tenement property.

Councillor McLellan declared a non-financial interest in this item as he had previously expressed a view on this application and did not take part in the discussion and decision on this item (Councillor Rose substituted).

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

3. 35-36 St Andrew Square, Edinburgh, EH2 2AD

The Chief Planning Officer had identified an application for listed building consent for the proposed demolitions, alterations, remodelling and erection of an extension to the listed

building at 35-36 St Andrew Square, Edinburgh, EH2 2AD, to be dealt with by means of a hearing – application no 18/07730/LBC.

Decision

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.

Councillor McLellan declared a non-financial interest in this item as he had previously expressed a view on this application and did not take part in the discussion and decision on this item (Councillor Rose substituted).

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

4. 35-36 St Andrew Square, Edinburgh, EH2 2AD

The Chief Planning Officer had identified an application for listed building consent for the proposed demolition of the boundary wall, modern basement kitchen, rear extension, and outbuilding within the existing rear garden; regrading of land, erection of the new boundary features and public realm at 35-36 St Andrew Square, Edinburgh, EH2 2AD, to be dealt with by means of a hearing – application no 18/07127/LBC.

Decision

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.

Councillor McLellan declared a non-financial interest in this item as he had previously expressed a view on this application and did not take part in the discussion and decision on this item (Councillor Rose substituted).

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

5. 8 Bainfield Drive, Edinburgh (At Land 34 Metres South East of)

Details were provided of proposals for planning permission for the moorings of boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge.

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

Decision

Motion

To agree to have a hearing for this application.

- moved by Councillor Staniforth, seconded by Councillor Gordon.

Amendment

To refuse the request for a hearing.

- moved by Councillor Osler, seconded by Councillor Child.

Voting

For the motion: - 3 votes

(Councillors Booth, Gordon and Staniforth)

For the amendment: - 7 votes

(Councillors Child, Dixon, Gardiner, McLellan, Mitchell, Mowat and Osler)

Decision

1) To refuse the request for a hearing.

2) To continue consideration of the planning application for a site visit and additional information.

Councillor McLellan declared a non-financial interest in this item as a canal resident.

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

6. 1 Bath Street, Edinburgh

Details were provided of proposals for planning permission for the change of use from storage to a Class 2 office and to excavate the pavement to provide basement lightwell with balustrade and stair and listed building consent to excavate a pavement to provide basement lightwell with balustrade and stair and internal alterations at 1 Bath Street, Edinburgh – application nos 18/10118/FUL and 18/10119/LBC.

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

Decision

Motion

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

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To refuse planning permission as it was contrary to policy Tra 9(c).

- moved by Councillor Osler, seconded by Councillor Booth.

Voting

For the motion: - 7 votes

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

For the amendment: - 3 votes

(Councillors Booth, Osler and Staniforth)

Decision

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

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

7. 198 Great Junction Street, Edinburgh, EH6 5LW

Details were provided of proposals for planning permission for 37 flatted units comprising of refurbishment of existing foyer building and new build extension - application no 18/09563/FUL.

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

Decision

Motion

To continue the application for an open book discussion on affordable housing element of the application and to bring the application back to the Sub-Committee for determination.

- moved by Councillor Gardiner, seconded by Councillor Gordon.

Amendment

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

- moved by Councillor Osler, seconded by Councillor Mitchell.

Voting

For the motion: - 6 votes

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

For the amendment: - 3 votes

(Councillors McLellan, Mitchell and Osler)

Decision

To continue the application for an open book discussion on affordable housing element of the application and to bring the application back to the Sub-Committee for determination.

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

8. 4 Huly Hill Road, Newbridge, EH28 8PH

Details were provided of proposals for planning permission for the change of use from industrial unit to leisure use at 4 Huly Hill Road, Newbridge, Edinburgh, EH28 8PF – application no 18/10539/FUL.

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

Decision

Motion

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

- moved by Councillor Booth, seconded by Councillor Staniforth.

Amendment

To grant planning permission.

- moved by Councillor Gardiner, seconded by Councillor Osler.

Voting

For the motion: - 5 votes

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

For the amendment: - 4 votes

(Councillors Gardiner, McLellan, Mitchell and Osler)

Decision

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

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

9. 144 Newhaven Road, Edinburgh, EH6 4PZ

Details were provided of proposals for planning permission for the partial change of use of the property from residential to a private car sales business for up to 8 cars at 144 Newhaven Road, Edinburgh, EH6 4PZ – application no 19/00377/FUL

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

Decision

Motion

The refuse planning permission for the reason set out in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Booth, seconded by Councillor Osler.

Amendment

To refuse the request for a site visit and to determine the application today.

- moved by Councillor Gordon, seconded by Councillor Child.

Voting

For the motion: - 6 votes

(Councillors Booth, Dixon, McLellan, Mitchell, Staniforth, and Osler)

For the amendment: - 3 votes

(Councillors Child, Gardiner and Gordon)

Decision

- 1) To refuse the request for a hearing and to determine the application today.
- 2) To refuse planning permission for the reason set out 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 - Former Lothianburn Golf Club, 106 Biggar Road, Edinburgh EH10 7DU</u></p>	<p>Former Lothianburn Golf Club, 106 Biggar Road, Edinburgh, EH10 7DU – Forthcoming application by Hillend Leisure Limited for Development for mountain bike trail centre, indoor and outdoor leisure, food and beverage, professional service suites, offices, retailing, short stay visitor accommodation and associated site access, parking, landscaping and other works – application no 19/00764/PAN</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To advise the developer of the potential impact of the development on the wider Pentland Hills Park, specifically that the land was owned by private farmers and was run on a voluntary basis, and excessive traffic through the surrounding land could be detrimental to it.
<p><u>Item 4.2 - 94 Ocean Drive, Edinburgh (At Land 143 Metres Southeast Of)</u></p>	<p>94 Ocean Drive, Edinburgh (At Land 143 Metres Southeast Of) - Forthcoming application by S1 Developments Ltd for Residential use with amenity space along with the provision for ground floor commercial units – application no 19/00414/PAN</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To request that the applicant take into account the Council's policies on affordable housing and active street frontages and should seek to meet these.
<p><u>Item 4.3(a) - 1 Bath Street, Edinburgh</u></p>	<p>1 Bath Street, Edinburgh - Change of use from storage to Class 2 office and excavate pavement to provide basement lightwell with balustrade and stair – application no 18/10118/FUL</p>	<ol style="list-style-type: none"> 1) To REFUSE the request for a hearing and to determine the application today. 2) 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 4.3(b) - 1 Bath Street, Edinburgh</u>	1 Bath Street, Edinburgh - Excavate pavement to provide basement lightwell with balustrade and stair and internal alterations – application no 18/10119/LBC	1) To REFUSE the request for a hearing and to determine the application today. 2) 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 4.4 - 23 Corbiehill Road Edinburgh, EH4 5EB</u>	23 Corbiehill Road Edinburgh, EH4 5EB - Erection of dwelling – application no 18/04346/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 - 9-11 Corstorphine Road, Edinburgh, EH12 6DB</u>	9-11 Corstorphine Road, Edinburgh, EH12 6DB - Redevelopment of existing houses at 9 and 11 to create 2 new semi-detached houses with accommodation on 3 floors – application no 18/00315/FUL	To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.6 - 79A Dickson Street, Edinburgh, EH6 8QH</u>	79A Dickson Street, Edinburgh, EH6 8QH - Proposed five storey residential development comprising 7 flats (as amended) – application no 18/00009/FUL	To GRANT planning permission subject to the conditions, reasons and informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.7 - Flat 1, 1 High Waterfield Edinburgh</u>	Flat 1, 1 High Waterfield Edinburgh - New replacement patio doors within existing window openings – application no 19/00350/FUL	To GRANT planning permission subject to the 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 4.8 - 199 Fountainbridge, Edinburgh (At Site 60 Metres South Of)</u>	199 Fountainbridge, Edinburgh (At Site 60 Metres South Of) - Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage – application no 18/09769/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 4.9 - Granton Harbour, West Harbour Road, Edinburgh</u>	Granton Harbour, West Harbour Road, Edinburgh - Granton Harbour plots 29 and 35: Housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED) – application no 17/05306/AMC	<ol style="list-style-type: none"> 1) To REFUSE the request for a hearing and to determine the application today. (On a division) 2) To REFUSE Matters Specified in Conditions for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.10 - 198 Great Junction Street, Edinburgh, EH6 5LW</u>	198 Great Junction Street, Edinburgh, EH6 5LW - Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension – application no 18/09563/FUL	To CONTINUE the application to allow for an open book discussion on the affordable housing element of the application and to bring the application back to the Sub-Committee for determination. (On a division)
<u>Item 4.11 - 4 Huly Hill Road, Newbridge, EH28 8PH</u>	4 Huly Hill Road, Newbridge, EH28 8PH - Change of use from industrial unit to leisure use at 4 Huly Hill Road Newbridge EH28 8PH – application no 18/10593/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 4.12 - 2 Joppa Road, Edinburgh, EH15 2EU</u>	2 Joppa Road, Edinburgh, EH15 2EU - Advertisement of the following types: Fascia sign, hoarding (in retrospect) – application no 19/00237/ADV	To GRANT advert consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.13 - 13 Lister Square, Edinburgh, EH3 9GL</u>	13 Lister Square, Edinburgh, EH3 9GL - Formation of hotel (Class 7) with minor external alterations, at ground floor level (Unit 4) – application no 18/02464/FUL	To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.14 - 5 Millar Place, Edinburgh, EH10 5HJ</u>	5 Millar Place, Edinburgh, EH10 5HJ - Demolition of existing office premises, and erection of new office with two flatted dwellings above – application no 19/00860/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 4.15 - 144 Newhaven Road, Edinburgh, EH6 4PZ</u>	144 Newhaven Road, Edinburgh, EH6 4PZ - Partial change of use of the property from residential to a private car sales business for up to 8 cars – application no 19/00377/FUL	<ol style="list-style-type: none"> 1) To REFUSE the request for a hearing and to determine the application today. 2) To REFUSE planning permission for the reason set out in section 3 of the report by the Chief Planning Officer. (On a division)
<u>Item 4.16 - 177 Portobello High Street, Edinburgh, EH15 1EU</u>	177 Portobello High Street, Edinburgh, EH15 1EU - Alterations in connection to facilitating a new class 3 use on the ground floor, including the installation of two ventilation pipes on the rear elevation and the installation of a suspended ceiling with associated acoustic measures (as amended) – application no 18/10256/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.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.17 - Stopping Up Order – Water of Leith Walkway, West Bowling Green Street, Edinburgh</u>	Water of Leith Walkway, West Bowling Green Street, Edinburgh - Stopping Up Order – application no PO/18/03	To CONFIRM as unopposed the City of Edinburgh Council (Millennium Water of Leith Walkway, West Bowling Green Street, Right of Way, Cycle Track and Core Path, Edinburgh) (Stopping Up) Order 2018 – PO/18/03
<u>Item 4.18 - 5 - 7 Thorntree Street, Edinburgh, EH6 8PY</u>	5 - 7 Thorntree Street, Edinburgh, EH6 8PY Erection of 3, two storey, flatroofed, two bedroom houses with associated parking, bike storage, refuse/recycling storage, amenity space and private gardens – application no 19/00799/FUL	To GRANT planning permission subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 6.1(a) - 35 – 36 St Andrew Square, Edinburgh, EH2 2AD</u>	35 – 36 St Andrew Square, Edinburgh, EH2 2AD - Protocol Note by the Head of Strategy and Communications – application no 18/04657/FUL, 18/07730/LBC & 18/07127/LBC	Noted
<u>Item 6.1(b) - 35 - 36 St Andrew Square, Edinburgh, EH2 2AD</u>	35 – 36 St Andrew Square, Edinburgh, EH2 2AD - Erection of music and performing arts venue with licensed café/restaurant and bar facilities, and related arrangements for infrastructure, demolitions, and other works – application no 18/04657/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 the expansion of Informative 18 to include a structural assessment of the neighbouring tenemental buildings. (On a division)
<u>Item 6.1(c) - 35 - 36 St Andrew Square, Edinburgh, EH2 2AD</u>	35 – 36 St Andrew Square, Edinburgh, EH2 2AD - Proposed demolitions, alterations, remodelling and erection of extension to the listed building – application no 18/07730/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.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(d) - 35 St Andrew Square, Edinburgh, EH2 2AD</u>	35 – 36 St Andrew Square, Edinburgh, EH2 2AD - Demolition of boundary wall, modern basement kitchen, rear extension, and outbuilding within existing rear garden; regrading of land, erection of new boundary features and public realm – application no 18/07127/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 - 8 Bainfield Drive, Edinburgh (At Land 34 Metres South East Of)</u>	8 Bainfield Drive, Edinburgh (At Land 34 Metres South East Of) - Moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge – application no 18/08091/FUL	<p>1) To REFUSE the request for a hearing. (On a division)</p> <p>2) To CONTINUE consideration of the planning application for a site visit and additional information.</p>

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 8 May 2019

Present:

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

1. Minutes

To approve the minutes of the Development Management Sub-Committee of 9 January 2019 and 30 January 2019 as correct records.

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 – Craigpark Quarry, 1 Craigpark, Ratho – Requested by Councillor Gardiner

The Chief Planning Officer gave a presentation on agenda Item 4.2 – South Queensferry (At land 100m South of Dimma Park), Edinburgh – Requested by Councillor Gardiner

The Chief Planning Officer gave a presentation on agenda Item 4.3 – 2 South Gyle Crescent, Edinburgh – 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.)

3. 2 Eastfield Road Edinburgh (At Land 160 Metres North Of)

The Chief Planning Officer had identified an application for planning permission in principle at 2, Eastfield Road, Edinburgh (Land 160 Metres North Of). The proposal comprised of a mixed use development including business and employment uses (class 4); hotels (class 7) and ancillary uses including retail (Class 1), financial and professional services (Class 2), food and drink (Class 3), residential (Class 9), non-residential institutions (Class 10), assembly and leisure (Class 11), sui generis flatted development; associated works including car parking,

servicing, access and public realm (as amended) – application no (15/05580/PPP) to be dealt with by means of a hearing.

(a) Report by the Chief Planning Officer

The proposal was for Planning Permission in Principle (PPP) for a proposed business led, mixed use development as an initial phase of the Edinburgh International Gateway (IBG). A quantum of development for the site as whole comprising 211,511 metres square floor space was identified, with permission sought for the following mix of uses: Class 4 Business - 122,158 metres square (58%), Class 7 Hotel - 40,338 metres square (19%), Class 9 Residential and Sui Generis Flatted development - 43,574 metres square (21%). This would represent approximately 396 units including 25% affordable, Class 1, 2, 3, 10 and 11 - Ancillary Uses: - Retail, Financial and Professional and Services, Food and Drink, Assembly and Leisure (2%).

Two points of vehicular access would serve the proposed development. A signalised junction would be formed from Eastfield Road, at the location of the existing roundabout. This would form the western section of the proposed Gogar Link Road. To the south, the existing access serving the Park and Ride Site from the dumbbells junction would also be utilised. The existing northern access to the Park and Ride from Eastfield Road would be maintained and it was not envisaged that it would provide direct vehicular access into the IBG site at the current time.

Section 25 of the Town and Country Planning (Scotland) Act 1997 stated - where, in making any determination under the planning Acts, regard was to be had to the development plan, the determination would be made in accordance with the plan unless material considerations indicated otherwise. The general principle of the development of the site for an International Business Gateway was underpinned by National Planning Framework 3 (NPF3), the Strategic Development Plan (SDP) and Local Development Plan Policy Emp 6. LDP Policy Emp 6 outlined specific planning policy requirements in respect on the International Business Gateway. The purpose of this policy was to support the development of this internationally important economic development opportunity and ensured that proposals accorded with NPF3.

The Chief Planning Officer considered that, subject to the conclusion of a suitable legal agreement requiring contributions in relation to tram, the delivery of transport infrastructure to support the development of the site and other contributions in relation to affordable housing, education and healthcare, the principle of the proposed development was considered acceptable.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372415

(b) Edinburgh Airport

Alastair McKie (planning lawyer from Anderson Strathern) and Kevin Martin (transport consultant from Mott Macdonald) gave a presentation on behalf of Edinburgh Airport.

Edinburgh Airport did not oppose the principle of this development but the failure to provide a compliant standalone transport assessment. Mr McKie stated that the main access to Edinburgh Airport was Eastfield Road which was already congested at peak times. The development's vehicular access was also from Eastfield Road. A compliant transport assessment was a requirement of the adopted development plan, national guidance, and environmental impact assessment. Mr McKie stated that a comprehensive transport assessment must be submitted with planning applications for proposals generating significant amount of travel or in particular travel sensitive locations. Mr McKie argued the proposals would generate a significant amount of travel and was in a travel sensitive location. Weekly reports showed delays were 45 minutes or more on Eastfield Road.

Mr McKie stated the indicative threshold for requiring a standalone transport assessment under national guidance was two and a half thousand square metres of business space. The proposed development was fifty times that size, at 122 thousand square metres.

In similar applications in west Edinburgh, Mr McKie argued the Council required standalone transport assessments.

The Council and applicant's case relied on the West Edinburgh Transport Appraisal Refresh 2016. This was a high level strategic document that did not deal with the detail of individual transport impact. Mr McKie stated that this document required a compliant standalone transport assessment be carried out on each development. Mr McKie quoted paragraph 10(5) of the West Edinburgh Appraisal Refresh 2016 which stated "as part of the planning process for individual developments within the area, separate Transport Assessments will be required for site specific issues and paragraph 11.3.1 - these measures should be identified within the specific Transport Assessment (TA) for the development that will still be required to address these site specific issues". Mr McKie argued the impact of the development on Eastfield Road and the access off the A8 Glasgow Road were not robustly assessed and that would result in unacceptable impacts on the operations and growth of the airport. Transport mitigation may have been underestimated.

Edinburgh Airport received a letter from the developer offering to dual part Eastfield Road and sought collaboration. Mr McKie stated that Edinburgh Airport would collaborate in this matter but the offer made was not based on or supported by a compliant transport assessment.

Edinburgh Airport requested Council members resolved to continue the application until such a time as the applicants provided a compliant and standalone transport assessment.

Mr McKie requested the application be refused if the applicants did not provide a transport assessment or the Council did not require one on the basis that the application was contrary to local development plan, national guidance, and the environmental impact regulations 2017.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372415

(c) Applicant and Applicant's Agent

Peter Carus (Avison Young), Martin Dalziel (New Ingliston Ltd), Ewan Anderson (7N Architects) Douglas Bisset (WSP Group) were heard in support of the application.

The International Business Gateway (IBG) was an important strategic site for Edinburgh and the national economy. Identified ten years ago in Scottish Government's West Edinburgh Planning Framework from 2008 and the councils West Edinburgh strategic design framework from 2010. The economic significance of the site was due to its proximity to Edinburgh airport.

The site was allocated in statutory planning documents NPF3 to the local development plan. Mr Dalziel stated the site therefore had statutory planning support of Scottish Government and City of Edinburgh Council.

The creation of 122,158 square meters of office accommodation would create jobs in the construction phase and work space for 12 thousand staff. West Edinburgh, because of the tram links, would meet the needs of the market.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372415

Decision

Motion

To grant planning permission in principle subject to approval by Full Council and the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To continue the application to allow for a transport assessment to be undertaken

- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 9 votes

(Councillors Child, Gardiner, Gordon, Griffiths, McLellan, Mitchell, Mowat, Munn and Osler)

For the amendment: - 2 votes

(Councillors Booth and Staniforth)

Decision

To grant planning permission in principle subject to approval by Full Council and the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer

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

4. 146 Princes Street Edinburgh EH2 4BL

Details were provided of proposals for an application for planning permission for a change of use from retail to a whisky-themed visitor experience with ancillary retail, bars, offices training and event space, including a roof-top extension and other external alterations (19/00574/FUL) at 146 Princes Street, Edinburgh, EH2 4BL.

Motion

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.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To continue the application to allow for discussion with Environmental Protection to take place.

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

For the motion: - 9 votes

(Councillors Child, Gardiner, Gordon, Griffiths, McLellan, Mitchell, Mowat, Munn and Staniforth)

For the amendment: - 2 votes

(Councillors Booth and Osler)

Decision

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.

Declaration of Interests

Councillor McLellan declared a non-financial interest in this item as Director of the Scottish Newspaper Society.

(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 - Craigpark Quarry, 1 Craigpark Ratho, Newbridge EH28 8RJ</u></p>	<p>Craigpark Quarry, 1 Craigpark Ratho, Newbridge EH28 8RJ - Forthcoming application by Tartan Leisure Ltd. for Proposal of Application at Craigpark Quarry, 1 Craigpark, Ratho. Detailed design of the buildings for the Wavegarden Scotland development at Craigpark Quarry and information relative to Condition 1 to be attached to planning permission 17/02471/FUL application no - 19/01604/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.2 - Dimma Park, South Queensferry (At Land 100M South Of)</u></p>	<p>Dimma Park, South Queensferry (At Land 100M South Of) - Forthcoming application by Taylor Wimpey (East Scotland) for Proposal of Application Notice for full planning permission for residential developments (max 80 houses) as a variation to 16/06280/FUL and full planning permission for formation of landscaping and footpath - application no 19/01480/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.3 - 2 South Gyle Crescent, Edinburgh (At Land Adjacent To)</u></p>	<p>2 South Gyle Crescent, Edinburgh (At Land Adjacent To) - Forthcoming application by BDW Trading & Tesco Personal Finance PLC for Proposal of Application Notice for Residential, Offices, Hotel, Retail / Financial, Professional and Other Services / Food & Drink / Non-Residential Institutions (Class 1,2,3 and 10) – application no 19/01329/PAN</p>	<p>To note the key issues at this stage</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.4 - 1 Bath Road, Edinburgh, EH6 7BB</u>	1 Bath Road, Edinburgh, EH6 7BB - Application for Planning Permission for Proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure (as amended) – application no 18/08206/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.
<u>Item 4.5 - 4 Currievale Farm, Currie, EH14 4AA</u>	4 Currievale Farm, Currie, EH14 4AA - Application for planning permission for demolition of existing barn and formation of new kennels with 6 double kennels and isolation kennel for a total of 13 dogs, formation of a new dwelling house in the style of a barn conversion, formation of a dog freedom field (in retrospect), the formation of two poly tunnels with a possible third and ecological development of the remainder of the land – application no 18/09397/FUL	To REFUSE the request for a hearing. To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.6 - 10 Manse Road Kirkliston (At Land North Of)</u>	10 Manse Road Kirkliston (At Land North Of) - Application for planning permission to erect new village hall - application no 18/07491/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.
<u>Item 4.7 - Norton Farm, Junction of A8, Glasgow Road, Edinburgh (At Land West Of)</u>	Norton Farm, Junction of A8, Glasgow Road, Edinburgh (At Land West Of) - Application for Advert Consent for back to back LED displays – application no 19/00898/ADV	To REFUSE advert consent for the reasons set out in section 3 of the report by the Chief Planning Officer.
<u>Item 6.1(a) - 2 Eastfield Road Edinburgh (At Land 160 Metres North Of)</u>	2 Eastfield Road Edinburgh (At Land 160 Metres North Of) - Protocol Note by the Head of Strategy and Communications – application no 15/05580/PPP	Noted.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 6.1(b) - 2 Eastfield Road Edinburgh (At Land 160 Metres North Of)</u></p>	<p>2 Eastfield Road Edinburgh (At Land 160 Metres North Of) - Application for planning permission in principle for mixed use development inc. business + employment uses (class 4); hotels (class 7) + ancillary uses including retail (Class 1), financial + professional services (Class 2), food + drink (Class 3), residential (Class 9), non-residential institutions (Class 10), assembly + leisure (Class 11), sui generis flatted development; associated works inc. car parking, servicing, access + public realm. (As Amended) – application no 15/05580/PPP</p>	<p>To GRANT planning permission in principle subject to approval by Full Council and the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p> <p>(on a division.)</p>
<p><u>Item 7.1(a) - 146 Princes Street Edinburgh EH2 4BL</u></p>	<p>146 Princes Street Edinburgh EH2 4BL - Application for planning permission to Change of use from retail to whisky-themed visitor experience with ancillary retail, bars, offices, training and event space, including roof-top extension and other external alterations – application no 19/00574/FUL</p>	<p>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.</p> <p>(on a division.)</p> <p>Councillor McLellan declared a non-financial interest in this item as Director of the Scottish Newspaper Society.</p>
<p><u>Item 7.1(b) - 146 Princes Street Edinburgh EH2 4BL</u></p>	<p>146 Princes Street Edinburgh EH2 4BL - Internal and external alterations to enable change of use from retail to whisky-themed visitor experience with ancillary retail, bars, offices, training and event space, including roof-top extension – application no 19/00573/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p> <p>Councillor McLellan declared a non-financial interest in this item as Director of the Scottish Newspaper Society.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 8.1 - 8 Bainfield Drive Edinburgh (At Land 34 Metres South East Of)</u>	8 Bainfield Drive Edinburgh (At Land 34 Metres South East Of) - Application for planning permission for moorings for boat hotel accommodation (5 boats) at Union Canal, west of Viewforth Bridge – application no 18/08091/FUL	To REFUSE planning permission as it was contrary to LDP Policies Des 5(a) and Des10 (b) and (d). Councillor McLellan declared a non-financial interest in this item as a resident of a canal boat near the site.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 22 May 2019

Present:

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

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5, 6 and 7 of the agenda for this meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 – 136 Peffermill Road, Edinburgh (Land 44 Metres East of)– Requested by Councillor Gardiner

The Chief Planning Officer gave a presentation on agenda Item 4.3 – 3F2, 17 Bruntsfield Gardens, Edinburgh, EH10 4DX – Requested by Councillor Booth

Decision

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

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

2. 18 Cammo Walk Edinburgh (345 Metres Southeast Of)

The Chief Planning Officer had identified an application for planning permission for the development of a Local Development Plan (LDP) allocated site HSG20 for residential development supported by ancillary mixed uses including associated works and landscaping (as amended) – application no 18/01755/FUL to be dealt with by means of a hearing.

(a) Report by the Chief Planning Officer

The application was for the development of the allocated site within the Local Development Plan know as HSG20 and it was located at Cammo. It was a residential led development with ancillary uses on the site between Maybury Road and Cammo Walk. The site was on 28 hectares and was in agricultural use. To the north of the site were the residential properties of Cammo Grove, with Maybury Road forming the eastern boundary and Cammo Walk the western boundary of the site. Barnton Junction was located to the north east of the site. Cammo Estate was located further to the west of the site and included a number of designations. These included; Cammo Special Landscape Area, Cammo Estate Local Nature Reserve, Cammo Garden and Designed

Landscape, Cammo Tower and Mauseley Hill. Cammo House Knoll and Cammo Water Tower were both Category B listed buildings.

The LDP contained a site brief for the development at Cammo. The site brief included the following key principles: maximum accessibility by public transport, opportunity to change the character of Maybury Road with a residential frontage and reduced speed and views to key focal points, appropriate landscape frameworks, new woodland and landscape edge to the greenbelt, enhance links to the site and off-site connections and safe pedestrian crossing to Maybury Road.

The applications sought detailed planning permission for the erection of 655 residential units and a Community Hub located at the north east corner of the site. The proposals also included substantial landscaping and infrastructure works. The housing mix comprised of 491 private dwellings and 164 affordable dwellings. There was a mix of property sizes across the site with a mix of flats, terraces, colony style properties and detached dwellings. There was a mix of 1, 2 and 3 bedroom properties within the affordable housing.

Vehicular access would be taken from two access points on to Maybury Road. The northern access would be positioned 150 metres to the south of the junction of Maybury Road and Cammo Gardens.

The Maybury Road elevation comprised of 3 and 4 storey flats. The maximum heights alter along the edge and there would be breaks in the development frontage. The view from Cammo Walk showed a variety of house types including detached dwellings and flatted properties and the detached houses were designed to face on to the substantial landscaped edge rather than turning their backs toward this area.

The provision of a strong landscape element was firmly embedded within the masterplan of the site. Area A to the east of the site provided the boundary at Maybury Road. This area would see the formation of a 20-meter wide landscape strip along this edge and this would create a 4-meter wide pedestrian active travel route set back from Maybury Road and would include a tree lined avenue and there would be defensible space to the edge of the residential properties. Area B which was mostly park, would be 32 meters wide and its linear park provided strong pedestrian linkage from Maybury Road through the site to the western edge. This contained a variety of functions including formal lawns, community growing areas, formal and informal play provision and a strong green network. Vehicle crossing of this area was limited to 2 points. Area C formed the western and southern edge of the site and formed the flood plain. This area would include wildflower meadows, varied grasslands, natural play spaces and tree planting. Area D was furthest south, this also linked from the Maybury to the western edge of the site. It had a similar form and function to the other linear park and this one was 18 meters wide.

A bus turning facility was incorporated in to the northern section of the site and pedestrian crossing facilities on Maybury Road were incorporated in to the proposals at 4 points. Additional bus stops were to be provided and the overall speed limit of Maybury Road would be reduced to 30mph.

The principle of housing on the site was established through the allocation of the site for housing within the Local Development Plan. The Local Development Plan provided a capacity level of 500 to 700 homes for the site. The proposals submitted demonstrated a

coordinated masterplan for the delivery of 655 units which was within the range set within the Local Development Plan.

Through analysis of the site it was determined that a significant area of land could not be developed for housing due to some areas of flood risk. This had an impact on the total number of dwellings that could be build on the site.

The masterplan concept demonstrated a good overall layout with a mix of housing types and a range of open space opportunities. The proposed density and balance of open space and landscaping was a good example of the site lay out.

The mix of house types and property sizes complied with Hou 2 of the Local Development Plan. A minimum of 20% family housing was provided across the site and affordable housing was integrated in to the centre of the scheme. The mix of properties proposed in this scheme included flats and 3 bed terraces. The affordable housing was to be delivered in partnership with Places for People. The affordable housing policy units would be tenure blind and would have good access to the strategic landscape throughout.

There were a series of smaller open spaces and areas adjacent to the flatted blocks which provided local amenity space to these areas. These areas of open space complied with minimum standard required for flatted developments and provided a focus within the more local areas for the properties.

There was a series of transport interventions proposed as part of the proposals. The Local Development Action Plan and Supplementary Guidance Developer Contribution set a number of actions that relate to the site. A legal agreement will be required to secure these actions.

Cycle provision was integrated within the site and was positioned centrally to the flatted bocks. The provision of 860 secure cycle spaces exceeded the minimum requirement and the applicants also expressed an interest in extending the public hire bike scheme in to the site as well next to the community hub.

Parking provision across the site complied with the requirements of the Edinburgh Design Guidance. The lay out and form of these areas was revised to reduce the impact on the street scene. In addition, the developers committed to the provision of electric car charging points within each individual driveway and thereafter electric charging infrastructure for 1 in 6 spaces.

A significant number of representations had been received regarding the proposals. The wide range of matters raised in the representations had been considered in the assessment of the application.

The proposed development complied with the development plan and non-statutory guidelines and provided a strong landscape led masterplan for the delivery of 655 residential properties that was allocated within the Local Development Plan. It was recommended that the application be approved subject to the conclusion of a legal agreement.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372416

(b) Cramond and Barnton Community Council.

Peter Scott and Ian Williamson gave a presentation on behalf of Cramond and Barnton Community Council.

Throughout the LDP process the Cramond and Barnton Community Council opposed the development proposed due to the landscape impacts, greenbelt incursions and infrastructure constraints. However, following adoption of the LDP, the Community Council accepted that the development may proceed if sought to influence the plans for community benefits and had constructive engagement with the applicants.

Mr Scott's presentation focussed on two specific issues. Firstly, ensuring effective delivery of essential infrastructure and secondly, minimising the traffic impact. On infrastructure delivery, Mr Scott argued it was not unreasonable to expect the council to ensure that sufficient infrastructure was in place to cater for residents needs as the development progressed as required by the LDP.

School provision was given as an example that highlighted the Community Councils concerns. Mr Scott stated the supplementary guidance and action programme in the LDP identified operational targets for a new Maybury Primary School by 2022 and a new west Edinburgh secondary school by 2023. Mr Scott argued these targets appeared unrealistic when considered against requirements for site acquisition, consultations, construction, staff recruitment etc. Especially the identification of these school as unfunded capital pressures in the Council's Capital Investment Programme. Mr Scott argued the Community Councils' concern regarding school's delivery appeared to be justified especially as the temporary receptor schools, Cramond Primary and the Royal High School, currently operated at or over capacity.

Mr Scott also stated the Community Council had similar concerns over traffic management, drainage and GP services. To allay these concerns, Mr Scott asked that the committee place a condition, if the committee approved the application, to require council staff and the developers to present a comprehensive infrastructure delivery plan to the committees next meeting which would identify key infrastructure requirements, total cost and funding commitments or funding gaps and realistic timescales and should satisfy members that essential infrastructure could be delivered by key stages in the housing occupation.

Traffic management was a further concern. The site brief and action programme identified active travel, smart traffic lights, and improved pedestrian crossings at Barnton as its own means for catering for additional traffic. Mr Scott suggested a requirement that, before construction commences, the Development Management Sub-Committee should approve a report from the road service and the developers on traffic management measures for the Maybury and Queensferry Roads and Barnton Junction which recognised the strategic importance of these roads, assessed the impacts of new junctions in crossings on Maybury Road traffic flows and proposed effective measures to tackle capacity issues while minimising the impact on local road networks. Mr Scott also suggested the report should clarify the intentions for Cammo Walk and resolve potential issues of severance for the existing communities.

The presentation can be viewed via the link below:

(c) Davidson's Mains and Silverknowes Association

Duncan Fraser gave a presentation on behalf of Davidson's Mains and Silverknowes Association. Mr Fraser stated that the Association had been working with local communities highlighted in the report.

Mr Fraser argued small increases in traffic flow to an already saturated road network could have disproportionately high impacts on congestion. Traffic congestion also had major implications on travel convenience, travel cost and adverse health implications due to poor air quality in the adjoining communities.

Mr Fraser requested that the development not be approved until a promise of how the additional traffic would be properly addressed. New traffic management solutions or doing nothing should not just transfer traffic flows on to the less suitable local road network as this would be inconsistent with the City of Edinburgh Council travel policies and the air quality strategy in particular.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372416

(d) Cammo Residents Association

Sally Chalmers gave a presentation on behalf of Cammo Residents Association. Ms Chalmers was a resident for 20 years in Cammo. Photographs were presented showing long tail backs on the Maybury Road which occurred daily. Ms Chalmers stated that drivers could wait for 30 minutes when they came across the East Craigs roundabout on the way to the Barnotn junction. The problem was there was no lane for traffic turning left at the Barnton junction, so it got caught up in the rest of the traffic that wanted to go up this road and turn right.

Ms Chalmers stated that if she wanted to get in or out of the estate she would have to go by the Cammo Gardens exit, which was a dangerous exit as you could not see what traffic was coming from the Maybury road at this exit. The other exit, at Cammo Road, was also dangerous.

Ms Chalmers wanted to highlight some figures around air pollution. According to Friends of the Earth figures, Cammo Estate lay between two highly polluted roads - Queensferry Road and St Johns.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372416

(e) Almond Ward Councillors

Councillors Kevin Lang and Graham Hutchison addressed the Sub-Committee as the members for Almond Ward. Alex Cole-Hamilton MSP also addressed the Sub Committee as a Member of the Scottish Parliament for Edinburgh Western constituency.

Councillor Lang stated that fellow ward councillor, Councillor Louise Young, could not be present but Councillor Young requested that Councillor Lang's comments were made on Councillor Young's behalf as well and that the comments should be considered as a joint submission. Councillor Lang argued the proposed site for development was probably the worst site anywhere in Edinburgh to progress a major housing development. The ward was undergoing rapid growth in population. The Cammo site sat immediately adjacent to Maybury Road, the Barnton Junction and the A90 Queensferry Road. It was well known that these areas were among the most congested in Scotland. Residents living nearby in Cammo and Barnton Park were already subject to illegal levels of pollution and poor air quality argued Councillor Lang. These key routes were already gridlocked, not just at peak times but for increasing times of the day and on increasing days of the week. There was no serious or credible plan to tackle the worsening daily traffic chaos on the Queensferry Road and at the Barnton Junction. The creation of 529 car parking spaces as proposed in the development could lead to 1000 additional vehicle movements everyday on to a local network where tens of thousands of vehicles already sat in traffic emitting emissions. The proposed transport interventions to support the application were inadequate. Whilst welcome, the contributions to improve cycling and walking infrastructure would not make a major difference. A public transport turning circle was proposed without a promise from any bus operator that will use it. Councillor Lang encouraged the Sub-Committee to reject the application.

Councillor Hutchison stated that his comments at the Sub-Committee were not an indictment of the developers and he was impressed by the developer's engagement with the local community. The reason the application should be rejected was due to the failure of the Council to improve the infrastructure in the area to accommodate a development of this scale. School runs would add traffic to an already gridlocked Barnton Junction. Councillor Hutchison encouraged the Sub-Committee to reject the application.

Alex Cole-Hamilton MSP stated the proliferation of housing developments in the locale, and the housing developments of South Queensferry would see additional traffic to the area of Barnton. There was, argued Mr Cole-Hamilton, a serious issue around the lack of public transport services. The 64-bus service which was run by E & M Horsburgh was missed by the residents of Barnton and East Craigs. Bus stops were being put in where no buses ran. Section 75 money provided from the developer would potentially be used to sustain a new service. The main reason the 64-bus service was withdrawn was that it was not viable due to journey times caused by the gridlock Barnton. Until this was addressed, no public transport routes along that service would be economically viable. Mr Cole-Hamilton questioned who would treat the new patients moving in to the development. Mr Cole-Hamilton encouraged the Sub-Committee to reject the application.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372416

(f) Applicant and Applicant's Agent

Ewan McIntyre (EMA), Pol MacDonald (OPEN), Gavin Pope (CALA Homes), Nicholas Wright (David Wilson Homes) were heard in support of the application.

Engagement was an important part of the process and important to the developers. The developers were selected as preferred bidders for the site in July 2017 and sought to have an open line of discussion with key stakeholders since being selected as preferred bidders. Mr Pope thanked parties who contributed to the design process because it had led to a change in the design such as building heights and landscape design.

Mr MacDonald summarised the landscape led design solution for the site landscape was a fundamental part of shaping the Cammo site. The scale, lay-out and form was guided by the context. The site had an interesting context, Cammo Grove to the north and East Craigs to the east. The 28-hectare site also had an interesting play with the historic 18th century Cammo Estate that sat to the west. The developers tried to bring some of that landscape in to the site. Mr MacDonald stated that 38% of the site was public landscape space.

Mr McIntyre stated that the Council had allocated the site in the Local Development Plan for the development of up to 700 homes. The Council had also created a design brief for the site in the form of 12 principles set out in the Local Development Plan. The developers had worked with Council officers, Architecture Design Scotland, national statutory authorities and the community over a two-year period to create a design that responded to the brief. This was a unique site that responded to a main road, the back of other people's houses, a green belt edge and the design landscape at the same time. This context created challenges and opportunities.

The various housing types of the proposed development were summarised: the flats on Maybury Road varied from 3 to 4 storey and included front doors, semi-private gardens, living rooms, balconies and all overlooked the new active travel route and the avenue planting. Flats were designed to incorporate quiet pocket parks behind. On Mosely Park, active frontage of colonies and town houses overlooked the community park, the cycle and foot paths, the activity spaces for children and adults. Overlooking Cammo Tower view was traditional family housing with formal gardens where pedestrian focussed lanes encouraged activity to the front of the buildings. The western edge included villas. Behind the prominent edges were prominent family neighbourhoods designed to keep cars away from the front of houses and allow for activity in the streets and lanes. A building dedicated to community use was at the Barnton end of the site. Mr McIntyre argued the new site offered a plethora of housing types. In terms of density, the proposed plans were 33 dwelling per hectare which was within the parameters set out in guidance. The proposal of 655 homes was within the Local Development Guidance of 500 to 700 for this site.

The proposed development included 164 affordable housing units which were tenure blind. Affordable housing would be delivered via a variety of medians including, social rent, mid-market and low-cost home ownership.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372416

Decision

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, an additional informative that further design of cycle and walking infrastructure should be considered, in consultation with Council officers as part of the road Construction Consent Process (RCC) and a legal agreement.

(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 - 136 Peffermill Road, Edinburgh (Land 44 Metres East Of)</u></p>	<p>136 Peffermill Road, Edinburgh (Land 44 Metres East Of) - The development of a Sports village for the University of Edinburgh at Peffermill playing fields to accommodate redeveloped playing surfaces, the erection of a new sports centre building incorporating ancillary facilities and the erection of a new student accommodation building incorporating ancillary facilities – application no 19/01249/PAN</p>	<p>To note the key issues at this stage and request that the applicants consider opportunities to link the pedestrian and cycle links to wider city, in particular Craigmillar, and how it addresses Peffermill Road.</p>
<p><u>Item 4.2 - 62 Broughton Road, Edinburgh (At Land 35 Metres Southeast Of)</u></p>	<p>62 Broughton Road, Edinburgh (At Land 35 Metres Southeast Of) - Erection of six one-bed apartments with associated pedestrian access, hard and soft landscaping, bicycle and bin storage - application no 19/00451/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.3 - 3F2, 17 Bruntsfield Gardens, Edinburgh, EH10 4DX</u></p>	<p>3F2, 17 Bruntsfield Gardens, Edinburgh, EH10 4DX - Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended). application no 19/00792/FUL</p>	<p>To CONTINUE consideration of the application to allow for a site visit to take place.</p>
<p><u>Item 4.4(a) - 19C Fettes Row, Edinburgh, EH3 6RH</u></p>	<p>19C Fettes Row, Edinburgh, EH3 6RH - Single storey extension to rear – application no 19/00095/FUL</p>	<p>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.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.4(b) - 19C Fettes Row, Edinburgh, EH3 6RH</u>	19C Fettes Row, Edinburgh, EH3 6RH - Single storey extension to rear and associated internal alterations – application no 19/00096/LBC	To GRANT listed building consent subject to the informatives as set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.5 - 31 Groathill Road South, Edinburgh (Land 30 Metres South Of)</u>	31 Groathill Road South, Edinburgh (Land 30 Metres South Of) - Application to amend the design of the consented and commenced development of 9 flats on the site at the south end of Groathill Road South, Edinburgh (planning ref 14/00026/FUL). The proposal aims to provide further amenities to the penthouse apartment through the addition of a room to the roof – application no - 19/01333/FUL	To GRANT planning permission.
Item 5.1 - 198 Great Junction Street, Edinburgh, EH6 5LW	198 Great Junction Street, Edinburgh, EH6 5LW - Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension. – application no - 18/09563/FUL	To GRANT planning permission subject to conditions and informatives as set out in Section 3 of the report by the Chief Planning Officer and a legal agreement to deliver the commuted sum for affordable housing.
<u>Item 6.1(a) - 18 Cammo Walk Edinburgh (345 Metres Southeast Of)</u>	18 Cammo Walk Edinburgh (345 Metres Southeast Of) - Protocol Note by the Head of Strategy and Communications – application no 18/01755/FUL	Noted.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(b) - 18 Cammo Walk, Edinburgh (345 Metres Southeast Of)</u>	18 Cammo Walk Edinburgh (345 Metres Southeast Of) - Development of LDP allocated site HSG20 for residential development supported by ancillary mixed uses including associated works and landscaping (as amended) – application no 18/01755/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, an additional informative that further design of cycle and walking infrastructure should be considered, in consultation with Council officers as part of the road Construction Consent Process (RCC) and a legal agreement.
<u>Item 7.1(a) - 20 Duncan Street, Edinburgh, EH9 1SR</u>	20 Duncan Street, Edinburgh, EH9 1SR - Change of Use from car servicing and repairs centre to student accommodation (comprising 24 student studios coupled with shared quiet spaces, reception, laundry and ancillary spaces) and associated works (as amended). – application no 19/00114/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.
<u>Item 7.1(b) - 20 Duncan Street, Edinburgh, EH9 1SR</u>	20 Duncan Street, Edinburgh, EH9 1SR - Alterations from car servicing and repairs centre to student accommodation (comprising 24 student studios coupled with shared quiet spaces, reception, laundry and ancillary spaces) and associated works (as amended) – application no 19/00131/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 5 June 2019

Present:

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

1. General Applications and Miscellaneous Business

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

Decision

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

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

2. 3F2, 17 Bruntsfield Gardens, Edinburgh

Details were provided of proposals for the creation of a new flatted dwelling within attic space and alter existing third floor flat. The application also proposed new access from existing communal stairwell (as amended) at 3F2, 17 Bruntsfield Gardens, Edinburgh – application no 19/00792/FUL.

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

Motion

To continue the application to allow officers to assess the roof light element of the application as development:

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To refuse planning permission as the application was contrary Env 6 and Des 12a.

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

For the motion: - 8 votes

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

For the amendment: - 3 votes

(Councillors Booth, Osler and Staniforth)

Decision

To continue the application to allow officers to assess the roof light element of the application as development.

(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 - 85 Craigs Road, Edinburgh (At Land 195 Metres South Of West Craigs Cottage)</u></p>	<p>85 Craigs Road, Edinburgh (At Land 195 Metres South Of West Craigs Cottage) - Residential development with associated transport infrastructure, landscaping and open space (scheme 2) – application no 16/05681/PPP</p>	<p>To GRANT planning permission in principle subject to the Section 75 agreement detailed in the report by the Chief Planning Officer.</p>
<p><u>Item 4.2 - 54 Dublin Street, Edinburgh, EH3 6NP</u></p>	<p>54 Dublin Street, Edinburgh, EH3 6NP - Change of Use from commercial to residential (as amended) – application no 19/00476/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 - 49 Eastfield Road, Edinburgh</u></p>	<p>49 Eastfield Road, Edinburgh - Application for Advert Consent for a Double Sided LED Display – application no 19/00975/ADV</p>	<p>To REFUSE advert consent for the reasons set out in the report by the Chief Planning Officer.</p>
<p><u>Item 7.1 - 8 Morningside Road, Edinburgh, EH10 4DD</u></p>	<p>8 Morningside Road, Edinburgh, EH10 4DD - Proposing the following amendments: the female bathroom layout in the basement, bar and waiter station layout on ground floor, bar layout on first floor, female bathroom layout and new managers office with roof light on the second floor – application no 19/01437/LBC</p>	<p>To GRANT listed building consent 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
Item 8.1 - 3F2, 17 Bruntsfield Gardens, Edinburgh	3F2, 17 Bruntsfield Gardens, Edinburgh - Creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended) – application no 19/00792/FUL	To CONTINUE the application to allow officers to assess the rooflight elements as development.

Development Management Sub Committee

Wednesday 14 August 2019

**Application for Planning Permission 19/02006/FUL
At 36 - 39 Market Street, Edinburgh, EH1 1DF
Change of Use to former nightclub [36-39] to extend
Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various
alterations to and reinstatement of original windows &
shopfront, install roof mounted plant. Internal alterations:
removal of 1st floor to create double height gallery to east
section of property and on west, over two floors, toilets,
stores & workshop located to west, with staff
accommodation above. Internal slappings to single storey
link connect two properties forming one venue.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed change of use of the building from a nightclub (Class 11 (d)) to art gallery (Class 10 (c)) is supported by LDP Policy Ret 7 and is considered appropriate to the nature of the city centre location, will not result in adverse impacts to the amenity of neighbours and is considered acceptable.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The design proposals to re-model the building and external alterations will be sympathetic to the character of the listed building and its setting and the setting of nearby listed buildings. The proposal will preserve and enhance the character of the Old Town Conservation Area. The proposal will not result in detrimental impact to the outstanding universal values of the Edinburgh World Heritage Site.

The proposal addresses requirements of policy and guidance.

There are no further material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LEN01, LEN03, LEN04, LEN06, LEN09, LDES01, LDES03, LDES04, LDES05, LDES12, LDES13, LRET07, LTRA03, NSGD02, NSLBCA, CRPOLD, HEPS, HESCON, HESEXF, HESINT, HESSHP, NSBUS, HESWIN, HESUSE,

Report

**Application for Planning Permission 19/02006/FUL
At 36 - 39 Market Street, Edinburgh, EH1 1DF
Change of Use to former nightclub [36-39] to extend
Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various
alterations to and reinstatement of original windows &
shopfront, install roof mounted plant. Internal alterations:
removal of 1st floor to create double height gallery to east
section of property and on west, over two floors, toilets,
stores & workshop located to west, with staff
accommodation above. Internal slappings to single storey
link connect two properties forming one venue.**

Recommendations

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

Background

2.1 Site description

Nos. 36-39 Market Street form part of a terrace of two storey structures lining the northern edge of Market Street, with the existing Fruitmarket Gallery situated immediately to the east and Waverley Station lying to the rear.

The building occupies a visually prominent location in the Waverley Valley and the Edinburgh World Heritage Site at the northern edges of the Old Town Conservation Area. Market Street is defined by some pronounced changes in level, with topography and built form rising sharply to the south to form the Old Town ridge. A further pronounced level change occurs immediately to the north, with Waverley Station and operational railway tracks situated below.

The building forms part of the Category B group listing including 31, 32-35 & 36-39 Market Street (inclusive) LB reference:- 52353, Date of listing:- 22 June 2015. The building was previously listed at category A as part of Waverley Station becoming separately listed at category B in 2015. The rear of the building also incorporates part of the massive 'N' steel truss beneath the building remains part of the Category A listing of Waverley Station (LB Reference: 30270, Date of Listing: 12 November 1991, Date description amended: 22/06/2015).

Market Street represents a busy city centre location with high levels of pedestrian footfall. The character of the area is predominantly commercial featuring bars and cafes, visitor attractions including the Edinburgh Dungeon, hotels and backpacker accommodation. The recently completed Market Street Hotel lies directly opposite the site to the south, with the City Arts Centre to the south east.

The building lies immediately to the west of the southern pedestrian entrance to Waverley Station.

The site is located within the Old Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

Application Site

The building was originally developed circa. 1931 as a wholesale fruit and vegetable warehouse, this use continuing until 1972. The building subsequently operated as a nightclub since from the late 1970's, this use ceasing in March 2017. This primarily occupied the ground floor with associated plant and office space situated at first floor level.

Adjacent Sites

20 July 2018 - Planning permission granted for proposed Change of Use from Office and Retail to Hostel and Public House, including external alterations at 32-38 Market Street and alterations at 9-13 Market Street (Application reference:- 18/01444/FUL).

20 July 2018 - Permission granted for conversion from Office and Retail to Hostel and Public House including external and internal alterations at 32-38 Market Street (Application reference:- 18/01517/LBC).

08 October 2018 - Permission granted for illuminated menu, illuminated amenity board and window vinyls on 32 and 36-39 Market Street (Application reference:- 18/04359/ADV).

24 April 2019 - Application lodged for external and internal works relating to the existing gallery at 45 Market Street. External works include alteration to the main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station. Application to be determined. (Application reference:- 19/02007/FUL).

Main report

3.1 Description Of The Proposal

Scheme 2

The proposed conversion of the category B listed, 36-39 Market Street comprises part of a project to both expand and refurbish the existing Fruitmarket Gallery at 45 Market Street.

The application to convert the building will necessitate a change of use from a former nightclub (Class 11, Assembly and Leisure - (d) dance hall or discotheque) to Class 10, Non-residential institutions - (c) the display of works of art (otherwise than for sale or hire).

The building conversion will include the formation of a new double height gallery space, with visitor toilets, production workshop and storage space at ground floor level. A new internal access ramp will form a connection between the existing gallery to the east, this also addressing a number of changes in floor level within the listed building. Production offices for the gallery including staff facilities will occupy the western part of the first floor.

The proposed internal alterations to the building are assessed in the related application for listed building consent (application reference 19/02004/LBC).

External alterations to the building will include:-

Front Elevation

Alterations to existing two shop frontages (windows currently blanked off) associated with former fruit warehouses. These works will include the formation of a new entrance with existing columns being retained. New stall risers will be formed with powder coated cills and painted ply cladding below. The original projecting bases to the columns and stall risers will be re-instated and clad in painted timber. The existing fascia above will be retained and repainted.

Existing door and fanlight (not original) to be removed and replaced with fully glazed fixed window, installed flush with recessed arched ashlar.

Signage panels and painted ply panels covering ground floor windows (x 2) to be removed.

Louvred ventilation panels (x 2) covering first floor windows to be removed and replaced with single glazed casement windows.

Frontage to the existing, single storey structure (linking Nos 36-39 and 45 Market Street) to be replaced, comprising a replacement concealed door and parapet of increased height to partially conceal roof plant. This is to be finished in painted exterior grade plywood.

Existing timber sash and case windows (x 6) to first floor level (2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Mechanical ventilation units to be installed midpoint on the flat roof. The top of the highest unit will not rise above the existing parapet balustrade.

Rear elevation

Existing timber sash and case windows to ground floor level (x 3) and first floor level (x7) (predominantly 2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Single Storey Link Structure

Flat roof area to include a mechanical handling unit, vent ducts (x 3) and boiler flue (150mm diameter) affixed to the east elevation of the listed building and terminating 1 metre above the roof parapet to the main building. Existing roof membrane and parapet upstand flashings to be replaced.

Scheme 1

As above. The original scheme was submitted prior to internal soft strip out of the listed building which has revealed details of the original shopfronts. Further design development, relating to the shopfront elements and rooftop plant has been undertaken as part of the Scheme 2 proposals.

Supporting Information

The following documents were submitted in support of the application:-

- Design Statement - 23 April 2019;
- Design Statement - Supporting Information, 22 July 2019;
- Conservation Statement; and
- Noise Impact Assessment.

These documents can 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.

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 design proposals are acceptable and will preserve the special architectural or historic interest of the listed building;
- c) The proposal will preserve and enhance the character of the Old Town Conservation Area;
- d) The proposal will preserve the outstanding universal value of the Edinburgh World Heritage Site;
- e) The proposal will have a detrimental impact on the character and setting of adjacent listed buildings;
- f) The proposals raise issues in respect of archaeology;
- g) The proposal raises issues in respect of neighbour amenity;
- h) The proposal raises issues relating to transport and public realm;
- i) Any impacts on equalities or human rights are acceptable;
- j) The proposals raise other matters to be addressed; and
- k) Any comments raised have been addressed.

a) Proposed Use

This proposal will see the existing gallery use being expanded into the adjacent building to form a single premises and single planning unit. Accordingly, in planning terms, the assessment is whether the proposed use for the enlarged premises would be acceptable.

LDP Policy Ret 7 supports well designed arts facilities in the City Centre.

The proposed expansion of the existing gallery into an adjacent listed building will result in an attractive street frontage and a high quality of design that safeguards the character of the location. The proposed details of the conversion are further assessed in sections b) and e).

A Noise Impact Assessment has been prepared by the applicant and this is further assessed in section g). However, the proposed change of use from nightclub to an art gallery will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

The proposed change of use would comply with all relevant sections of LDP Policy Ret 7 - Entertainment and Leisure Developments and is acceptable.

b) The design proposals are acceptable and will preserve the special architectural or historic interest of the listed building

Early proposals for potential redevelopment of the existing gallery were presented to the Edinburgh Urban Design Panel in August 2014. The Panel's comments were based around the redevelopment of the existing gallery at 45 Market Street. The scope of the project has evolved considerably since this time and whilst the existing gallery will be subject to internal refurbishment and upgrading, the principal focus of the proposals will now be to expand the gallery operation into the listed 36-39 Market Street. The proposed changes form the scope of these current applications.

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.

Historic Environment Scotland (HES) were consulted as part of the application and did not make comments on the proposals.

LDP 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 in unnecessary damage to historic structures or diminution of its interest; and would be in keeping with other part of the building.

The key design changes to the listed building are assessed as follows:-

Former Shop Frontages

The shop frontages to the Market Street elevation originally related to the former warehouse use and represent a key element of the listed building's character. The previous use of the building as a nightclub resulted in the window openings being blocked off with the shopfront detail subject to a level of external alteration. However, the recent internal soft strip out of the building interior has uncovered the detail of the original shopfronts dating from the 1930's.

The proposed retention of historic shopfront features incorporated into a remodelled contemporary design approach is considered acceptable, would relate sensitively to the building façade and provide a new element of active frontage to the street. The proposed alterations to the shopfronts would not diminish the historic and architectural interest of the listed building and would accord Policy Des 13, HEPS and current Council guidance.

Windows and Door Openings

The original timber sash and case window frames to both the front and rear elevations will be restored and re-painted. A number of the window and door openings previously blocked up as a consequence of the previous use, will be reinstated as functioning windows.

The proposed changes to the windows will not diminish the architectural and historic interest of the listed building would be in line with HEPS and current Council guidance.

Rooftop Plant

Mechanical ventilation units are to be installed midpoint on the main flat roof. This equipment has been positioned to minimise visual impact from the street, and the maximum height of the unit will not rise above the existing parapet balustrade.

This equipment may be evident in views from North Bridge. To mitigate any adverse visual effects, it is recommended that all rooftop plant equipment be painted in a single co-ordinated colour finish. This detail can be controlled through condition.

Single Storey Link Structure

This structure comprises a modern flat roofed extension, situated between 36-39 Market Street and the existing gallery. Although this is not identified as part of the listing description, the proposed changes including the replacement of the street facade are minor and will not adversely affect the character of the listed building.

Internal Alterations

The internal alterations are assessed in the related application for listed building consent (application reference 19/02004/LBC) and are acceptable.

In relation to Policy Env 4, the proposed alterations to the listed building are justified and there will be no unnecessary damage to historic structures or diminution of its interest. The proposed changes, particularly the opening up of the former shopfronts have sought to acknowledge the architectural composition of the existing gallery lying to the east.

In terms of the proposed alterations, their proposed design and form, use of material finishes are compatible with the character of the existing building, would not be detrimental to neighbouring amenity of character and address relevant requirements of LDP Policy Des 12 - Alterations and Extensions.

The design approach will also promote active frontage and increase levels of natural surveillance to Market Street, which represents an important thoroughfare. This aspect of the proposal will also address requirements of LDP Des 5 c), Development Design - Amenity in that community safety will be promoted by providing active frontage to important thoroughfares and designing for natural surveillance.

In summary, the design proposals are based upon an overall concept, recognise and respect the architectural quality of the listed building. The key elements of building character will be retained. The proposed changes are seen as part of an evolution of the listed building, these required to convert the building to the proposed new use. The proposal would represent both an innovative and viable re-use of the listed building and the enhancement to an existing cultural facility.

The design proposals are acceptable and will preserve the special architectural or historic interest of the listed building. The proposal meets requirements of relevant policies and guidance.

c) Character and Appearance of the Conservation Area

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas 'are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty and designate such area's.

The Old Town Conservation Area Character Appraisal refers to:-

The plan of the Old Town has retained much of its ancient pattern and distinctive character. It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied character.

The Character Appraisal also identifies elements of character with the presence of landmark buildings, architectural detailing, shopfronts, materials and uses considered relevant to the application proposal.

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

The proposed design approach in respect of proposed material finishes, the retention of shopfronts and building lines would be consistent with the key features identified in the Conservation Area Character Appraisal. The proposal demonstrates high standards of design and will utilise materials appropriate to the historic environment.

In terms of uses, the Conservation Area Character Appraisal also recognises the importance of the Old Town as a cultural, leisure, entertainment and tourism centre of national importance. The proposed expansion of the Fruitmarket Gallery will reinforce its role as a cultural destination and the mixed use character of the Old Town to maintain active streets and a vibrant town centre.

The proposed alterations to the listed building are relatively small in nature. The refurbishment of the building will preserve and enhance the special character and appearance of the Old Town Conservation Area, and are consistent with the relevant character appraisal and the requirements of Policy Env 6.

d) Outstanding Universal Value of the Edinburgh World Heritage Site

LDP Policy Env 1 - World Heritage Sites states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as a World Heritage Site or which would have a detrimental impact on the site setting will not be permitted.

Edinburgh World Heritage were consulted in relation to the application but did not make any comments in relation to the proposal.

The proposed alterations are relatively small scale in nature and the proposal will not have a detrimental impact to the outstanding universal values of the Edinburgh World Heritage Site.

e) Setting of listed buildings

LDP Policy Env 3 - Listed Buildings - Setting, states that development within the curtilage of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

The existing Fruitmarket Gallery at 45 Market Street is unlisted, however, the building abuts the Category B group listing including 31, 32-35 & 36-39 Market Street to form part of a terrace, with the Gallery terminating the eastern end. Whilst the application proposal seeks to form an internal link with the listed 36-39 Market Street, any impact to the setting of this group of listed building associated with the alterations to 45 Market Street are considered negligible. The proposed alterations to the listed building will seek to provide greater architectural coherence and unity between the two buildings.

In summary, the built envelope, form and mass of the listed building will be retained and enhanced and will not impact upon the setting of adjacent listed buildings.

f) Archaeology

The City Archaeology Officer welcomes the proposals which seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger gallery. Having assessed such impacts it is considered that such impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken Andrew PK Wright.

It is recommended that a condition be applied to ensure that a programme of archaeological works is undertaken. This would include an historic building survey, analysis and reporting.

g) Neighbour Amenity

A range of Hotel and Hostel accommodation exists in the vicinity of the site. Backpackers' accommodation was recently granted permission in the adjacent at 32-38 Market Street.

A Noise Impact Assessment has been prepared by the applicant. This has considered the proposed activities of the gallery and noise impacts arising from new plant to be installed to the roof areas of the building.

Environmental Protection have advised that they are unable to support application and recommend refusal of the application due to potential noise impacts to neighbouring residential properties.

The applicant does not envisage the new gallery space will be used as a performance venue with amplified music as this does not form part of its regular activities. The gallery space may feature occasional amplified speech, but again this does not form part of its regular activities and noise could be controlled to acceptable levels.

The interior of the listed building has been purposely stripped back to reveal the historic fabric of the building, with previous noise attenuation measures associated with the former nightclub use now removed. The installation of new sound attenuation measures would be at odds with the design concept for the project and could also diminish the character of the listed building.

In summary, given the nature of the proposed change of use, were any negative impacts to arise from activities or noise in the future, these could be controlled through other environmental legislation.

The proposals would therefore meet the requirements of LDP Policy Des 5, Development Design - Amenity, part a) in that the amenity of neighbouring developments would not be adversely affected by the proposed change of use.

Environmental Protection have indicated that should Committee be minded to approve the application, then the following condition should be applied:- The maximum noise levels as specified in Table 3 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, shall be adhered to at all times. Whilst this would not be enforceable as a planning condition, it is recommended that this be applied as an informative.

h) Transport and Public Realm

No new car parking or cycle parking is proposed as part of the application. The proposed extension to the gallery would be serviced from Market Street, as per arrangements for the existing gallery.

The Roads Authority have no objections to the application subject to an informative being applied, highlighting that the applicant should consider developing a travel plan. This should address the provision of cycle parking and measures to promote active travel and local public transport amongst users of the building.

i) Equalities and human rights

The application was assessed in terms of equalities and human rights.

The key equalities impacts relate to the accessibility of the building. This application seeks to improve the accessibility of the gallery facilities to all users, through a range of internal and external works including the remodelling of the main entrance and provision of a ramped access to address floor level differences within the listed building. The change seek to upgrade the building to meet current standards in respect of accessibility and Building Standards.

No impact to human rights has been identified.

j) Other matters

Network Rail have been consulted as part of the application, given the proximity of the application site above an operation railway and station. They have recommended than an informative be placed on the application requiring details of the proposals be submitted to Network Rail's Asset Protection Engineer for approval.

k) Representations

No representations were received.

Conclusion

The proposed change of use of the building from a nightclub (Class 11 (d)) to art gallery (Class 10 (c)) is supported by LDP Policy Ret 7 and is considered appropriate to the nature of the city centre location, will not result in adverse impacts to the amenity of neighbours and is considered acceptable.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The design proposals to re-model of the building and external alterations will be sympathetic to the character of the listed building and its setting and the setting of nearby listed buildings. The proposal will preserve and enhance the character of the Old Town Conservation Area. The proposal will not result in detrimental impact to the outstanding universal values of the Edinburgh World Heritage Site.

The proposal addresses requirements of policy and guidance.

There are no further material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. That prior to the commencement of works, details of the proposed colour finish for all roof top plant shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme. All such equipment shall be finished in a single coordinated colour finish.
3. That prior to the commencement of works, details of all proposed external colour finishes including those to window frames, doors, the shopfront fascia and external facing to the single storey link structure shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme.

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.
3. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. 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.
2. 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.
3. In accordance with the Council's Travplan 3 policy, the applicant should consider developing a Travel Plan including the provision of pedal cycles (inc. electric cycles), secure cycle parking for staff and customer, staff and customer, staff changing and shower facilities, public transport travel passes and timetables for local public transport.

4. The maximum noise levels as specified in Table 3 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, shall be adhered to at all times.
5. 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 works in proximity to the station 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 notice prior notice period of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer
151 St Vincent Street
GLASGOW
G2 5NW
Tel 0141 555 4352
Email: AssetProtectionScotland@networkrail.co.uk

6. This permission does not negate any requirement for further permissions to be sought, e.g. advertisement consent, should new elements of signage or advertising be proposed to the building.

Financial impact

4.1 The financial impact has been assessed as follows:

No legal agreement will be required for this application proposal.

The Council own the lease for 36-39 Market Street.

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

Extensive pre-application discussions have taken place in relation to this project since 2013, these involving the applicant, respective design teams and Historic Environment Scotland. The applicant has also held informal discussions with the Cockburn Association.

Initial proposals for the redevelopment of the Gallery were considered by the Edinburgh Urban Design Panel on 27 August 2014. However, the scope of the project has changed considerably since that time, with the principal focus for expansion of the gallery now being placed on the conversion of the former nightclub at 36-39 Market Street.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 May 2019. No representations were received.

The Old Town Community Council were consulted in relation to the application but no comments were 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 designated as City Centre in the Edinburgh Local Development Plan.

Old Town Conservation Area, Edinburgh World Heritage Site and Local Nature Conservation Site (LNCS) designations are also applicable.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02A-07A,

Scheme 2

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

Contact: Francis Newton, Senior Planning Officer
E-mail: francis.newton@edinburgh.gov.uk Tel: 0131 529 6435

Links - Policies

Relevant Policies:

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

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

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

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

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

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

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

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

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

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures 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.

Managing Change in the Historic Environment: Shopfronts and Signs sets out Government guidance on the principles that apply to altering historic shopfronts and signs.

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.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows 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 Planning Permission 19/02006/FUL
At 36 - 39 Market Street, Edinburgh, EH1 1DF
Change of Use to former nightclub [36-39] to extend
Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various
alterations to and reinstatement of original windows &
shopfront, install roof mounted plant. Internal alterations:
removal of 1st floor to create double height gallery to east
section of property and on west, over two floors, toilets,
stores & workshop located to west, with staff
accommodation above. Internal slappings to single storey
link connect two properties forming one venue.**

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications the change of Use to former nightclub [36-39] to extend Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various alterations to and reinstatement of original windows & shopfront, install roof mounted plant. Internal alterations: removal of 1st floor to create double height gallery to east section of property and on west, over two floors, toilets, stores & workshop located to west, with staff accommodation above plus internal slappings to single storey link connect two properties forming one venue.

The application concerns a listed (B) former fruit-warehouses located on the southern boundary of Waverley Station. The building was first designed in 1889 and constructed soon after as part of a wider scheme, with the building extended eastwards in 1931 along with the construction of the neighbouring No45 Market Street. The Edinburgh Fruitmarket vacated the site in 1972.

Accordingly, buildings have been identified as of historic and 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) Policy ENV4, 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.

It is welcomed that proposals seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger Gallery. Having assessed such impacts it is considered that such impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken by Andrew PK Wright.

It is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, 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.

Environmental Protection comment

Environmental Protection has some concerns about potential noise from the proposed new venue affecting the amenity of nearby noise-sensitive premises (Likely to be residential accommodation up Fleshmarket Close and along Market Street). We would therefore ask for the applicant to submit a Noise Impact Assessment to demonstrate that noise from activities in the gallery (performance noise, music etc) meets NR15 when assessed from the nearest noise-sensitive premise (with window open for ventilation). A worst-case scenario should be assumed. Please note we would not accept noise-limiting devices in relation to the control of music noise.

The Noise Impact Assessment should also demonstrate that any new mechanical plant introduced as part of this application meets NR25 when measured within the nearest noise-sensitive premises (with windows open for ventilation).

In terms of air quality, we note there are plans to install a new heating system / boiler. Dependent on the size of the proposed boiler we may need further information to ensure the proposals do not affect local air quality.

Environmental Protection comment

Environmental Protection cannot support application 19/02006/FUL and recommends refusal. We have no objections to 19/02007/FUL subject to conditions:

Prior to the use being taken up, mechanical plant which meets the maximum noise levels as detailed in Tables 4, 5, and 6 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, should be implemented.

The premises are part of a series of warehouses built along the side of Waverley Station with some residential properties in close proximity on Market Street and on Fleshmarket Close. The two warehouses have previously been used as a gallery and nightclub. The proposal looks to connect the two warehouses to extend the art gallery and carry out extensive works to the buildings.

Environmental Protection expressed concerns about noise from the proposed development affecting the nearby residences. A Noise Impact Assessment was duly commissioned from Max Fordham by the applicants. Due to the planned works to the warehouses, it was quickly established that amplified music with the development would not meet the required standard at neighbouring residential properties. The applicants did not wish to consider mitigation measures in relation to amplified music. The Noise Impact Assessment therefore states that there will be no amplified sources (including music) other than spoken word.

Planning does not accept conditions which would restrict amplified music at the premises. Therefore, the risk of music being played within the premises and negatively affecting nearby residents remains. We therefore cannot support application 19/02006/FUL.

However, should the Committee be minded to grant, we would recommend the following condition be attached:

The maximum noise levels as specified in Table 3 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, shall be adhered to at all times.

HES comment

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 development affecting the historic environment, together with related policy guidance.

Network Rail comment

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate 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 works in proximity to the station 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.

Roads Authority Issues

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 for staff and customer, staff changing and shower facilities, public transport travel passes and timetables for local public transport;

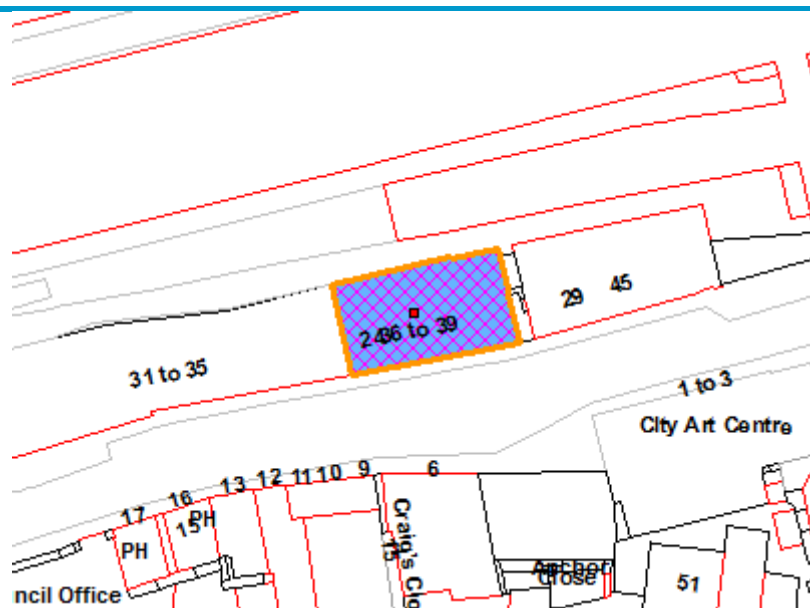
Note:

I. The proposed zero car parking associated with this development is considered acceptable due to the accessibility of public transport to this site;

II. With regards to the current taxi rank on Market Street, Transport are currently developing options to minimise the impact of the taxi rank on the current streetscape;

III. It should also be noted that Market Street will be majorly altered as part of the wider City Centre Transformation project.

Location Plan



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Development Management Sub Committee

Wednesday 14 August 2019

**Application for Listed Building Consent 19/02004/LBC
At 36 - 39 Market Street, Edinburgh, EH1 1DF**

Externally: form new entrance in fully glazed central opening retaining existing features; reinstate windows blanked off by previous occupants [excluding some to North facade]; alter frontage to single storey link [between 36-39 & 45] & install external roof mounted services.

Internally: form access linking 36-39 to 45, create central plant room, remove floor to create double height gallery to east; over two floors to west, form gallery stores, workshop, public WCs & staff accommodation.

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed works will preserve the special architectural and historic interest of the Category B listed building.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The proposal would preserve and enhance the special character or appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal.

Links

[Policies and guidance for this application](#)

LEN01, LEN04, LEN06, LEN09, CRPOLD, HEPS, HESCON, HESEXF, HESINT, HESSHP, NSBUS, HESWIN, HESUSE,

Report

Application for Listed Building Consent 19/02004/LBC

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Recommendations

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

Background

2.1 Site description

Nos. 36-39 Market Street form part of a terrace of two storey structures lining the northern edge of Market Street, with the existing Fruitmarket Gallery situated immediately to the east and Waverley Station lying to the rear.

The building forms part of the Category B group listing including 31, 32-35 & 36-39 Market Street (inclusive) LB reference:- 52353, Date of listing:- 22 June 2015. The building was previously listed at category A as part of Waverley Station becoming separately listed at category B in 2015. The rear of the building incorporates part of the massive 'N' steel truss beneath the building and remains part of the Category A listing of Waverley Station (LB Reference: 30270, Date of Listing: 12 November 1991, Date description amended: 22/06/2015).

The listing description for 32-35 and 36-39 Market Street identifies a 2-storey and basement 14-bay flat-roofed cream sandstone ashlar building. Ground-floor openings have set-back margins, and are mostly round-headed. One 3-centre-arched cart entry and 2 shop fronts with wooden fascia. First floor windows raised margins and moulded, modillioned sills. Large 4-pane timber in sash and case windows to Market Street elevation with timber casement windows to north elevation and some 4-pane windows, some blocked. Moulded cornice, and tube and stanchion railings to roof edge. Cast iron riveted stanchion 'Phoenix' columns (circular in plan and in star pattern, some still exposed, are evident at ground floor. The buildings were extensively remodelled to the interior as leisure and office accommodation from the late 1970s onwards but have retained their original footprint.

The listing description also notes that good surviving warehouse buildings associated with stations are increasingly rare and the buildings in Market Street have been given an unusual amount of architectural treatment to reflect their context in the centre of Edinburgh. Their construction is unusually based on bridge engineering techniques to allow for the buildings to be cantilevered out over railway ground below and to ensure absolute stability. While these buildings are no longer functionally related to the station their exterior form has not substantially changed and they are a good survival, representing the historical commercial architecture associated with Scotland's largest city station and the former site of Edinburgh's historic fruit market.

Further to the listing description, a Conservation Statement, has been prepared on behalf of the applicant. This identifies that the external appearance of both north and south facades of 36-39 Market Street vary, due to being made up of a combination of structures. The original 1890 fruit warehouse extended from Waverley Bridge, up to and including half of what now constitutes the approximate midpoint of the property 36-39 Market Street. The full range of former warehouses that exist today includes extensions formed in 1931. All extensions east of the original late 19th Century fruit warehouse (building range 32-36 & 45 Market Street) which form the site for these proposals, were erected around the same time (circa 1931) given they both share the same massive riveted steel girder supporting the north facades. These warehouses had direct links to the station and the goods trains which were loaded directly from the warehouse down to station level by way of goods lifts (now removed).

The building occupies a visually prominent location in the Waverley Valley and the Edinburgh World Heritage Site at the northern edges of the Old Town Conservation Area. Market Street is defined by some pronounced changes in level, with topography and built form rising sharply to the south to form the Old Town ridge. A further pronounced level change occurs immediately to the north, with Waverley Station and operational railway tracks situated below. North Bridge crosses Market Street and the Waverley Valley approximately 100 metres to the east of the application site.

The building lies immediately to the west of the southern pedestrian entrance to Waverley Station.

The site is located within the Old Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

Application Site

The building was originally developed circa. 1931 as a wholesale fruit and vegetable warehouse, this use continuing until 1972. The building subsequently operated as a nightclub since from the late 1970's, this use ceasing in March 2017. This primarily occupied the ground floor with associated plant and office space situated at first floor level. A soft strip-out of fittings associated with the former nightclub was undertaken Spring 2019.

Adjacent Sites

20 July 2018 - Planning permission granted for proposed Change of Use from Office and Retail to Hostel and Public House, including external alterations at 32-38 Market Street and alterations at 9-13 Market Street (Application reference:- 18/01444/FUL).

20 July 2018 - Permission granted for conversion from Office and Retail to Hostel and Public House including external and internal alterations at 32-38 Market Street (Application reference:- 18/01517/LBC).

08 October 2018 - Permission granted for illuminated menu, illuminated amenity board and window vinyls on 32 and 36-39 Market Street (Application reference:- 18/04359/ADV).

24 April 2019 - Application lodged for external and internal works relating to the existing gallery at 45 Market Street. External works include alterations to the main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station. Application to be determined. (Application reference:- 19/02007/FUL).

Main report

3.1 Description Of The Proposal

Scheme 2

The proposed conversion of the category B listed, 36-39 Market Street comprises part of a project to both expand and refurbish the existing Fruitmarket Gallery at 45 Market Street.

The building conversion will include the formation of a new double height gallery space, with visitor toilets, production workshop and storage space at ground floor level. A new internal access ramp will form a connection between the existing gallery to the east, this also addressing a number of changes in floor level within the listed building. Production offices for the gallery including staff facilities will occupy the western part of the first floor.

External alterations to the building will include:-

Front elevation

Alterations to existing two shop frontages (windows currently blocked off) associated with former fruit warehouses, and dating from the 1930's. These works will include the formation of a new entrance with existing columns being retained. New stall risers will be formed with powder coated cills and painted ply cladding below. The original projecting bases to the columns and stall risers will be re-instated and clad in painted timber. The existing fascia will be retained and repainted.

Existing door and fanlight (not original) to be removed and replaced with fully glazed fixed window, installed flush with recessed arched ashlar.

Signage panels and painted ply panels covering ground floor windows (x 2) to be removed and replaced with single glazed casement windows.

Louvred ventilation panels (x 2) covering first floor windows to be removed and replaced with single glazed casement windows.

Frontage to the existing, single storey structure (linking Nos 36-39 and 45 Market Street) to be replaced, this feature a replacement concealed door and parapet of increased height to partially conceal roof plant.

Existing timber sash and case windows (x 6) to first floor level (2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Mechanical ventilation units to be installed midpoint on the flat roof. The top of the highest unit will not rise above the existing parapet balustrade.

Rear elevation

Existing timber sash and case windows to ground floor level (x 3) and first floor level (x7) (predominantly 2 over 2 pattern) to be refurbished and made openable, replacing glass as required to match original panes.

Single storey link structure

Flat roof area to include a mechanical handling unit, vent ducts (x 3) and boiler flue (150mm diameter) this being affixed to the east elevation of the listed building and terminating 1 metre above the roof parapet to the main building.

Internally, this space will be converted to plant room and lobby area linking the existing gallery and proposed extension.

Internal alterations

A soft strip-out of non-load bearing partitioning, fitting and redundant plant associated with the former nightclub was undertaken Spring 2019. This has allowed original parts of the listed building to be exposed, thus further informing the design detail of the proposals.

Removal of 1st floor across the full depth of the building (approximately 15 metres depth x 17 metres maximum width) to create double height gallery and circulation space (ramped access) to the eastern section of the building. A sub dividing wall, would separate the gallery space and ramped access to the street façade, with continuous opening shutter doors at current first floor level.

The stripped back interior of the building comprises primarily brick finishes, some painted, with exposed steel joists. The steel truss is also visible on the northern side of the building. These surfaces would remain largely exposed with limited re-decoration. Ceiling mounted radiant panels would be attached to the double height ceiling. A winch hoist affixed to the 1st floor ceiling to be retained in-situ. This machinery was associated with previous use as a wholesale fruit and vegetable market.

Slapping to the eastern end wall, to form doorway link with the single storey link structure and the existing gallery at 45 Market Street.

Subdivision of ground floor to the western section of the building, to form entrance lobby and ramped access, toilets, workshop and storage areas.

Alterations to the existing first floor offices and staff accommodation at No. 36 Market Street. Sub-dividing wall between offices to be removed via slapping formed without damage to the original cornice which is to be retained.

Formation of lift access adjacent to the existing staircase leading from existing entrance at No. 36 Market Street with removal of internal wall to existing ground floor entrance lobby

Scheme 1

As above. The original scheme was submitted prior to internal soft strip out of the listed building which has revealed details of the original shopfronts. Further design development, relating to the shopfront elements and rooftop plant with further minor design refinement to some of the proposed internal changes has been undertaken as part of the Scheme 2 proposals.

Supporting Information

The following documents were submitted in support of the application:-

- Design Statement - 23 April 2019;
- Design Statement - Supporting Information, 22 July 2019;
- Conservation Statement; and
- Noise Impact Assessment.

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

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:

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 is possesses. For the purpose of this issue, preserve, in relation to the building, means preserve in either 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.

- a) the proposals will harm the architectural or historic interest of the listed building;
and
- b) the proposals will adversely affect the special character or appearance of the conservation area.

a) Architectural and historic interest of the listed building

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

LDP Policy Env 4 - Listed Buildings - Alteration and Extensions states that proposals to alter or extend listed buildings will be permitted where those alterations are justified; would not result in 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 changes to the listed building are assessed as follows:-

Former Shop Frontages

The shop frontages to the Market Street elevation originally related to the former warehouse use and represent a key element of the listed building's character. The previous use of the building as a nightclub resulted in the window openings being blocked off with the shopfront detail subject to a level of external alteration. However, the recent internal soft strip out of the building interior has uncovered the detail of the original shopfronts dating from the 1930's.

The proposed retention of historic shopfront features incorporated into a remodelled contemporary design approach is considered acceptable, would relate sensitively to the building façade and provide a new element of active frontage to the street. The proposed alterations to the shopfronts would not diminish the historic and architectural interest of the listed building and would accord with HEPS and current Council guidance.

Windows and Door Openings

The original timber sash and case window frames to both the front and rear elevations will be restored and re-painted. A number of the window and door openings previously blocked up as a consequence of the previous use, will be reinstated as functioning windows.

The proposed changes to the windows and doors will not diminish the architectural and historic interest of the listed building would be in line with HEPS and current Council guidance.

Rooftop Plant

Mechanical ventilation units are to be installed midpoint on the main flat roof. This equipment has been positioned to minimise visual impact from the street, and the maximum height of the unit will not rise above the existing parapet balustrade. This equipment may be evident in views from North Bridge. To mitigate any adverse visual effects, it is recommended that all rooftop plant equipment be painted in a single co-ordinated colour finish. This detail can be controlled through condition.

Single Storey Link Structure

This structure comprises a modern flat roofed extension, situated between 36-39 Market Street and the existing gallery, previously serving as a cellar and store for the former nightclub. Although this is not identified as part of the listing description, the proposed changes including the replacement of the existing facade to the street are minor and will not adversely affect the special architectural and historic interest of the listed building.

Internal Alterations

Various modern fixtures, including non-load bearing partitioning, fittings and redundant plant associated with the former nightclub have recently been removed. These works have allowed original features of the listed building, including structural elements, to be fully exposed and informed the design development of the proposals. These works did not require listed building consent to be obtained.

The stripped back interior comprises primarily brick finishes, some painted, with exposed steel joists. The massive steel truss, which supports the buildings beneath is also visible internally on the northern side of the building.

The proposed creation of a new double height space to create a double height gallery and circulation space (ramped access) would require the existing floor to be removed. However, this intervention would not result in the loss of highly significant historic fabric and would allow the raw interior of the original warehouse to be revealed including the exposed steel structure and brick facing. The insertion of a sub dividing wall between the proposed gallery space and ramped access, with opening shutters above would respect the industrial character of the building and spatial qualities of the interior, with the shutters allowing for light penetration and visual connection through the building.

The proposed retention of the redundant winch hoist machinery to the ceiling would be considered as a positive step, this feature being associated with the historic use of the building.

The subdivision of the ground floor to the western end of the building would not impact upon the industrial character or the spatial qualities which will be realised through the remodelled interior.

The alterations to the existing first floor offices at No. 36 Market Street and the formation of a lift access adjacent to the existing staircase are not considered to adversely affect the character of the listed building interior. The staircase and stairwell are plainly detailed and the enclosure of the existing stairwell will not result in the loss of historic fabric. The sub-dividing wall between offices which is identified for removal via a slapping, will allow the original cornice to be retained.

In relation to LDP Policy Env 4 - Listed Buildings - Alterations and Extensions, the proposed alterations to the listed building are justified and there will be no unnecessary damage to historic structures or diminution of its interest and would be in line with HEPS and current Council guidance. The proposed changes, particularly the opening up of the former shopfronts have sought to acknowledge the architectural composition of the existing gallery lying to the east.

Historic Environment Scotland (HES) have assessed the proposal for historic environment interests and consider that the proposals affect the listed building. The Planning Authority should seek further advice regarding unscheduled archaeology and category B and C listed buildings. HES do not have any comments to make on the proposals.

The City Archaeology Officer has commented on the proposals and welcomed that the proposals seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger gallery. Impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. The proposal would therefore address relevant requirements of LDP Policy Env 9 - Development of Sites of Archaeological Significance. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken Andrew PK Wright.

It is recommended that a condition be applied to ensure that a programme of archaeological works is undertaken. This would include an historic building survey, analysis and reporting. A further level of analysis and survey has recently undertaken by the applicants following the soft strip out. However, such a condition will be applied to ensure this requirement is formalised as part of the project.

In summary, the proposed alterations to the listed building are justified and there will be no unnecessary damage to historic structures or diminution of its historic interest.

The proposal would represent both an innovative and viable re-use of the listed building and the development of a new public facility.

b) Impact on the Old Town Conservation Area

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas 'are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty and designate such areas.

The Old Town Conservation Area Character Appraisal refers to:-

The plan of the Old Town has retained much of its ancient pattern and distinctive character. It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied character.

The Character Appraisal also identifies elements of character with landmark buildings, architectural detailing, shopfronts, materials and uses considered relevant to the application proposal.

LDP 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 and is consistent with the relevant character appraisal.

The Fruitmarket Gallery, listed building and adjoining listed terrace occupy a visually prominent location in the Waverley Valley, sitting beneath North Bridge, which straddles the valley between Old and New Towns to form a dramatic approach. The existing Gallery also serves as a local landmark, both within its immediate context and the Old Town Conservation Area.

The proposed design approach in respect of proposed material finishes, the retention of shopfronts and would be consistent with the key features identified in the Conservation Area Character Appraisal. The proposal demonstrates high standards of design and will utilise materials appropriate to the historic environment.

The proposed alterations to the listed building are relatively small scale in nature and will not adversely affect the special character and appearance of the Old Town Conservation Area, and are consistent with the relevant character appraisal and the requirements of LDP Policy Env 6 - Conservation Areas.

Conclusion

The proposed works will preserve the special architectural and historic interest of the Category B listed building.

The proposed conversion will provide a sustainable re-use of the listed building, representing both a logical expansion and enhancement to an established cultural venue in the city centre.

The proposal would preserve and enhance the special character or appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of works, details of the proposed colour finish for all roof top plant shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme. All such equipment is to be finished in a single coordinated colour finish.

3. Prior to the commencement of works, details of all proposed external colour finishes to be including window frames, doors, the shopfront and new external facing to the single storey link structure shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme.

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.

Informatives

It should be noted that:

1. 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.
2. 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.
3. This application is for Listed Building Consent only. This consent does not negate the requirement for further permissions to be sought, e.g. advertisement consent, should new elements of signage or advertising be proposed to the building.

Financial impact

4.1 The financial impact has been assessed as follows:

The application proposals are not subject to a legal agreement.

The Council owns the lease for 36-39 Market Street.

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

Extensive pre-application discussions have taken place in relation to this project since 2013, these involving the applicant, respective design teams and Historic Environment Scotland. The applicant has also held informal discussions with the Cockburn Association.

Initial proposals for the redevelopment of the Gallery were considered by the Edinburgh Urban Design Panel on 27 August 2014. However, the scope of the project has changed considerably since that time, with the principal focus for expansion now being placed on the conversion of the former nightclub at 36-39 Market Street.

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 designated as City Centre in the Edinburgh Local Development Plan.

Old Town Conservation Area, Edinburgh World Heritage Site and Local Nature Conservation Site (LNCS) designations are also applicable.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02A - 07A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

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

Links - Policies

Relevant Policies:

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

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

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

LDP Policy 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.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

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

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.

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures 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.

Managing Change in the Historic Environment: Shopfronts and Signs sets out Government guidance on the principles that apply to altering historic shopfronts and signs.

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.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows 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 19/02004/LBC

At 36 - 39 Market Street, Edinburgh, EH1 1DF

Externally: form new entrance in fully glazed central opening retaining existing features; reinstate windows blanked off by previous occupants [excluding some to North facade]; alter frontage to single storey link [between 36-39 & 45] & install external roof mounted services. Internally: form access linking 36-39 to 45, create central plant room, remove floor to create double height gallery to east; over two floors to west, form gallery stores, workshop, public WCs & staff accommodation.

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications the change of Use to former nightclub [36-39] to extend Fruitmarket Gallery [No 45]: Class 11(d) to 10(c). Various alterations to and reinstatement of original windows & shopfront, install roof mounted plant. Internal alterations: removal of 1st floor to create double height gallery to east section of property and on west, over two floors, toilets, stores & workshop located to west, with staff accommodation above plus internal slappings to single storey link connect two properties forming one venue.

The application concerns a listed (B) former fruit-warehouses located on the southern boundary of Waverley Station. The building was first designed in 1889 and constructed soon after as part of a wider scheme, with the building extended eastwards in 1931 along with the construction of the neighbouring No45 Market Street. The Edinburgh Fruitmarket vacated the site in 1972.

Accordingly, buildings have been identified as of historic and 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) Policy ENV4, 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.

It is welcomed that proposals seek to retain and conserve the buildings historic fabric, however the scheme will have impacts upon the buildings historic fabric such as the removal of the upper floor to create a larger Gallery. Having assessed such impacts it is considered that such impacts on archaeological grounds are not regarded as significantly adverse.

Overall the proposals are considered to have a low archaeological/heritage impacts. However, the development will reveal and remove areas of historic fabric providing evidence of how it was constructed and used. Accordingly, if consent is granted it is essential that a historic building survey is undertaken during any alterations and demolition, building upon and enhancing the work already undertaken by Andrew PK Wright.

It is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, 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.

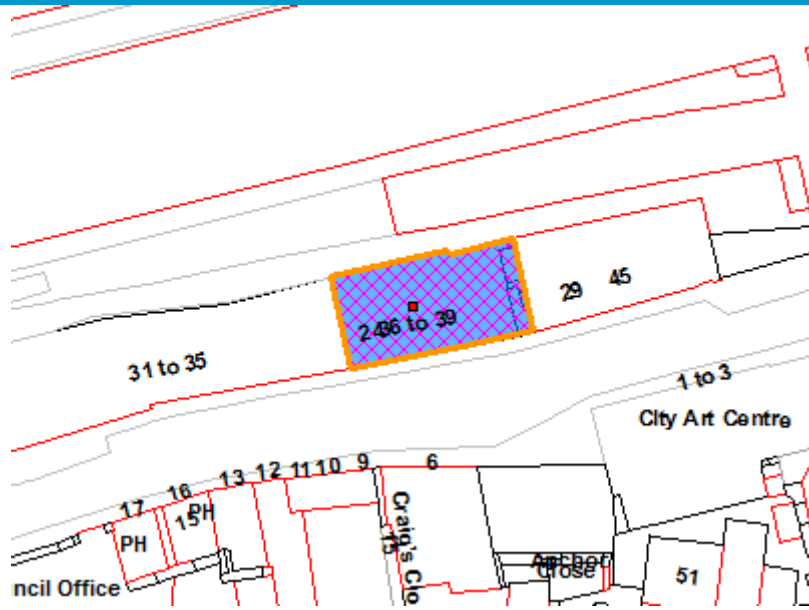
HES comment

Our Advice

Having reviewed the proposals, we consider the extension of the Fruitmarket Gallery (unlisted) into the adjacent 36-39 Market Street (B-listed) would bring about the positive reuse of the building. While the internal alterations are extensive and includes the creation of a double-height gallery space, the information we have seen suggests the interior is very utilitarian in character and lacks (being a 1930s extension) the distinctive cast-iron riveted stanchion 'Phoenix' columns seen in the earlier 1890s warehouses. We therefore can see no issue from our perspective that would prevent the application from progressing.

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.

Location Plan



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Development Management Sub Committee

Wednesday 14 August 2019

Application for Planning Permission 19/02007/FUL

At 45 Market Street, Edinburgh, EH1 1DF

External: alter main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station.

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed alterations to the Gallery are relatively small scale, of a suitable design quality and acknowledge the architectural character of the building.

The proposals will not adversely affect the character and appearance of the Old Town Conservation Area, the Outstanding Universal Values of the Edinburgh World Heritage Site or the setting of adjacent listed buildings. The proposals are consistent with the Old Town Conservation Area Character Appraisal.

The proposed works will represent an enhancement to an established cultural venue in the city centre and the Old Town.

The proposals address requirements of relevant policy and guidance.

There are no further material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LEN01, LEN03, LEN06, LDES03, LDES12, LDES13, LTRA03, NSGD02, NSLBCA, CRPOLD,

Report

Application for Planning Permission 19/02007/FUL

At 45 Market Street, Edinburgh, EH1 1DF

External: alter main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station.

Recommendations

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

Background

2.1 Site description

The Fruitmarket Gallery forms an eastern termination to a terrace of two storey structures lining the northern edge of Market Street, with Waverley Station lying to the rear.

The building is unlisted. However, the massive 'N' steel truss beneath the building forms part of the Category A listing of Waverley Station (LB Reference: 30270, Date of Listing: 12 November 1991, Date description amended: 22/06/2015).

Numbers 31-33 and 36-39 Market Street, lying immediately to the west of the gallery are Category B listed (LB Reference: 52353, Date of Listing: 22 June 2015).

The building was originally constructed as a fruit and vegetable market in circa. 1931 and has operated as a visual arts space since 1974. The building was re-modelled by Richard Murphy Architects to assume its current form in 1993.

The building occupies a visually prominent location in the Waverley Valley and the Edinburgh World Heritage Site at the northern edges of the Old Town Conservation Area. Market Street is defined by some pronounced changes in level, with topography and built form rising sharply to the south to form the Old Town ridge. A further pronounced level change occurs immediately to the north, with Waverley Station and operational railway tracks situated below. North Bridge crosses Market Street and the Waverley Valley approximately 60 metres to the east of the application site.

Market Street represents a busy city centre location with high levels of pedestrian footfall. The character of the area is predominantly commercial featuring bars and cafes, visitor attractions including the Edinburgh Dungeon, hotels and backpacker accommodation. The City Arts Centre lies directly opposite the site to the south.

The building lies immediately to the west of the southern pedestrian entrance to Waverley Station.

The site is located within the Old Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

Application Site

30 January 2001 - Permission granted to install lighting on building (Application reference: 00/00323/REM).

29 July 2013 - Permission refused for the display of a PVC advertising banner on the east elevation (Application reference: 13/01744/ADV).

Adjacent Sites

24 April 2019 - Application lodged for change of use to former nightclub at Nos. 36-39 Market Street to extend Fruitmarket Gallery at No. 45 Market Street from Class 11(d) to 10(c). Various alterations to and reinstatement of original windows & shopfront, install roof mounted plant. Internal alterations: removal of 1st floor to create double height gallery to east section of property and on west, over two floors, toilets, stores & workshop located to west, with staff accommodation above. Internal slappings to single storey link connect two properties forming one venue (Application reference: 19/02006/FUL).

24 April 2019 - Application lodged for external and internal alteration to Category B listed building at 36-39 Market Street, including alteration of frontage to single storey link between Nos. 36-39 and 45 Market Street (Application reference: 19/02004/LBC).

Main report

3.1 Description Of The Proposal

Scheme 2

This application relating to the existing Fruitmarket Gallery premises, forms part of a project to both refurbish the existing gallery and expand into the adjacent category B listed, 36-39 Market Street. Internally, accommodation will be reconfigured with some of the existing gallery activities being relocated to the extension.

External alterations to the building will include:-

New glazing and lead clad panel to be formed to the existing western service access and fire exit, replacing the existing painted plywood frontage.

Existing main entrance door (situated at right angles to the frontage) and glass block panel over recessed entrance to be removed, and replaced by an automated glazed aluminium/steel door to improve accessibility. A new recess will be formed by extending the existing shopfront glazing adjacent to the entrance. The existing sliding gate will be replaced with a new hinged gate to provide out of hours security.

Kitchen extract and duct to be mounted on the flat roof, setback midway between gables. This will be contained by existing parapets.

Replacement of rooflight glazing over the upper floor gallery and flat roof covering to the east and west gables

The formation of an access to link the existing gallery with Nos.36-39 Market Street, via the existing single storey structure to west of building has been considered as part of related applications, 19/02007/FUL and 19/02004/LBC.

Scheme 1

The sliding gate to the main entrance has been identified for replacement with a hinged gate.

Supporting Information

- Design Statement - 23 April 2019;
- Design Statement - Supporting Information - 22 July 2019;
- Conservation Statement; and
- Noise Impact Assessment.

These documents can 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.

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 design proposals are acceptable;
- b) The proposal will preserve and enhance the character of the Old Town Conservation Area;
- c) The proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- d) The proposal will have a detrimental impact on the character and setting of adjacent listed buildings;
- e) The proposals raise issues in respect of archaeology;
- f) The proposal raises issues in respect of neighbour amenity;
- g) The proposal raises issues relating to transport and public realm;
- h) Other matters;
- i) Any impacts on equalities or human rights are acceptable; and
- j) Any comments raised have been addressed.

a) Design

The existing gallery will be subject to refurbishment and upgrading. Early proposals for potential redevelopment of the existing gallery were presented to the Edinburgh Urban Design Panel in August 2014. The scope of the project has evolved considerably since this time. The principal focus of the project will be to expand the gallery operation into the adjacent 36-39 Market Street lying immediately to the west. This aspect of the proposals is being considered as part of related applications; 19/02006/FUL and 19/02004/LBC.

The various alterations proposed as part of this application are required to bring the facilities into line with current Building Standards particularly accessibility and to improve the facilities to a level that maintains the Fruitmarket Gallery's position as an art centre of international significance.

The principal changes to the elevation will include the remodelling of the existing main entrance and western service access and fire exit.

The building is unlisted, as such the works to the interior of the building do not require to be considered in the determination of planning permission.

The existing main entrance area is constrained and fails to meet current accessibility standards. Whilst the proposed works will result in the removal of glass block panelling associated with the 1993 remodelling, it is considered that the formation of a new entrance recess and extension of the existing shopfront glazing with glazed automated door would respect the solid to void proportions of the overall façade. Following discussion with the applicants, the existing sliding gate to the main entrance recess will be replaced with a hinged gate of similar appearance and design. This feature also dates from the 1993 re-modelling and is considered important to the architectural character of the building. A detailed design for this feature has yet to be developed and details will therefore be secured through condition.

The proposed new glazing and lead clad panel to be formed to the existing western service access and fire exit, will represent a visual enhancement to the façade and respect the architectural character of the building.

The proposed kitchen extract and duct to be mounted on the flat roof would be contained by existing parapets and will not be readily visible from the street. This aspect of the proposal is considered acceptable.

The application identifies a further number of external and internal works. The replacement of the existing rooflights comprise repair and upgrading on a like for like basis. They do not constitute development and can therefore be undertaken without the requirement for planning permission.

In terms of the proposed alterations, their proposed design and form, use of material finishes are compatible with the character of the existing building, would not be detrimental to neighbouring amenity of character and address relevant requirements of LDP Policies Des 3 and Des 12.

No new signage or advertising is proposed as part of the application, although an informative will be applied to the permission to highlight the requirement for additional consents where required.

In summary, the design proposals recognise and respect the architectural quality and intentions of the Richard Murphy remodelling to the Gallery, with the majority of building elements and character being retained. The proposed changes are part of an evolution of the building required to update to the gallery to modern standards and are acceptable.

b) Character and Appearance of the Conservation Area

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas 'are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty and designate such areas.

The Old Town Conservation Area Character Appraisal refers to:-

The plan of the Old Town has retained much of its ancient pattern and distinctive character. It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied character.

The Character Appraisal also identifies elements of character with landmark buildings, architectural detailing, shopfronts, materials and uses considered relevant to the application proposal.

LDP Policy Env 6, Conservation Areas states that development within a conservation area will be permitted which:

- 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, railings, paving and other features which contribute positively to the character of the area; and
- c) Demonstrates high standards of design and utilises material appropriate to the historic environment.

The proposed alterations to the building are relatively small scale in nature and the proposed changes to the building would not impact upon any key views or prominent landscape features relating to the Conservation Area.

The proposed design approach in respect of proposed material finishes, the retention of shopfronts and building lines would be consistent with the key features identified in the Conservation Area Character Appraisal. The proposal demonstrates high standards of design and will utilise materials appropriate to the historic environment.

The Conservation Area Character Appraisal also recognises the importance of the Old Town as a cultural, leisure, entertainment and tourism centre of national importance. The proposed expansion of the Fruitmarket Gallery will reinforce its role as a cultural destination and reinforce the mixed use character of the Old Town to maintain active streets and a vibrant town centre.

Historic Environment Scotland (HES) were consulted in relation to the impact of the proposals on the listed building and the conservation area. They had no comments regarding the proposals.

In summary, the proposed external alterations and refurbishment of the building will not adversely affect the special character and appearance of the Old Town Conservation Area, and are consistent with the relevant character appraisal and the requirements of LDP Policy Env6 - Conservation Areas.

c) Outstanding Universal Value of World Heritage Site

LDP Policy Env 1 - World Heritage Sites states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as a World Heritage Site or which would have a detrimental impact on the site setting will not be permitted.

Edinburgh World Heritage were consulted in relation to the application but did not make any comments in relation to the proposal.

Although the Fruitmarket Gallery occupies a visually prominent position in the Waverley Valley, against the backdrop of the Old Town, it is not considered that the nature of the proposed changes to the building would impact upon any key views or prominent landscape features within the World Heritage Site.

The proposed works will not impact upon the Outstanding Universal Value of the Edinburgh World Heritage Site.

d) Setting of adjacent listed buildings

LDP Policy Env 3 - Listed Buildings - Setting, states that development within the curtilage of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

The existing Fruitmarket Gallery at 45 Market Street is unlisted, however, the building abuts the Category B group listing including 31, 32-35 & 36-39 Market Street to form part of a terrace, with the Gallery terminating the eastern end. Whilst the application proposal seeks to form an internal link with the listed 36-39 Market Street, any impact to the setting of this group of listed building associated with the alterations to 45 Market Street are considered negligible.

In summary, the built envelope, form and mass of the building will be retained and enhanced and will not impact upon the setting of adjacent listed buildings.

e) Archaeology

The City Archaeological Officer has been consulted as part of the application. They have remarked that the building has been extensively altered, and as such it is considered that the proposals do not have significant archaeological impact upon this historic building.

f) Neighbour Amenity

The application site lies immediately adjacent to Waverley Station and represents a busy city centre location, with high levels of ambient noise.

A range of hotel and hostel accommodation exists in the vicinity of the site, with the nearest residential properties situated to the southern edge of Market Street and Cockburn Street. Further backpackers accommodation was recently granted permission in the adjacent terrace at 32-38 Market Street (Application reference:- 18/01444/FUL).

Following discussions with Environmental Protection, a Noise Impact Assessment has been prepared by the applicant. This has considered the proposed activities of the gallery and noise impacts arising from new plant to be installed to the roof areas of the building.

Environmental Protection have no objections to the application, subject to the following condition being applied:- Prior to the use being taken up, mechanical plant which meets the maximum levels as detailed in Tables 4, 5 and 6 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, should be implemented. This would not be enforceable as a planning condition and it is recommended that this be applied as an informative.

The proposals would therefore meet the requirements of LDP Policy Des 5, Development Design - Amenity, part a) in that the amenity of neighbouring developments would not be adversely affected by the proposed change of use.

g) Transport and Public Realm

No new car parking or cycle parking is proposed as part of the application. The proposed extension to the gallery as considered through application 19/02006/FUL would be serviced from Market Street, as per arrangements for the existing gallery.

The Roads Authority have no objections to the application subject to an informative being applied, highlighting that the applicant should consider developing a travel plan. This should consider the provision of cycle parking and measures to promote active travel and local public transport amongst users of the building.

h) Other matters

Network Rail have been consulted as part of the application, given the proximity of the application site above an operation railway and station. They have recommended that an informative be placed on the application requiring details of the proposals be submitted to Network Rail's Asset Protection Engineer for approval.

i) Equalities or human rights

The application was assessed in terms of equalities and human rights.

The key equalities impacts relate to the accessibility of the building. This application seeks to improve the accessibility of the gallery facilities to all users, through a range of internal and external works including the remodelling of the main entrance. The change seek to upgrade the building to meet current standards in respect of accessibility and Building Standards.

No impact to human rights has been identified.

j) Representations

No representations were received.

Conclusion

The proposed alterations to the Gallery are relatively small scale, of a suitable design quality and acknowledge the architectural character of the building.

They will not adversely affect the character and appearance of the Old Town Conservation Area, the Outstanding Universal Values of the Edinburgh World Heritage Site or the setting of adjacent listed buildings. The proposals are consistent with the Old Town Conservation Area Character Appraisal.

The proposed works will represent an enhancement to an established cultural venue in the city centre and the Old Town.

The proposals address requirements of relevant policy and guidance.

There are no further material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works, detailed design proposals for the proposed replacement gate to the main entrance lobby shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme. The design of the replacement gate shall substantially reflect the character and appearance of the existing sliding gate.
2. Prior to the commencement of works, details of the proposed colour finish for all roof top plant shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme. All such equipment is to be finished in a single coordinated colour finish.
3. Prior to the commencement of works, details of all proposed external colour finishes to be including window frames, doors, the shopfront and new external facing to the single storey link structure shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the agreed scheme.

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.

Informatives

It should be noted that:

1. 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.
2. 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.
3. In accordance with the Council's LTS Travelplan 3 policy, the applicant should consider developing a Travel Plan including the provision of pedal cycles (inc. electric cycles), secure cycle parking for staff and customer, staff changing and shower facilities, public transport passes and timetables for local public transport
4. This application is for Full Planning Permission only. This permission does not negate the requirement for further permissions to be sought, e.g. advertisement consent, should new elements of signage or advertising be proposed
5. 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 works in proximity to the station 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 notice prior notice period of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer
151 St Vincent Street
GLASGOW
G2 5NW
Tel 0141 555 4352
Email: AssetProtectionScotland@networkrail.co.uk

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

Extensive pre-application discussions have taken place in relation to this project since 2013, these involving the applicant, respective design teams and Historic Environment Scotland. The applicant has also held informal discussions with the Cockburn Association.

Initial proposals for the redevelopment of the Gallery were considered by the Edinburgh Urban Design Panel on 27 August 2014. However, the scope of the project has changed considerably since that time, with the principal focus for expansion now being placed on the conversion of the former nightclub at 36-39 Market Street.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 May 2019. No representations have been received.

The Old Town Community Council were consulted in relation to the application but no comments were 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 designated as City Centre in the Edinburgh Local Development Plan.

Old Town Conservation Area, Edinburgh World Heritage Site and Local Nature Conservation Site (LNCS) designations are also applicable.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02A - 07A,

Scheme 2

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

Contact: Francis Newton, Senior Planning Officer
E-mail: francis.newton@edinburgh.gov.uk Tel: 0131 529 6435

Links - Policies

Relevant Policies:

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

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation 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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

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

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

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

Appendix 1

Application for Planning Permission 19/02007/FUL

At 45 Market Street, Edinburgh, EH1 1DF

External: alter main entrance and existing service access & fire exit, replace rooflights, flat roof coverings & install new services. Internal: Form access linking Nos 36-39 & 45 to extend into adjacent building [as per separate application], relocate kitchen, alter cafe, passenger lift & WCs, replace main stair, alter upper floor galleries, form learning suite [staff accommodation relocates to Nos 36-39]. No works are proposed to North facade Category A Listed substructure of Station.

Consultations

Archaeology comment

The application concerns a former fruit-warehouses located on the southern boundary of Waverley Station. The building was constructed in 1931 as part of an extension of the market which vacated the site in 1972. This building has been extensively altered with the creation of the Fruitmarket Gallery and as such it is conserved that these proposals affecting No.45 Market Street do not have significant archaeological impact upon this historic building.

Environmental Protection comment

Environmental Protection has some concerns about potential noise from the proposed new venue affecting the amenity of nearby noise-sensitive premises (Likely to be residential accommodation up Fleshmarket Close and along Market Street). We would therefore ask for the applicant to submit a Noise Impact Assessment to demonstrate that noise from activities in the gallery (performance noise, music etc) meets NR15 when assessed from the nearest noise-sensitive premise (with window open for ventilation). A worst-case scenario should be assumed. Please note we would not accept noise-limiting devices in relation to the control of music noise.

The Noise Impact Assessment should also demonstrate that any new mechanical plant introduced as part of this application meets NR25 when measured within the nearest noise-sensitive premises (with windows open for ventilation).

In terms of air quality, we note there are plans to install a new heating system/boiler. Dependent on the size of the proposed boiler we may need further information to ensure the proposals do not affect local air quality.

Environmental Protection comment

Environmental Protection cannot support application 19/02006/FUL and recommends refusal. We have no objections to 19/02007/FUL subject to conditions:

1. *Prior to the use being taken up, mechanical plant which meets the maximum noise levels as detailed in Tables 4, 5, and 6 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, should be implemented.*

The premises are part of a series of warehouses built along the side of Waverley Station with some residential properties in close proximity on Market Street and on Fleshmarket Close. The two warehouses have previously been used as a gallery and nightclub. The proposal looks to connect the two warehouses to extend the art gallery and carry out extensive works to the buildings.

Environmental Protection expressed concerns about noise from the proposed development affecting the nearby residences. A Noise Impact Assessment was duly commissioned from Max Fordham by the applicants. Due to the planned works to the warehouses, it was quickly established that amplified music with the development would not meet the required standard at neighbouring residential properties. The applicants did not wish to consider mitigation measures in relation to amplified music. The Noise Impact Assessment therefore states that there will be no amplified sources (including music) other than spoken word.

Planning does not accept conditions which would restrict amplified music at the premises. Therefore, the risk of music being played within the premises and negatively affecting nearby residents remains. We therefore cannot support application 19/02006/FUL.

However, should the Committee be minded to grant, we would recommend the following condition be attached:

The maximum noise levels as specified in Table 3 of the Max Fordham Noise Impact Assessment, issue 5, dated 23 July 2019, shall be adhered to at all times.

HES comment

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 development affecting the historic environment, together with related policy guidance.

Network rail comment

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate 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 works in proximity to the station 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.

Roads Authority Issues

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 for staff and customer, staff changing and shower facilities, public transport travel passes and timetables for local public transport;

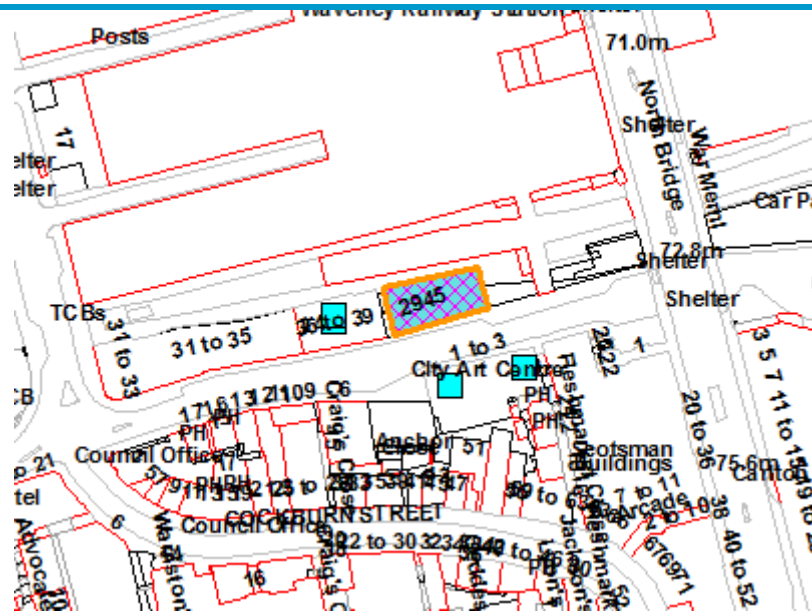
Note:

I. The proposed zero car parking associated with this development is considered acceptable due to the accessibility of public transport to this site;

II. With regards to the current taxi rank on Market Street, Transport are currently developing options to minimise the impact of the taxi rank on the current streetscape;

III. It should also be noted that Market Street will be majorly altered as part of the wider City Centre Transformation project.

Location Plan



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Development Management Sub Committee

Report returning to Committee - Wednesday 14 August 2019

Application for Planning Permission in Principle 14/01177/PPP

At 7, 11, 13 Eyre Terrace, Edinburgh, EH3 5ER

Planning permission in principle for mixed use development. Retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business (class 4); hotels (class 7); residential (class 8, 9 + sui generis), car parking, access + other works, approval of siting + maximum height of principal building block, points of vehicular/pedestrian access + egress.

Item number

Report number

Wards

A05 - Inverleith (Pre May 2017)

Recommendations

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

Background information

The application was granted by Development Management Sub-Committee on 25 February 2015 subject to a legal agreement requiring a financial contribution for educational infrastructure, affordable housing, transport infrastructure and Tree Management. This legal agreement was never concluded despite reminders, and so planning permission has never been issued and the application is still 'live'. In the meantime, there have been new materials planning considerations which means that the application needs to be re-assessed. The duty to consider all material considerations continues until the time a grant or refusal is made, whether or not the resolution to grant is subject to a legal agreement.

On 19 June 2019 the Development Management Sub-Committee considered the application in the context of the new material planning considerations. The application was continued in order to provide more information in relation to changes in Local Plan Policy since the applications consideration of the proposal by DM Sub-Committee in 2015 and whether financial contributions towards Health Care infrastructure can be provided.

Main report

New material planning considerations

The new material considerations in this case are the Edinburgh Local Development Plan, the updated Edinburgh Design Guidance, the Revised Parking Standards and the Finalised Developer Contributions and Infrastructure Guidance. The application has been re-assessed in relation to these new material considerations and requires a new decision by the Development Management Sub-Committee.

a) Edinburgh Local Development Plan

The application was originally assessed under the Edinburgh City Local Plan; it now falls to be assessed under policies of the Local Development Plan. The proposals have been assessed under the LDP.

The key policy changes since the determination of the application assessed under the Edinburgh City Local plan are as follows:

LDP policy Ret 6 part d) states that out of centre retail developments will be permitted if the site is or can be made easily accessible by a choice of transport modes and will 'reduce' the length and overall number of shopping trips made by car. As the development will serve the local area and occupiers of the new development, shopping trips to the retail element of the proposal would be reduced.

The site is also accessible to a number of modes of transport and a Travel Plan will be required to encourage the use of public transport, walking and cycling.

LDP policy Emp1 states that office development may be considered in other mixed use locations where it is compatible with the accessibility of the location by public transport and is compatible with the character of the local environment. The site is within close proximity to existing public transport and the proposed tram route and the uses would be compatible in the mixed use area.

The Guidance on Heat Mapping Opportunities have been introduced to the LDP in policy Des 6 (Sustainable buildings). Any subsequent AMC application will address the need to take account of the Guidance on Heat Mapping Opportunities.

The proposals would accord with LDP policy.

b) Financial contributions in relation to Health Care provision

The site does not fall within the developer contribution zone (as set out the in Finalised Developer Contributions and Infrastructure Guidance) requiring financial contributions for Health Care. Financial contributions towards this cannot therefore be sought.

c) Revised Conditions and Informatives

The proposed conditions and informatives are as follows:

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, details of the undernoted matters shall be submitted to and approved by the Council as planning authority, in the form of a detailed layout to include detailed plans, sections and elevations of the buildings and all other structures, landscaping, road access and parking details.

Reserved matters:

- (a) the number of residential units to be developed;
- (b) the gross floorspace of commercial units;
- (c) the gross floorspace of the offices;
- (d) the gross floor area and number of bedrooms of the hotel and residential institution;
- (e) the precise location and extent of individual uses;
- (f) detailed design of buildings including all external features, glazing specifications (including acoustic capabilities), and materials;
- (g) the precise position of the principal block and height of the principal block above 4 storeys;
- (h) design and configuration of public realm, public and private open spaces, all external materials and finishes;
- (i) car and cycle parking, access, road layouts and alignment and servicing areas i.e. detailed design of roads, footpaths and cycle routes;
- (j) a Quality Audit as set out in Designing Streets;
- (k) waste management and recycling facilities;
- (l) drainage Strategy, Flood Risk Assessment and Surface Water Management Plan;
- (m) sustainability details, including drainage system i.e. sustainable urban drainage systems;
- (n) cross sections of the site and existing and finished ground levels in relation to Ordnance Datum;
- (o) daylighting information - assessment as per Edinburgh Design Guidance;
- (p) details of the ventilation systems and sound insulation properties or sound transmission characteristics of the structures for Class 3 (Food and Drink) and Class 7 (Hotel);

(q) detailed landscape plan of hard and soft landscaping details, including:

- I. Layout and design including walls, fences, gates and any other boundary treatments;
- II. Location of new trees, shrubs, hedges and grasses;
- III. A schedule of all plants to comprise species, plant size and proposed number/density;
- IV. Programme of completion and subsequent maintenance;
- V. Existing and proposed services such as cables, pipelines, substations;
- VI. Other artefacts and structures such as street furniture, including lighting columns and fittings;
- VII. Details of hard landscaping;
- VIII. Landscape Management Plan including schedule for implementation and maintenance of planting scheme;
- IX. Tree protection measures (for the appropriate trees in King George V Park);
- X. External lighting, including floodlighting and/or street lighting, arrangements for the development; and

- XI. Details of phasing of these works.
 - (r) A masterplan or framework document for the whole site to be submitted with the first AMC application if the site is to be developed in phases.
 - (s) Flood prevention and drainage.
 - (t) Air quality and pollution.
- 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.
- 3. 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.
- 4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
- 5. The detailed siting and design of the development shall be carried out in substantial accordance with the principles set out in the Feb 2015, Eyre Terrace, Arboricultural Survey Report. Development shall not commence until full details of tree protection measures, including method statements and scheme of Arboricultural supervision (confirming the qualified arboriculturalist appointed to oversee all Arboricultural works) have been submitted to and approved in writing by the Head of Planning and Building Standards.
- 6. Prior to the commencement of development, the approved tree protective measures, will be implemented and maintained for the duration of the construction period. No unauthorised materials, equipment or building shall be located or stored within the construction exclusion zone, nor shall any unauthorised access or trenches be taken through it.
- 7. No development shall take place until the applicant has demonstrated that Scottish Water agrees that the development will connect to the combined sewer.

8. No development shall take place until a scheme for protecting the residential and hotel development hereby approved from noise from any approved Class 1 (retail), Class 2 (financial and professional services), Class 3 (food and drink), or Class 4 (office) use has been submitted to and approved in writing by the Council as planning authority; all works which form part of the approved scheme shall be completed before any part of the residential and hotel development is occupied.
9. No development shall take place until a scheme for protecting the residential and hotel development from noise arising from the existing commercial and transport noise has been submitted to and approved in writing by the Council as planning authority; all works which form part of the approved scheme shall be completed before any part of the hotel and residential development is occupied.
10. Each application for approval of matters specified in condition 1 shall be accompanied by a phasing plan for the development of the site. The phasing plan shall identify the car parking, individual blocks with associated landscaping, open space, and surface water management plan to come forward as part of the development and show how these matters relate to the wider development.

Reasons:-

1. To ensure a high quality development.
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 safeguard the interests of archaeological heritage.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. In order to safeguard protected trees.
7. To ensure adequate drainage provision is provided.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order for the Council as planning authority to consider this matter in more detail.

Informatives

It should be noted that:

1. Permission should not be issued until a suitable legal agreement has been concluded covering the following matters:
 - Affordable Housing
 - 25% of any residential units (if more than 11 units) provided to be of Affordable Housing tenure;
 - Transport Infrastructure
 - a contribution of £2,000 (per order) to progress the necessary traffic order(s);

- provide two public parking spaces, location to be agreed in writing by the Head of Planning and Building Standards and the Head of Transport, to offset the loss of spaces on Eyre Terrace;
 - Education
 - a contribution of £980 per flat (Q4 2017 prices to be index linked) towards increasing non-denominational primary school capacity and £6536 per house (2017 Q4 prices to be index linked) towards increasing non-denominational secondary capacity.
 - Trees
 - before development commences, a tree management plan to be prepared (and agreed by the Council) identifying any works required to the trees adjacent to the site boundary as a result of the development over an agreed timespan. Any necessary works, including tree removal or surgery, shall be undertaken at no cost to the Council.
2. The development hereby approved relates to the principle of forming a mixed use development on this site and gives no approval to the specific mix or sizes of uses or to the positioning of the principal block/to the layout as proposed on the plans.
 3. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

 b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
 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. Detailed drainage of the proposed drainage system and surface water management plan must be provided to the City of Edinburgh Council (CEC) and undertaken with regards to CEC guidance and all statutory guidance from other sources for the proposed development area. Refer to CEC Flood Prevention's consultation response available at www.edinburgh.gov.uk/planning).
 7. 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).
 8. The proposed pedestrian route within the site and parallel to King George V Park to be to an adoptable standard including suitable lighting and drainage as required.
 9. The access to any car parking area is to be by dropped kerb (i.e. not bell mouth).

10. Cycle parking will be expected to be provided in a secure and undercover location to the Council's current standards. The design, layout and specification to be to the satisfaction of the Head of Transport.
11. Any gate or gates must open inwards onto the property.
12. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.
13. 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
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 Head of Transport 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.
15. The proposed deletion of on-street parking spaces to accommodate the ramp access will require justification and is not approved at this stage. Any loss of on-street parking places will be expected to be compensated for elsewhere. Any amendment to the existing on-street parking layout will require a contribution of £2,000 to progress the necessary order.
16. 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.
17. The design, installation and operation of any lift (passenger or otherwise) shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
18. For the avoidance of doubt, the following has been agreed:
 - a mixed use development - but not specific mixes or the amount or location of uses;
 - positioning of the building blocks (subject to the identified lines of deviation); and
 - height - up to four storeys.

Conclusion

The proposed mixed use development does not raise any new policy issues. Subject to the consideration of the reserved matters and the conclusion of an appropriate legal agreement the proposal accords with the development plan.

Links

Policies and guidance for this application

LDPP, LEN02, LEN05, LEN06, LDEL01, LDES01, LDES03, LEN01, LEN09, LEN21, LEN18, LHOU01, LHOU06, LEMP01, LRET06, LDES05, LDES04, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=N31UVXEW0GY00>

Or Council Papers online

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Development Management Sub Committee

Wednesday 14 August 2019

**Application for Planning Permission 19/01771/FUL
At Redevelopment Site At, Niddrie Mains Road, Edinburgh
Erection of a new 3 and 4 storey secondary school with
associated hard and soft landscaping, 'town square'
proposal, external sports provision and car parking.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposal complies with the Development Plan, the Craigmillar Urban Design Framework and the Council's non-statutory guidelines. There is no adverse impact upon the setting of the nearby listed buildings and the design is of an appropriate standard. The proposal will provide adequate open space around the school and a new civic space for Craigmillar Local Centre. The amenity of the local area will not be adversely impacted. The proposal will ensure long term provision of education and sports facilities and access for the community. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN12, LEN16, LEN20, LEN21, LEN22, LTRA01, LTRA03, LTRA04, LTRA09, NSG, NSGD02, NSGCDF,

Report

Application for Planning Permission 19/01771/FUL At Redevelopment Site At, Niddrie Mains Road, Edinburgh Erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, 'town square' proposal, external sports provision and car parking.

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 north side of Niddrie Mains Road, to the north and east of the East Neighbourhood Centre building. The site extends to approximately 4.53 hectares covering two areas of land, a larger plot located between Harewood Road and Niddrie Mains Road (3.6ha) and a smaller plot to the north of Harewood Road (0.93ha).

The site is currently vacant, brownfield land populated informally by urban grassland. It was previously in use as school grounds and residential dwellings which have now been cleared from the site. There is an existing road across the site (Harewood Crescent) which will be removed to allow for development of the school grounds. The larger part of the site slopes gradually from south to north, with a level change of around 3m across the site. The separate smaller site to the north of the main school site is fairly level. There are a number of existing trees on site. In addition, there is a stone memorial accessed by a footpath located in the central area of the site.

The northern boundary of the site is formed in part by Harewood Road. Castlebrae Business Centre is located to the immediate north west of the site and forms the boundary along these edges. The remaining western site boundary is formed by an existing stone wall.

The eastern boundary of the site is formed by Harewood Road. Land to the east of Harewood Road is currently being developed as residential flats and housing with associated access and open space.

The southern boundary of the site is formed by the existing East Neighbourhood Centre building and Niddrie Mains Road. An area of public open space to the immediate east of the East Neighbourhood Centre building is included within the site boundary.

There are two listed buildings located within the vicinity of the site. Castlebrae Business Centre (formerly Niddrie Marischal Secondary School) is located to the north west of the site boundary and is a Category B listed property comprising a two-storey flat-roofed quadrangular plan building with Art Deco detailing. The White House on Niddrie Mains Road is Category B listed and is also in the Art Deco style. It is located around 70m to the west of the site boundary.

2.2 Site History

Site

8 August 2013 Revised Craigmillar Urban Design Framework CUDF) approved by Planning Committee.

This sets out a number of principles relating to schools;

- The underlying aim of the Framework is to ensure that schools and community facilities are located in accessible locations;
- School buildings should relate well to surrounding buildings and uses;
- Good linkages with walking and cycling routes should be established to create a safe and healthy environment;
- Schools should be designed to minimise their footprint and maximise safety through natural surveillance; and
- The Community High School could incorporate a number of other facilities and should relate well to shops and the other facilities in the local centre.

9 December 2016 - Application approved but now lapsed (9 December 2018) to extend the public realm in front of the neighbourhood hub at Craigmillar Town Square connecting the two spaces through uniform materials and building on the existing design framework (application reference 16/02697/AMC).

Adjacent sites

24 September 2015 - Planning permission granted for mixed use development inc. retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business + employment (class 4); residential institutions (class 8); residential (class 9); assembly + leisure (class 11); sui generis flatted development + other associated works including car parking, public realm, access arrangements + works in general at Niddrie Mains Road Edinburgh (application reference 14/03416/PPP, varied by application 14/03416/VARY).

23 February 2018 - Approval of matters specified in conditions for the erection of 194 new residential units, comprising 128 flats and 66 terraced houses, along with associated roads, pedestrian paths, parking courtyards, amenity space and soft landscaping (matters listed in conditions one i (a), two, three (excluding (h)), four, five and six) (as amended) at land at Niddrie Mains Road Edinburgh (Application reference 17/03244/AMC, varied by 17/03244/VARY).

10 May 2018 - Approval of matters specified in conditions for an educational, learning and teaching landscape design to the proposed SUDs basin (application reference 17/04998/AMC).

26 October 2018 Planning permission minded to grant (subject to legal agreement) for residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping at 100 Niddrie Mains Road Edinburgh EH16 4DT (application reference 19/02744/FUL).

Main report

3.1 Description Of The Proposal

The application is for a new build replacement secondary school with associated playing fields, external spaces, car parking and landscaping.

The proposed form of the school building has been developed through a series of design workshops with the local authority and the existing Castlebrae High School staff and pupils. The building has been positioned at the south of the site, which creates a direct frontage onto Niddrie Mains Road, which forms a strengthened urban frontage alongside the existing East Neighbourhood Centre to the west and retail units to the east. Existing proposals for the formation of a Town Square to the immediate south of the school building have been incorporated into the scheme. This will provide an area of civic space for the local community and will also provide a landscaped buffer between the school and Niddrie Mains Road.

The school extends to three storeys at the front of the site, and four storeys at the rear of the building, accounting for the drop in ground level from south to north across the site. The building takes a block form, which has been sited to respond to the topography, the need for daylighting amenity for neighbouring properties and to allow for a logical structure of internal teaching and social spaces.

The building has a north to south orientation and has two entrances on the western elevation, a main entrance onto the town square, and a secondary pupil entrance onto the playground. Both enter into a central, triple height dining space. The social and teaching areas of the building are both accessible from this central area.

The sports facilities are largely located to the rear of the building and are stacked vertically, supported by changing facilities at lower ground flood level. Spaces suitable for community access are located to the south of the upper ground floor beside the main entrance. The proposed materials include brick, fibre cement panelling and profiled metal cladding.

A new vehicular access will be provided at the west end of the East Neighbourhood Centre (ENC). This will allow access to a new parking area located to the rear of the ENC which will be used by both the ENC and as an operational car park for the school. The school car park is intended for use by visitors and community users to support the school. There is no routine provision of car parking for school staff as the school will encourage sustainable transport options to work.

A total of 35 car parking spaces are provided, 11 spaces which replace the existing provision for the ENC and 24 spaces for the school. Two disabled parking spaces are included for the school. Two charging points are provided for electric vehicles (EV), and two more spaces are designed as 'passive' EV provision, allowing for future conversion to a charging point. Four motorcycle parking spaces will also be provided.

Service access to the building is located off Harewood Drive to the east.

Covered cycle parking is provided within the secure perimeter of the school for use by staff and students with 70 cycle spaces provided. Additional cycle parking for visitors (four spaces) will be provided near the main school entrance and adjacent to the East Neighbourhood Centre within the Town Square.

The school grounds will comprise a mix of soft and hard landscaped areas. Two green wedges are proposed, alongside a number of footpaths. Green areas will include a mix of landscape treatments such as grasses, wildflowers and ornamental planting. A more formal area of hard landscaping is proposed at the pupil entrance to the school.

To facilitate the redevelopment of the school six trees will be removed, none of which are protected. It is proposed that 71 new trees will be planted across the site, including a range of species such as Acer, Silver Birch, Beech, Alder and Oak.

Street furniture is provided across the school grounds, comprising a mix of formal and informal seating opportunities. Existing concrete sculptures on the site will be re-used within the school landscape.

A small memorial garden with seating area is proposed within the school grounds at the location of the existing monument to Craig Millar. The monument will be removed from the school grounds and relocated to an alternative location within the wider Craigmillar area.

A multi-use games area with an all-weather 3G synthetic grass playing surface is proposed on the smaller site to the north of Harewood Drive. This will be surrounded by a 5m high fence and will be floodlit.

A Town Square area will be formed to the immediate south of the school building, facing onto Niddrie Mains Road. This will provide an important area of civic space between the school building and the East Neighbourhood Centre within Craigmillar Local Centre. A mix of hard landscaping materials will be used in this area including granite flags, Caithness flag detailing, concrete blocks and gravel surfaces. Informal seating is provided in the form of a large raised planter which will contain a range of ornamental planting. Sixteen trees will be planted within the town square area.

Supporting documents

The application is supported by the following documents:

- Pre application consultation report;
- Transport Statement;
- Landscape and Visual Impact Appraisal;
- Landscape information;
- Tree Survey, Tree Retention and Protection Plan and Tree Planting details;
- Flood Risk Assessment;
- Drainage Impact Assessment (including SUDS Proposal);
- Noise Impact Assessment;
- Ecology and Habitat Appraisal;
- Construction and Traffic Management Plan;

- Draft Green Travel Plan;
- Landscape Plans and Maintenance Schedule;
- Sports Pitch Floodlighting Information; and
- External Lighting Information.

These are available to view on Planning and Building Standards Online Services.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the impact of development on nearby listed buildings is acceptable;
- c) the design, scale, layout and materials are acceptable;
- d) access arrangements are acceptable in terms of road safety and public transport accessibility;
- e) the flooding and drainage arrangements are acceptable;
- f) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;
- g) the proposed landscape arrangements are appropriate;
- h) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- i) material representations or community council comments raise issues to be addressed;
- j) the proposals have any equalities or human rights impacts; and
- k) there are any other material considerations.

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

The requirement for a new secondary school in Craigmillar is identified within the Edinburgh Local Development Plan (LDP). School proposals (proposal SCH2) anticipates development of the school at a central location near other local services. The proposed development site is located directly adjacent to the Craigmillar Local Centre and is centrally located on the primary access route of Niddrie Mains Road.

The Craigmillar Urban Design Framework broadly identifies the application site as the proposed location for a secondary school. It supports the creation of a new and improved local centre for Craigmillar in order to improve the long term viability of the area, and provide places for social interaction for the community. The application also proposes the development of a "town square" to the immediate south of the school building, which will provide a new area of civic space for the town centre, which will assist in the objectives of the Craigmillar Urban Design Framework which seeks to move the focus of Craigmillar Local Centre eastwards.

The proposed school is located in part within housing site HSG14. Completions/development under construction on this site are close to meeting the required target set out in the Housing Land Audit (2018). Accounting for the loss of land within the site for use by the school, there is still some potential for additional housing capacity on site HSG14. Furthermore, additional housing development on unallocated land to the south of Niddrie Mains Road (former Lidl site) has recently been granted planning permission (subject to completion of a legal agreement). Overall, the amount of housing currently built/consented in the local area exceeds the target requirement for site HSG14, therefore the loss of part of the site for school development is offset by surrounding gains in housing provision. The principle of a new school on the site is acceptable and meets the requirements of the LDP in this regard.

b) the impact of development on the setting of nearby listed buildings is acceptable

LDP Policy Env 3 seeks to protect listed buildings from development that may be detrimental to the architectural character, appearance or historic interest of the building, or its setting.

The proposed school building is located to the south east of Castlebrae Business Park, around 110m from Castlebrae Business Centre (Cat B listed). The proposed landscaping within the school grounds will improve the wider setting of the Castlebrae Business Centre and will have no negative impacts on the setting of the listed building.

The White House (Cat B listed) on Niddrie Mains Road is located around 70m to the west of the site boundary. The proposed school building and surrounding grounds will have no detrimental impact on the setting of this building.

c) the design, scale, layout and materials are acceptable

Urban Design Panel

The proposals were presented to the Edinburgh Urban Design Panel at pre-application stage on 26th September 2018. The EUDP report can be found in appendix 1, consultation section. The Panel supported the relocation of the high school to the centre of the Craigmillar community, incorporation of an active frontage to the public space and the proposed siting, orientation, height and mass of the school building. The applicant has sought to consider other issues raised by the Panel including integration with the community, sustainability, rationalisation of the boundary, the potential for public access through the site to be provided and developing a suitable phasing strategy for the scheme.

Context and layout

Policy Des 1 (Design Quality and Context) requires that new development creates or contributes towards a sense of place, drawing on positive characteristics of the surrounding area. The proposed school building responds appropriately to the existing East Neighbourhood Centre and the provision of the town square area outside the school building on Niddrie Mains Road will form a central civic space between these two key buildings in the local community. The main entrance of the school will face directly onto the town square which will reinforce this space as a community area.

The siting of the building has considered the site topography and responds to this accordingly by forming a stepped building design which sits effectively in the landscape when viewed from the school grounds, civic space and adjacent housing area. The school building has been orientated to allow for long views towards Arthur's Seat and Holyrood Park. A Landscape and Visual Impact Assessment submitted in support of the application assesses the impact of the proposal upon various view points in the local and wider vicinity. The development will be visible from protected view S12A (Craigmillar Castle - Inchkeith Island) but the building will sit within the context of surrounding urban development in Craigmillar, and is of a similar height, scale and massing to the adjacent East Neighbourhood Centre, therefore the impact is acceptable. Other protected viewpoints will not be adversely affected by the development.

With regards to local views, the school building will partially block views from Niddrie Mains Road looking west towards Arthur's Seat however this viewpoint is already affected by the existing retail development on Niddrie Mains Road and the East Neighbourhood Centre. The school will not breach the skyline and is considered to be acceptable given the urban context of the area. Other local views will not be significantly affected and are acceptable.

Local Development Plan policy Des 7 encourages development which enhances community safety and improves urban vitality offering direct and convenient access by foot and cycle. The access points into the site have been informed by a study undertaken by the applicant, which has considered the primary walking routes to the school. Pupils approaching the site from the south and west will access the site from the main entrance on the south elevation. Pupils approaching from the east will access the school grounds via a second pedestrian entrance. Both entrances will indirectly access the central dining and social space of the school building. This is acceptable.

The potential for public access routes to be provided across the site to reflect local desire lines has been considered in response to comments made by the Edinburgh Urban Design Panel. This has been discounted due to the requirement to maintain a safe and secure school grounds. The applicant has discussed this with CEC Active Travel, who have noted their satisfaction that although existing formal and informal paths will be lost within the site, suitable or better alternatives are available immediately adjacent to the school site.

The new vehicular access to the west of the East Neighbourhood Centre ensures that vehicular movement to the site is kept separate from the pupil-focused areas of the site and will allow for safe pedestrian access to the site and the existing East Neighbourhood Centre to take place.

The Craigmillar Urban Design Framework notes that any playing fields associated with the school should be located away from Niddrie Mains Road and be available for a range of recreational purposes. The proposed MUGA is positioned in the north of the site at Harewood Road, away from the Niddrie Mains Road frontage and meets this requirement. The proposed site layout is satisfactory and provides an effective response to the local context.

Scale, massing and materials

The Craigmillar Urban Design Framework notes that "architecture within an urban block should respect and respond to its adjacent sites", and that buildings within the local centre should aim to be the equivalent of four storeys in height. The proposed school building sits at three storeys in height to the south as it faces onto the town square area and Niddrie Mains Road. As the site slopes down to the north, the building incorporates a further floor at -1 level, forming four storeys in total for this part of the built form. The proposed building heights respond appropriately to the adjacent built form and the physical characteristics of the site.

The proposed school building presents a simple urban form which is orientated from north to south, and responds effectively to the scale of the three-storey East Neighbourhood Centre to the west, and the two to four storey residential development currently under construction at Harewood Road, to the immediate east of the site. The eastern elevation of the building overlooks Harewood Drive, and is set back from the street frontage by a 2m landscape strip which will soften the building presence on the street edge and allow for good natural surveillance from inside the school.

The school building has been designed internally to form a north to south "learning landscape" and an east to west "social landscape" The large dining area in the centre of the school building allows these two areas to interact. The school building has been designed to allow for community uses to take place within it, which would be accessed via the main school entrance only to ensure that non-pupil access to the building can be effectively managed.

The southern elevation of the school building includes glazing at ground floor level to provide an active frontage to the town square setting to the south. Uses within the building in this space include an informal dining area, which will help to form a visual connection between the school building and adjacent civic space.

The principle building material will be a rustic red brick, which will be complemented by contemporary fibre cement panelling in a pale grey colour. Brick is a prominent material in the surrounding area, and reflects the heritage of the locality, which was known historically for production of bricks at the Niddrie Brickworks. The cladding material will be compatible with the adjacent East Neighbourhood Centre building, and is appropriate. At high level, the integration of a dark grey profiled metal panelling will add additional interest to the building. The chosen palette of materials is considered appropriate for the public building within the town centre setting. Details of material specifications will require to be submitted for approval prior to the commencement of development.

Phasing approach

This application seeks permission for Phase 1 of the school only, however the building form has been designed to allow for extension in the future, should the school roll increase significantly. This strategy involves a four storey extension to the north end of the building and on top of the Phase 1 Sports Hall, with conversion of the Sports Hall into teaching accommodation. The building elevations, servicing arrangements and landscaping has been left deliberately blank in this area to allow for future Phase 2 development to take place. This approach to phasing does not compromise any potential future extension and is acceptable.

It is concluded that the design, scale, layout and materials are acceptable and the Local Development Plan policies in respect of design principles are met.

d) access arrangements are acceptable in terms of road safety and public transport accessibility

Policy Tra 1 of the LDP aims to reduce travel demand and encourages accessibility to major development by modes alternative to the car. The site is located immediately adjacent to Niddrie Mains Road, which provides a frequent bus service.

Castlebrae High School has a broadly linear catchment area that extends along the length of Niddrie Mains Road and Peffermill Road. CEC Active Travel Team are currently working with the existing Castlebrae High School and have prepared a draft Active Travel Plan for the school in its new location. This is in the process of being updated with further information gathered from parents, staff and other interested parties, and will be a living document with an active champion within the school and a steering group representing the wider school community. The Active Travel Plan will promote connections between the school and the existing pedestrian network in the local area which includes the Innocent Railway path to the north of the site.

The Council's Active Travel team are currently developing a strategy for Niddrie Mains Road which will consider the overall arrangement of pedestrian and cycle movement along the Niddrie Mains Road corridor. The development of the new high school will be considered as part of this overall strategy.

Craigmillar Urban Design Framework seeks to provide streets and spaces between buildings that are distinctive, people friendly, provide opportunity for social interaction, sustainable and of good quality. The main pupil entrance to the south of the school building will open onto the new Town Square area, which will provide a central social space. The entrance to the school on Harewood Drive is located directly opposite the new green connection that is currently under construction as part of the adjacent housing site. This will provide a car-free pedestrian connection eastwards from the school building.

The proposed car park will serve the school and the East Neighbourhood Centre. A total of 35 car parking spaces are provided, 24 spaces for the school and eleven spaces relocated from the existing East Neighbourhood Centre. This provision includes two disabled parking spaces, a relocated electric vehicle charging point for the East Neighbourhood Centre, and two new electric vehicle charging spaces for the school building (one of which will also provide disabled access). Two further parking spaces are designed as 'passive' provision to allow the future introduction of charging points at 2 additional bays. Four motorcycle spaces will also be provided. The car parking provision meets the standards set out within the Edinburgh Design Guide.

The car park is positioned in accordance with LDP policy Tra 4 to the rear of the East Neighbourhood Centre building, allowing both the ENC and the proposed school building to form an active frontage to the Neighbourhood Centre. It will be accessed via a new entrance point on Niddrie Mains Road, located to the west of the East Neighbourhood Centre (ENC). The car park will include surface planting which softens the impact of this area on the surrounding buildings. The location and design of the car park is acceptable.

Seventy cycle parking spaces are proposed for staff and pupils. This meets CEC standards based on the expected school roll at opening time. There is scope to further extend the cycle provision should the school role expand at a later time. This is acceptable.

Transport has identified that the proposed service layby located on Harewood Drive is not approved at this stage and requires reconfiguration to ensure that it used for servicing only. This will be addressed at a later stage. Beyond this, there are no Transport objections to the proposal subject to the recommended condition and informatives. The proposal complies with LDP Transport policies and is acceptable.

e) the flooding and drainage arrangements are acceptable

LDP policy Env 21 aims to ensure that the development will not result in an increase in flood risk for the site being developed or elsewhere.

The application is supported by a Flood Risk Assessment and a Drainage Impact Assessment. The flood risk assessment concludes that the development is at low risk of flooding from pluvial and fluvial sources. Accordingly, finished floor levels will be engineered to be set at a minimum of 150mm above external levels to prevent surface water flows from extreme storm events entering the proposed buildings.

Policy Des 6 (Sustainable Buildings) requires that new development does not contribute to any flood risk on the site. The proposed SUDs strategy for the site has been designed in conjunction with the applicant and contractor to provide an acceptable solution for the site. The scheme includes a range of SUDS measures including a dry detention basin, SUDs pond and shallow swales. These will provide appropriate capacity for temporary storage of surface water run-off and extreme rainfall events, and will provide landscape amenity and recreation space within the school grounds.

CEC Flooding advise that they are satisfied with the proposed drainage and flood prevention strategies for the site. The proposal complies with LDP policy Env 21.

f) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;

Policy Des 5 (Amenity) relates to the amenity of existing and future occupiers and seeks to ensure that new development does not result in detrimental impacts on local existing and proposed amenity of residents including daylight, sunlight, overshadowing, privacy and noise.

Daylight, sunlight and overshadowing

The applicant has demonstrated that daylighting standards will be achieved for the school building, in line with guidance set out in the Education Funding Agency (EFA) Daylight Design Guide.

The application site is located adjacent to an area of residential development which is currently under construction to the east. The impact of the school building on the daylight reaching these properties has been assessed by the applicant using the 25 degree method and demonstrates that there will be no detrimental impacts in relation to provision of adequate daylight or overshadowing of garden ground. This is acceptable.

Privacy

The school building is set back from the residential development to the east by a minimum distance of 33m. This is acceptable and will not have a detrimental impact on the privacy of these properties.

The school building is significantly set back from the west and southern boundaries of the site, and will have no detrimental impact on the future privacy of these sites should development take place on these in the future.

Noise

The principle of siting a secondary school requiring outdoor sports facilities next to an area of housing has been agreed in the LDP. The applicant has submitted a noise impact assessment to assess the proposed new 3G sports pitches and plant noise related to the school. The residential properties most likely to be affected by the noise from the MUGA are currently under construction. It is likely that these will be occupied before the construction of the school or MUGA, and therefore the noise impact on these properties has been assessed.

The noise impact assessment concludes that the noise generated from the pitches will be around 13-15 dB higher than the representative background sound level, and will therefore have a negative impact on these dwellings. However, it is recognised that in order to avoid this impact, it would be necessary to locate the pitch at least 60m from the nearest sensitive receptors. This cannot be achieved on the subject site, therefore mitigation measures are proposed.

To reduce the impact on surrounding properties, it is proposed to reduce the noise levels resulting from balls hitting the surrounding 5m pitch fencing through the use of anti-vibration fixings and rubber inserts between the fence panels and the metal fence posts. The lower part of the fencing must also be coated in rubber based absorbent material to reduce the impact. A condition will be attached to this consent to ensure this mitigation measure is carried out and maintained. A further informative will be added to control the hours of operation for the sports pitches.

With regard to plant noise, the noise assessment identifies that the development will meet the required noise standards at the nearest residential properties allowing for their windows to be open. This is acceptable.

An informative should also be added to the consent to ensure that service deliveries and collection to and from the school building are restricted to appropriate hours.

Environmental Protection are satisfied with the proposed noise mitigation measures, subject to the attachment of the conditions above.

Waste Arrangements

Refuse and recycling facilities have been incorporated into the design and will be accessed via Harewood Drive. The location of these facilities has been determined by operational requirements from facilities management for the school, and will ensure that service access is kept separate from pedestrian and cycle access points to the school. This is acceptable.

Floodlights

Floodlighting will be provided on site to serve the 3G pitch. The applicant has submitted a lighting assessment giving consideration to the Scottish Government Guidance note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Environmental Assessment is satisfied that the glare will not affect nearby proposed residential properties and that light spillage will be within the limits required by Environmental Protection (below 25 Lux on neighbour residential land). A condition will be added to the consent to ensure that appropriate mitigation measures are achieved.

Ventilation

The applicant has provided drawings showing where the kitchen ventilation extracts will be located, and Environmental Protection are satisfied that they will not adversely impact neighbouring amenity. A condition will be added to the consent to ensure that these are appropriately located.

Security of the buildings

The site will be well secured with community access and out of hours access through the main school entrance only. A clear distinction is made between private space within the school grounds and the public realm. The design of the building provides a positive interaction with the town square area on Niddrie Mains Road.

g) landscape proposals are appropriate

The landscape strategy for the site has been informed by providing a mix of hard and soft landscaped areas within the site. The school grounds provide a flexible range of outdoor spaces with opportunities for formal and informal play and social interaction. The formation of two green wedges across the school grounds will provide a range of soft landscape character spaces, providing a green connection towards the wider area. The proposed soft landscaping strategy includes a good mix of shrub and tree species which will provide a varied environment that is good for biodiversity.

The landscape strategy has considered the location of the existing Craig Millar memorial which is located in the centre of the site. It will be marked in this location by the creation of a memorial garden, which will be set within the school grounds and provide a quiet area with seating. The potential to retain the existing memorial stone, and allow access into the school grounds was considered as part of the development process, but was considered unfeasible due to the need to ensure a secure boundary for the school grounds. The relocation of the memorial stone from the site has been discussed in consultation with the local community and Councillors, and its relocation is welcomed by the majority of respondents. The new location of the stone is being discussed with stakeholders in the wider Craigmillar area and will be determined outwith this application.

The proposed MUGA located to the north of Harewood Road will have an all-weather 3G synthetic grass playing surface and will provide all year round sporting facilities on site. These will provide an opportunity for school and wider community use. The site layout has been designed to allow for a second MUGA to be provided within the main school grounds should the school building be extended further in the future.

A strategy of boundary treatments has been proposed which includes wildflower mixes to soften the 3m fencing located around the school grounds and 5m high fencing around the sports pitch. The boundary treatment approach has been led by the operational requirements of the school through consultation with key stakeholders, and allows for necessary security and drainage requirements to be met. Wildflower planting is also used to soften the boundaries of the car parking area. The proposed approach to boundary treatment is acceptable.

The town square landscape strategy has been developed to provide a civic space with an urban character. Grids of trees will be set within a primarily hard landscaped setting, which will be softened by areas of raised planting, which will also provide informal seating opportunities. The predominantly hard landscape character of the town square design allows for the space to be used for civic gatherings and activities. A mix of high quality hard landscaping materials is proposed which is in keeping with the existing area of public realm areas outside the East Neighbourhood Centre, and to the immediate east of the proposed town square. The proposed design of the town square is acceptable and will provide a flexible urban space for the centre of Craigmillar.

Landscaping within the site boundary will be maintained by the contractor for the first year after completion. Thereafter, maintenance responsibilities will fall to the Council in accordance with the Maintenance Schedule submitted in support of the application.

The proposed landscape strategy is appropriate for the school grounds, and provision of a civic space for Craigmillar Local Centre in the form of a new town square.

Trees

A tree survey has been undertaken for the site, which assesses the condition of 18 trees and groups of scrub. None of the trees on site are protected. To accommodate the redevelopment of the school it is proposed that six trees will be removed. Four of these trees are in poor/ fair condition, and two trees (small-leaved limes) were found to be in good condition. The development proposes the planting of 71 new trees across the site, within the school grounds and town square area to the immediate south of the school building. The proposed loss of trees on the site is considered to be offset by the new tree planting proposed for the site and is acceptable.

h) Sustainability

The applicant has submitted a sustainability statement in support of the application. The application is classed as a major development and has been assessed against Part B of the standards.

A drainage assessment and strategy report has been submitted and agreement will be met with Scottish Water with regards to providing attenuation of surface water.

The issue of recycling will be addressed in an operational statement.

The contractor proposes that all timber will be FSC labelled, specified materials will be sustainable where possible, and that aluminium windows are specified.

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 in terms of energy needs and satisfies policy Des 6 of the Local Development Plan.

i) material representations or community council comments raise issues to be addressed

No public comments have been raised.

j) the proposals have any equalities or human rights impacts

The proposal includes buildings which will be accessible to the public. Access for people with physical disabilities will be required to meet with current building standards.

k) there are any other material considerations

Air Quality

Environmental Protection has recommended an informative to ensure construction dust and emissions are controlled which will be added to the consent. It is advised that the applicant produces a Construction Environment Management Plan which covers both noise and emissions.

Ecology

A baseline habitat survey has been submitted for the site and has found there to be no evidence of protected species within the site boundary. The landscape proposals for the site include a variety of soft landscaping features which will help to support biodiversity going forwards. Swift bricks will also be incorporated into the school building. The development is not considered to have any adverse impacts on local biodiversity and is acceptable.

Archaeology

With regards to archaeology, the site is regarded as occurring within an area of archaeological potential, therefore it is essential that an archaeological mitigation strategy is undertaken in this area prior to development. Therefore, following the advice of the city archaeologist, a condition has been imposed to ensure that a programme of archaeological works is carried out prior to the commencement of development.

The site currently contains a memorial to Craig Millar, erected by the local community following the discovery of this infant in 2001. The proposed landscape strategy for the school ground provides a memorial garden in the location where the memorial is located, and as noted in section 3.3 (g) dialogue is ongoing between the applicant and the local community to establish the best site for the memorial stone to be located to. This approach is satisfactory and acceptable.

Conclusion

The proposal complies with the Development Plan, the Craigmillar Urban Design Framework and the Council's non-statutory guidelines. There is no adverse impact upon the setting of the nearby listed buildings and the design is of an appropriate standard. The proposal will provide adequate open space around the school and a new civic space for Craigmillar Local Centre. The amenity of the local area will not be adversely impacted. The proposal will ensure long term provision of education and sports facilities and access for the community. 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. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, publication, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. The approved landscaping scheme shall be fully implemented within six months of the occupation of the school.
4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees without the approval of the Planning Authority.
5. The retained trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".
6. 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. 01-ZZ-00-0006-S4-P04 dated 08/04/2019 shall be implemented.
7. The following noise protection measures to the proposed development, as defined in the Sandy Brown 'Environmental Noise Survey Assessment' report (Ref 18374-R02-B dated 5 April 2019:
 - Anti-vibration fixings and rubber inserts shall be fitted between the fence panels and the metal fence posts surrounding the Artificial Grass Pitch.shall be carried out in full, completed prior to the development being occupied and maintained throughout the lifetime of the outdoor Artificial Grass Pitch.

8. Floodlight to be installed around the Artificial Grass Pitch in accordance with Halliday Lighting Floodlight Assessment (drawing number HLS05467 dated 01/04/2019). All works which form part of the approved scheme shall be completed prior to the flood lighting system coming into use.
9. 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.
10. Full details of cycle parking to accommodate a minimum of 70 spaces shall be approved by the Planning Authority and implemented prior to the occupation of the new building. The spaces shall be provided in covered /secure enclosures and should be in accordance with Council guidance.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to safeguard existing trees.
5. In order to safeguard existing trees.
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 safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the planning authority to consider this/ these matter/s in detail.
10. 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. Road Authority Issues;
 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 if required for the development;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 2. The proposed layby / service area is not approved at this stage (see Note below);
 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. The applicant should note that doors / gates must not open outwards on to the road;
 5. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.
5. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.
6. 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.
7. 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.

8. 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.
9. 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.
10. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
11. 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.
12. 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.
13. No bonfires shall be permitted.
14. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.
15. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
16. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.
17. The Artificial Grass Pitch use is to be restricted to 0700 - 21:00. Any floodlighting shall be on a timer to turn lights off at 2100.
18. Prior to the use being taken up, two rapid electric vehicle charging point serving four car parking spaces, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area as per drawing number RCB JMA 01 ZZ DR A 00 0003 dated 08/04/2019.

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 considered and has no impact in terms of equalities or human rights and an Integrated Impact Assessment has been undertaken for the proposals.

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

Pre-Application Process

The application was subject to pre-application advice.

A Proposal of Application Notice was submitted and registered on 17 December 2018 (18/10431/FUL) and presented to Development Management Sub-Committee on 6 March 2019.

Copies of the Notice were also issued to local community groups.

Public exhibition events were held on 24th and 30th January 2019 at the current Castlebrae High School and the East Neighbourhood Centre. A consultation process was also undertaken through the Council's online consultation hub and other social media methods.

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.

The application was considered by the Edinburgh Urban Design Panel in September 2018.

Public summary of representations and Community Council comments

Neighbour notification was undertaken on 15 April 2019. No comments were received from members of the public regarding the application. No comments were made by Craigmillar 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 site is located within Craigmillar Local Centre as identified in the adopted Edinburgh Local Development Plan.

The Craigmillar Urban Design Framework sets out design principles which are applicable to the site.

Date registered

9 April 2019

Drawing numbers/Scheme

01-03, 04A, 05-11, 12B, 13A, 14B, 15, 16A, 17-27, 28A,

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

Contact: Julie Ross, Planning Officer
E-mail:julie.ross@edinburgh.gov.uk Tel:0131 529 4468

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 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 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 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 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 Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

Appendix 1

Application for Planning Permission 19/01771/FUL At Redevelopment Site At, Niddrie Mains Road, Edinburgh Erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, 'town square' proposal, external sports provision and car parking.

Consultations

Urban Design Panel

1 Recommendations

The Panel welcomed the opportunity to provide design advice for this proposal at a very early stage in the design process and were supportive of the design approach to date. In particular the Panel supported:

- The relocation of the school to the heart of the community*
- Incorporation of active frontage to the public space*
- The siting, height and mass of the school building*
- The retention of historical features*
- Incorporating views*

In developing the proposals, the Panel suggested the following matters be considered further:

- The integration with the community*
- Rationalisation of the boundary*
- Public access and routes through the site*
- Developing the phasing as part of the design process*
- Developing a sustainability strategy for the site*

2 Planning Context

Site Description

The site is located on the north side of Niddrie Mains Road, to the north and east of the East Neighbourhood Centre building. It is currently vacant, brownfield land populated informally by urban grassland and extends to approximately 4.53 hectares. The site covers two areas of land, a smaller plot to the north of Harewood Road (0.93ha), and a larger plot located between Peffer Place and Niddrie Mains Road (3.6ha).

The proposal is for the development of a secondary school which will provide a replacement to the existing Castlebrae Secondary on Greendykes Road. The larger plot between Harewood Road and Niddrie Mains Road will be developed with the main school building and associated open space and car parking, and the smaller plot to the north of Harewood Road is proposed for a sports pitch. Parking is proposed on site along its western boundary and to the north of the East Neighbourhood Centre building.

Planning Policy

The site is located in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). Proposal SCH2 Table 5 of the LDP identifies the need for a new secondary school to be built as part of the ongoing regeneration of Craigmillar. The location is not specified. LDP housing site HOU14 is located east of the site and Craigmillar Local Centre is located to the south of the site.

The Craigmillar Urban Design Framework was approved in August 2013 and is applicable to this site.

Relevant Planning History:

An application for a mixed use masterplan on land to the immediate east and west of the application site was granted in September 2015 (application number 14/03416/PPP). Several subsequent applications for the approval of matters have been approved for separate development plots within the wider masterplan area.

An application for public realm works at Craigmillar town square on land between the immediate south of the site boundary and Niddrie Mains Road was approved in June 2016 (application number 16/02697/AMC).

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 and welcomed the opportunity to offer advice on the proposals at this early stage of the design process.

Design Approach

The Panel welcomed the approach of relocating the existing school to a location within the heart of Craigmillar as this will offer an opportunity for the school to be fully integrated as part of the community.

The Panel noted the site analysis which has been carried out to inform the layout and design for the site and supported the emerging masterplan for the site.

The Panel noted that the line of the site boundary has resulted in areas which appear to be left over space, for example the triangular area to the north west of the site and that these spaces will have to be considered carefully at the detailed design stage with respect to use and design. The Panel suggested that an additional entrance to the north west may assist with the design along with a rationalisation of the site boundary by City of Edinburgh Council.

With respect to the location/siting of the sports pitch the Panel noted that many school sports pitches are located away from the main school building. It was noted the relationship with other sports facilities at Jack Cane and Peffermill.

The lighting design of the new pitch will require careful consideration with respect to light pollution and impact on neighbouring properties.

The Panel supported the design proposal to incorporate an active frontage to address the public square with school dining areas. However it may be advisable to create some defensible space in the public realm to prevent any inappropriate behaviour from outside the school.

The Panel supported the design proposals to incorporate the views to the wider landscape and Arthur Seat both from the building and the open space.

The Panel acknowledged the opportunities with this site with respect to achieving both physical and social integration with the community.

Building: siting, height and mass

The Panel supported the proposed siting, height and mass of the school buildings and although only shown on block form considered it appropriate for the context.

Connections and permeability

Whilst acknowledging the brief requirement for the site to be secured by a boundary fence the Panel advocated a more permeable approach and encouraged the design team to look at examples within the city which do not adopt this approach.

The Panel noted that a strong desire line exists across the site and as suggested above may benefit from an additional entrance in the north west which could provide of public route through the site.

Landscape Design

The Panel supported the appointment of a landscape professional at this stage of the design process.

The Panel supported the landscape design approach to date which includes an integrated design approach to both landscape and built form. The Panel noted the opportunity that a well-designed landscape would bring to both the school and local community.

The Panel noted an opportunity to link this site with other education/sports facilities within the city by enhancing the linkages and green networks between them.

Given the topography of the site, the spaces to the north adjacent to the building could feel cold and with no sunlight and therefore the design of these spaces should take account of their orientation.

Community Safety

The Panel noted the importance of early advice from Police Scotland with respect to community safety as this could influence the design.

Historic Assets

The Panel welcomed the retention and inclusion of historical features as part of the landscape design for the site.

Phasing

The Panel supported a design led approach, at the master planning stage, with respect to how the school could be extended/expand in the future.

However, there was recognition within the Panel that given the complexity of designing a school, a client brief which requires a design team to consider an expansion strategy as part of a masterplan but not delivered as one phase is not always the best way forward for the design. Therefore, consideration should be given to the benefits of designing and delivering a school for the maximum envisaged school role of 1200 pupils as one phase.

Sustainability

The Panel encouraged a design which places sustainability as an integral part of the design. It was noted that a sewer runs through the site and that there may be an opportunity to incorporate it as part of the heating strategy for the building.

The Panel advocated that the school building should be naturally ventilated and that the design should optimise daylight into the building and external spaces. The Panel suggested a Mental Health and Wellbeing Study should be carried out to help inform the design.

Transport

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 if required for the development;*
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 2. The proposed layby / service area is not approved at this stage (see Note below);*

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. *The applicant should note that doors / gates must not open outwards on to the road;*
5. *The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.*

Note:

- o The proposed layby / service yard is likely to be used as a drop off area by parents etc. and is therefore not approved at this stage. Further discussion will be required with Road Safety & Active Travel to agree a suitable layout and design;*
- o Cycle parking is provided in line with Council standards: 1 space per 10 pupils and 1 space per 7 staff. Initially it is understood 70 cycle parking spaces will be provided;*
- o A total of 35 car parking spaces are provided: 24 for the school and 11 for the existing library / local hub to replace the existing provision and including 2 disabled parking spaces and 4 electric vehicle charging spaces. There are 4 motorcycle spaces;*
- o A draft travel plan has been submitted;*
- o A construction traffic management plan has been submitted.*

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, 'town square' proposal, external sports provision and car-parking.

The site lies at the centre of the modern settlement of Craigmillar, with the western part of the site formerly occupied by school playing fields with the eastern section being occupied by post war housing. Prior to the mid-20th century the area was largely agricultural ground though the surrounding area was notably for industry including nearby mining and brick works at Niddrie and late 19th/ early 20th century breweries located adjacent to the site's western boundary. The name of the former farm of Cairntows, which stood nearby to the south of the current Police Station, first recorded in 1550 suggests that the farm took its name from the location of prehistoric burial mounds located in this area though now lost.

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, CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV 8 & ENV 9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology:

Given the archaeological potential of the area of the former school playing fields located to the north of the current CEC Neighbourhood Centre, it is essential that an archaeological mitigation strategy is undertaken in this area prior to development. This strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of an archaeological evaluation (min 10%). The results from this initial phase of work will allow for the production of more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains prior to construction commencing is undertaken.

Given the expected significant truncation across the remaining areas no further expected in these areas.

Interpretation & Public Engagement

The site contains a memorial to 'Craig Millar', erected by the local community following the discovery of the body of this infant in 2001 on this site. Given the local importance of this memorial it is recommended that the new landscape retain this aspect within its new landscape design.

Additionally, subject to the results of the evaluation, as part of the overall archaeological mitigation strategy that it contains 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 these programmes of work be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

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

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

Environmental Protection

The site is bounded by Niddrie Mains Road and the East Neighbourhood Centre and Craigmillar Library (ENC) to the south and the Edinburgh Suburban and Southside railway line to the north. To the east lies Harewood Drive, a small retail park, a proposed SUDs educational landscape and several new housing developments. The west boundary runs along an existing stone wall and around the perimeter of Castlebrae Business Centre. The site is bisected by Harewood Road which runs into Peffer Place; this road is currently closed to motorised vehicles and lies beyond the site boundary.

The majority of the site is vacant with temporary parking and drop off for the ENC being currently located within a small part of the site boundary. There is also an existing rapid electric vehicle charging point located in this car park which will be relocated into the new car park.

The existing Castlebrae Community High School is already located in the area. The newly proposed high school will initially be built to accommodate 700 pupils which is a significant increase in pupil numbers from the existing Castlebrae school. To future-proof for anticipated increase in roll due to increased residential development in the area the applicant has ensured that the site has the capacity to increase in roll to 1200 pupils at a later date. Any proposed future extensions would need to obtain planning permission.

The applicant has submitted various supporting documents and technical reports covering noise, local air quality, light pollution, contaminated land, and odours. Environmental Protection have assessed these reports.

The applicant has submitted a supporting noise impact assessment covering the proposed new 3G sports pitches and plant noise although servicing noise has not been assessed as recommended at the pre-planning stage.

The applicant has advised that the 3G football pitch is to be managed by Edinburgh Leisure and used during the daytime and in the evening until 22:00 hr. The nearest proposed dwellings (currently under construction) are approximately 20 m from the south edge of the pitch. Typical noise levels from school children playing football on synthetic pitches range between LAeq 59 dB and LAeq 61 dB, at 10 m from the edge of the pitch. The resultant noise levels at the facade of the nearest dwellings would range between LAeq 53 dB and LAeq 55 dB. The representative background sound level at the facade of these dwellings is LA90 40 dB. Therefore, the noise levels from the pitch at the facade of nearest dwellings would be 13-15 dB higher than the representative background sound level, which could have an adverse impact on the occupants of the dwellings. Ideally, the resultant noise levels from the pitch activities should not exceed the representative background sound level at the facade of the nearest noise sensitive receptor. To achieve this, the pitch would need to be at least 60 m from the nearest noise sensitive receptors. However, it is understood the location is unlikely to be changed. Providing an effective acoustic barrier to the sports pitch is also likely to be difficult, because it would need to be solid, imperforate, and sufficiently high to block line of sight to upper floor windows to make any meaningful improvement. Management over the use of the pitch will be required to avoid disturbance (particularly louder uses such as adult matches / community use in the evenings). Management of the pitches cannot be conditioned through Planning therefore a form of mitigation that can be conditioned will need to be imposed. Environmental Health Officers have received late noise complaints from the use of sports pitches that are managed by Edinburgh Leisure. It has not proven possible to always resolve the noise issues to the satisfaction of the complainants.

The residential properties most likely to be affected by the noise from MUGA are currently under construction. It is likely they will be occupied before the construction MUGA or school and may not be anticipating the noise from the MUGA. Therefore, as the noise impact assessment has highlighted that these properties will be adversely affected by noise then the hours of operation must be restricted along with physical noise mitigation measures.

To reduce the magnitude of impact as assessed against existing noise levels during the evening, it is proposed to reduce the noise levels resulting from balls hitting the surrounding 5m pitch fencing through the use of anti-vibration fixings and rubber inserts between the fence panels and the metal fence posts. The lower part of the fencing (1.2m) rebound panels must be coated in rubber based absorbent material. This will reduce the impact of this intrusive, emergent noise on residents at all the receptors. Environmental Protection will recommend a condition to ensure this mitigation measure is carried out.

The applicant's noise impact assessment has also addressed plant noise from the proposed schools. The applicant has demonstrated the required noise criterion will be achieved at the nearest residential properties allowing for their windows to be open.

Service access to the site is located off Harewood Drive to the east of the proposed school building. This provides a point for deliveries, refuse collection and plant room access away from the main entrance. This is opposite the currently under construction residential properties. The applicant's noise impact assessment has not assessed the noise from this source. Delivery and collections of waste is a source of complaints for Environmental Health especially when early in the morning or late at night. Environmental Protection shall recommend a condition is attached to ensure the hours of delivery and collection are restricted with a planning condition.

Local Air Quality

The proposed school will increase capacity from existing 190 pupils to 700 pupils. With the increase in pupil numbers there will be a greater impact on the infrastructure surrounding the site. Parking provision for the development has been based on the current parking standards for development with 35 car parking spaces for staff and visitors, with two rapid electric vehicle charging point. The car park will be split with 11 ENC spaces and the remaining spaces used for school business. A rapid charger is already operational in the existing ENC car park and will be relocated by the applicant into the new car park. A second new rapid charger will also be installed by the applicant located as per drawing RCB JMA 01 ZZ DR A 00 0003. This will serve a total of 4 spaces when the minimum provision should be 6 EV charging spaces (Edinburgh Design Standards). However, as the applicant is installing rapid chargers instead of slower 7Kw chargers this is acceptable. The applicant will also ensure ducting is installed from the remaining parking spaces to the electric supply to ensure that charging points can be installed easily in the future. It is also noted that the applicant has kept parking numbers to minimum and has reduced the numbers throughout the planning process.

The existing Castlebrae pupils have recently been doing excellent work in electric vehicle projects. The applicant has also advised that there is also the intention to develop a STEM (Science, Technology, Engineering and Maths) centre of excellence at the school in partnership with further education establishments such as the University of Edinburgh. Having the site served with the latest technology is therefore important to demonstrate to the pupils what is possible. It is import the building reflects this with EV charging and renewable energy opportunities.

The applicant does not appear to have considered photovoltaic panels which would provide a considerable annual yield of renewable electricity. Environmental Protection support this method of energy production and would highlight the advantages of linking this technology up to the electric charger which would provide a method of energy storage. The applicant must ensure that any proposed gas plant meets the requirements of the Clean Air Act 1993, it should be noted that Environmental Protection do not support the use of biomass.

Environmental Protection will recommend an informative to ensure construction dust and emissions are controlled. It is advised that the applicant produces a Construction Environment Management Plan which covers both noise and emissions.

Floodlighting

The applicant has advised that floodlighting will be serving the proposed 3G pitch. The applicant has submitted a lighting assessment giving consideration to the Scottish Executive Guidance Note: "Controlling Light Pollution and Reducing Lighting Energy Consumption." The assessment has confirmed that glare will not affect nearby proposed residential properties and light spillage will be within the limits required by Environmental Protection (below 25 Lux on neighbour residential land). The lighting shall be designed to include the use of light shields which should restrict backward light and fitting of specific optics to accurately direct the light. Details of mitigation measures have been provided enabling Environmental Protection to recommend a specific condition.

Environmental Protection will recommend that the hours of use of the pitch and floodlighting be restricted to protect localised residential amenity from noise and light pollution.

Odours

The applicant has provided drawings showing where the kitchen ventilation extracts will be located ((drawing number 00-ZZ-00-0006-S4-P04 dated 08/04/2019) and Environmental Protection are satisfied that they will not adversely impact neighbouring amenity. Environmental Protection shall recommend conditions to ensure they are appropriately located.

Contaminated Land

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

Therefore, Environmental Protection offer no objections subject to the following conditions;

Conditions

1. 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. 01-ZZ-00-0006-S4-P04 dated 08/04/2019 shall be implemented.

2. Prior to the use being taken up, two rapid electric vehicle charging point serving four car parking spaces, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area as per drawing number RCB JMA 01 ZZ DR A 00 0003 dated 08/04/2019.

3. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.

4. The Artificial Grass Pitch use to be restricted to 0700 - 21:00. Any floodlighting shall be on a timer to turn lights off at 2100.

5. The following noise protection measures to the proposed development, as defined in the Sandy Brown 'Environmental Noise Survey Assessment' report (Ref 18374-R02-B dated 5 April 2019):

o Anti-vibration fixings and rubber inserts shall be fitted between the fence panels and the metal fence posts surrounding the Artificial Grass Pitch.

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

6. Floodlight to be installed around the Artificial Grass Pitch in accordance with Halliday Lighting Floodlight Assessment (drawing number HLS05467 dated 01/04/2019). All works which form part of the approved scheme shall be completed prior to the flood lighting system coming into use.

7. Contaminated Land

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.

Informatives

a) Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.

b) 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.

c) 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.

d) 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.

e) 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.

f) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

g) 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.

h) 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.

i) No bonfires shall be permitted.

SportScotland

I refer to the site and proposal as above.

Given that there are no outdoor sports facilities on the application site, we are not a statutory consultee and so any comments we make are advisory in nature.

In terms of our guidelines for outdoor sports facilities for secondary schools; our recommendation for a school with a roll of 700 is 1 x SGP and 2 x grass pitches. The proposal does not meet these recommendations although we recognise that given site constraints; provision of 1 SGP is the best solution in terms of maximising playing capacity.

Whilst not part of this application; I would note that any future redevelopment of the current school site and associated pitches will require to be considered in terms of SPP paragraph 226 (i.e. protection of outdoor sports facilities; and local playing capacity).

I trust this will be of assistance.

Craigmillar Community Council

No response received

Flooding

Response 3: (29 May 2019)

Thank you for providing the additional information.

I have reviewed the documents and we are happy for this application to be determined with no further comment from our department.

Response 2 (09 May 2019)

We have received the existing overland flow path drawings in Appendix D but I'm still not able to see appendix K which contains the proposed ones. Are these still marked as sensitive or are they titled differently on the portal?

We await the self-certification declaration Certificates A1 and B1 and checklist covering the design of the surface water network from the applicant.

Response 1 (23 April 2019)

1. In reviewing the FRA independent check certificate B1 certificate it has not been signed by a chartered engineer with either CIWEM or ICE. However we are willing to accept this certificate as part of the CEC self-certification process on this occasion.

2. DIA Report Appendices B, D, I and K are not available to view on the portal. Have these been received and are they just set to sensitive? I've changed these to public view on the portal so you should be able to see these now - apologies - not sure why they were sensitive in the first place.

3. The applicant has not completed a self-certification declaration for this application covering the design of the surface water network. The checklist should be completed to provide a summary of the information submitted in support of the application. As this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention. I will chase agent for this.

It was anticipated that this would be included in Appendix J but only the checklist was available to view.

4. Please identify existing and proposed surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. Firstly to understand if there is any significant re-direction of surface flows to surrounding land and secondly to identify if surface water will flow towards property entrances.

This may be addressed by point 2 above if the information has been received but is not available to view. Hopefully the missing appendices will address this - if not, let me know and I can request from the agent.

Coal Authority

The Coal Authority Response: Material Consideration

I can confirm that the above planning application has been sent to us incorrectly for consultation.

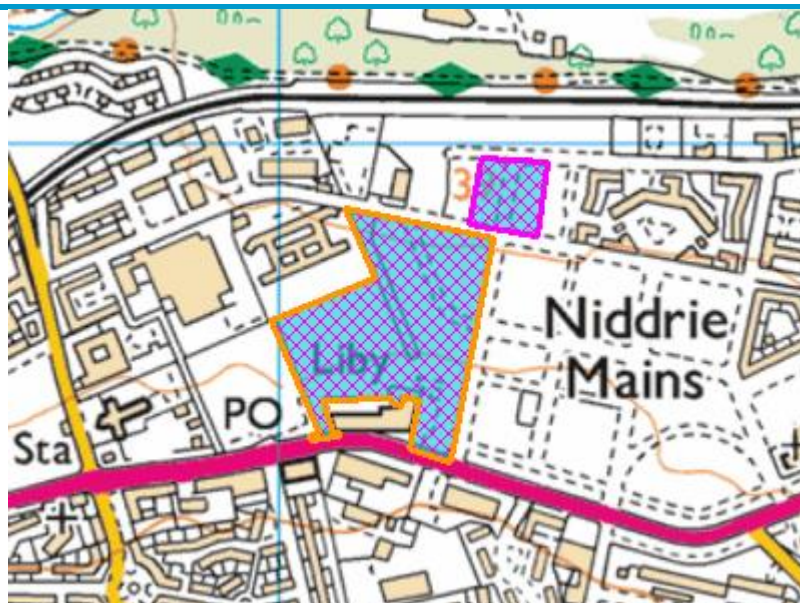
The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Lothian and Borders Fire and Rescue Board

No response received (comments provided at pre-application stage).

Location Plan



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Development Management Sub Committee

Wednesday 14 August 2019

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Item number

Report number

Wards

B13 - Leith

Summary

The proposal is acceptable in principle; it accords with the LDP and the revised Development Framework. The school has been designed to take into account the nature of the site and its future users. It is acceptable in terms of its layout, design and materials. It will provide a community facility with links to the proposed park to the north; it will contribute to a sense of place. The development would not raise any concerns in relation to flood risk, drainage, transport issues and amenity.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN12, LEN21, LHOU07, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, NSG, NSGD02,

Report

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Recommendations

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

Background

2.1 Site description

The site is located within the Western Harbour area to the east of Western Harbour Drive and north of Windrush Drive.

It has an area of approximately 1.45 Hectares.

The site is relatively flat with grass and some trees to the southern side of the site.

Directly to the south are existing residential properties which range from three to five stories in height. To the west is an existing sports centre (David Lloyd) and northwest are existing flatted residential blocks of varying heights. Land to the north and east is undeveloped, with an Asda retail store beyond further to the east.

2.2 Site History

Western Harbour development is covered by an existing outline planning permission (01/03229/OUT) for up to 3000 homes in total and other uses including retail, office and open space and includes educational facilities. This was first granted in 2002 and then extended in 2009 (application ref 09/00165/OUT). In 2004 a Masterplan Design Brief (Robert Adam Masterplan) was approved to address conditions 5 (Design Brief) and condition 6 (Urban Design Framework for five key areas).

Initial developed phases of development include Platinum Point and the Asda superstore. More recently, 450 affordable homes have been built at the junction with Lindsay Road (application ref 16/01845/AMC).

In October 2018, a Revised Development Framework (RDF) was approved by Development Management Sub Committee, under application ref 09/00165/OUT. The RDF supersedes the Robert Adam Masterplan (2004) and identifies the key principles as being placemaking, movement, public spaces and variety.

The RDF includes the school site, but does not include details of the school building position and orientation. The RDF identifies the key principles as being Placemaking, Movement, Public Spaces and Variety. It builds on the established spatial character of the previous masterplan, which informed the development principles in the LDP. It retains the perimeter block style layout with the site for the park, primary school and local centre contained in the same locations.

Planning applications adjoining the site to the north and east

27.02.2019 Application submitted for approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure. Pending consideration (application ref 19/00986/AMC).

27.02.2019 Application submitted for approval of Matters as Specified in Condition 2 of planning permission 09/00165/OUT for a proposed park. Pending consideration (application ref 19/01040/AMC).

Main report

3.1 Description Of The Proposal

This is an application for full planning permission for the erection of a new two stream primary school for around 460 pupils and a nursery for around 80 children. The application includes all associated hard and soft landscaping and external stores.

The main building will front the southern boundary of the site, on Windrush Drive. Two blocks offshoot this building in a north south direction. The nursery will be to the east of the site, with a nursery and primary one playground adjacent. The building will be single (nursery) and two storey in height with pitched roofs and gable ends.

Materials proposed: Grey standing seam zinc or zinc effect to roofs, white pre-cast colonnade to the south and west elevations to entrance areas, multi cream/ buff brick to walls.

Hard surface areas to be asphalt, resin bound gravel, self bound gravel, timber decking and clay paviors.

Vehicular access will be for maintenance vehicles only. Servicing of the building will take place off street to the south west of the site. Footpaths are provided to all site boundaries. In front of Windrush Drive is proposed a 10.5m wide footpath and visitor access concourse.

The proposals make no provision for car parking within the site. Two covered cycle and scooter stands for a total of 92 bikes and scooters are proposed.

A building to house bin stores, sprinklers etc. is proposed to the west of the site. This is set back from Western Harbour Drive with areas of landscaping. A kitchen garden is located between this building and the main school building.

Landscaping of the site is proposed with mounding, shrub and tree planting, play equipment and benches. A 2.4 metre high steel railing fence is proposed around the boundary of the school.

There is various equipment proposed within the school grounds including raised planters, pergolas, benches, willow tunnel, sand pits, balance logs etc.

Previous Schemes

Previously, there was a service access road to the bin storage area in the south west area of the site. Cycle and scooter parking provision has been increased.

Supporting Statements

The following documents were submitted in support of the application:

- Tree survey;
- Noise Impact Assessment;
- Flood Risk Assessment;
- Drainage Strategy;
- Active Travel Plan;
- Travel Plan;
- Sustainability form;
- Geo environmental Investigation Report;
- Design and Access Statement;
- Stage 3 Landscape Report; and
- Preliminary ecological appraisal.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

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

- b) the layout, design, scale, landscaping and materials are acceptable;
- c) the flooding and drainage arrangements are acceptable;
- d) the proposal is detrimental to the amenity of neighbours;
- e) car parking and access arrangements are acceptable in terms of road safety and public transport accessibility;
- f) infrastructure requirements can be met;
- g) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- h) the proposals have any equalities or human rights impacts;
- i) material representations raise issues to be addressed; and
- j) other technical issues can be addressed.

a) The Principle of the Development

The site forms part of the Waterfront Area of Change in the Edinburgh Local Development Plan (LDP). The Plan envisages the creation of new urban quarters which accord with agreed development frameworks and master plans. A revised Design Framework is relevant to this application.

The LDP proposes a housing-led mixed use development at Western Harbour, and this includes a site allocated for a new primary school which is the subject of this planning application.

Proposal EW1a 'Leith Waterfront (Western Harbour)' in the LDP requires the provision of a primary school. The proposed development will improve and contribute to the wider regeneration of the area by providing a school on an urban infill site.

LDP policy Del 4 (Edinburgh Waterfront) states that development should accord with the Leith Waterfront Development Principles and for new development proposals to 'contribute to the creation of new urban quarters at Leith Waterfront'.

The site is a temporary greened site but is identified as a school site in the LDP.

The principle of a new school at the site is therefore in accordance with the LDP and the Revised Development Framework.

b) The Layout, Design, Scale and Materials

LDP policies Des 1-Des 7 set the design principles against which proposals are assessed.

The LDP sets out a number of design principles for the development of Western Harbour. These include the completion of the approved street layout and perimeter block urban form. The vision of the Revised Design Framework is to expand on key principles to establish a design framework for delivery of the Western Harbour Masterplan. It sets out guidance for the development of buildings and public realm, including massing, materials and the design approach.

The proposals for the primary school should be shown in the context of the updated framework and masterplan for the Western Harbour area.

Layout and co-ordinated development

LDP Policy Des 1 (Design Quality and Context) states that design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area, and that permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP policy Des 2 (Co-ordinated Development) states that development will be granted permission which will not compromise the comprehensive development and regeneration of a wider area as provided for in a masterplan or development brief approved by the Council.

LDP policy Des 7 (Layout Design) requires development to have a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cyclepaths, open space, services and SUDs features.

The site occupies an important location within Western Harbour. The Revised Development Framework (RDF) shows developments having strong frontages to the park to emphasise the park's importance. The RDF does not indicate the position or orientation of the proposed school within the site. The proposed building is positioned close to the southern boundary along Windrush Drive; its front building line follows approximately the building line of the proposed residential development block to the east giving a strong built frontage along Windrush Drive. The main visitor entrance which is proposed directly off Windrush Drive will not be used for pupil access/ egress; children will enter the building from playground areas to the north.

The teaching accommodation is arranged around a three sided courtyard area. Here pupils will be provided with a positive outdoor learning experience where pupils will receive some protection from prevailing winds. The proposed park will offer additional outdoor facilities to the school.

The physical link between the school playground and the proposed park will create a seamless transition of continuous open space and links between the two areas both physically and visually. The active travel route between the school and the park will provide a direct opportunity for Bikemobility Programme implementation.

The proposed residential development which bounds the site to the east includes a proposed cycle/ pedestrian route between the school and the park. This would create a carfree and attractive link between the park and the school.

The proposal is in accordance with the LDP in terms of its location, orientation and reflects the aims of the Revised Development Framework. The development relates well to the proposed park to the north of the site, and the proposed residential development to the east. The development will provide a community facility within the Waterfront area, with links to the park to the north, contributing to a sense of place.

The applicant has confirmed that Police Scotland has been involved in the design of the proposal; this is with the aim of achieving SBD certification.

The layout is therefore acceptable.

Design, scale and materials

LDP Policy Des 4 (Development Design - Impact on Setting) states that development should have a positive impact on their surroundings by virtue of the height, scale, materials and detailing. The proposed height of the building at one and two storeys relates to the gradual reduction of storey heights within the RDF area from the north west to the south west.

The height and scale of the proposed building would complement the various building heights in the immediate area of the site; existing buildings directly to the west of the site are one/two storey high including the sports centre which is of similar height to the proposal. The building is slightly lower than the existing residential properties to the south. Residential buildings proposed to the east of the site are proposed to be between three and six storeys high.

The design of the building and proposed materials respond to the location of the site, with pitched roofs clad in zinc (or similar) finish, walls of good quality brick and white precast colonnades. Architectural interest and modelling has been added such as blue accents on classroom window louvred panels which add colour and interest. These materials will help the building sit comfortably on the site and will produce a high quality finish.

The possible inclusion of some heritage from the original school could be considered by the applicants at a later date.

The design of the school open space is provided in a series of spaces with distinct uses, with main playground areas linking to the proposed park to the north. Existing trees will be removed and new tree and shrub planting will be provided to soften the development and add green value. The site will be exposed to prevailing winds; tree planting will play a key role in reducing the effect of these on playground areas.

A Sunpath Analysis submitted with the application shows that the playground areas will receive a good level of sunlight throughout the year. There would be no adverse loss of privacy, overshadowing or loss of sunlight to neighbouring property as a result of the proposed development.

The proposed design, scale and materials are acceptable and are in accordance with the design policies of the LDP.

c) Flood Risk and Drainage

SEPA's interactive floodplain map shows that the site is located outwith a potential area at risk from river or surface water flooding. An area to the immediate east of the site is shown as a medium flood risk area from river water, associated with the Water of Leith, which enters the Firth of Forth estuary some 1.30km to the south east of the site, but the site does not lie within the floodplain area. The site is also adjacent to an area with high risk of coastal flooding. The Flood Risk Assessment indicates the potential for groundwater flooding to occur within property below ground level on the southern portion of the site, while an area located 81m to the south east of the site has the potential for groundwater flooding to occur at the surface.

SEPA raise no objections to proposal. The finished floor level of the school will be 6.7mAOD; the site ranges between 5.7mAOP and 6.78mAOD. Therefore, the site is not at risk of flooding from extreme coastal or fluvial events.

CEC Flood Planning accept the applicant's submission and have no further comments to make.

In terms of flooding and drainage the proposed development is acceptable.

d) Amenity

LDP Policy Des 5 (Development Design-Amenity) requires developments to demonstrate amenity of neighbouring developments is not adversely affected.

The submitted Noise Impact Assessment considers potential noise disturbance to nearby residential properties from activities at the school, and from plant and machinery. This demonstrates that mechanical plant noise from the development can meet the expected standard if mitigation measures are employed, and a condition is recommended to reflect this. The Assessment also notes that vocal disturbance from children will breach the recommended standard, particularly at the proposed residential properties to the east of the site. The report notes that the noise will vary in volume and will be sporadic throughout the school day; there are no practicable noise mitigation measures that can be employed to ensure the standard is met. Environmental Protection is satisfied of the findings of the Noise Impact Assessment and recommend a condition is added to any planning permission as is set out in section 6.1.2 of the Noise Report.

In terms of amenity the proposals are acceptable.

e) Transport and Access

The location of the proposed school will offer good connections to bus routes, the cycle network and walking to school options. It will be accessible from the proposed new tram route. New footpaths to the east, north and the west of the site have been incorporated in this application. The main pupil access points are provided to the north of the site with an additional one to the south west. This will improve connectivity and is in accordance with LDP Policy Tra 9 (Cycle and Footpath Network).

The current parking standards allow a maximum of 13 car parking spaces, and require a minimum of 61 cycle/ scooter parking spaces, and a minimum of two motorcycle parking spaces. No drop off facilities or on-site car parking is proposed. This level of car parking is justified by the sites accessibility to public transport and connections to the Active Travel Network, which both will be further enhanced through the Tram Line Completion Project and localised active travel improvements identified in the LDP Action Programme. It is also predicted that a large proportion of the pupils will be travelling from within Western Harbour meaning a number of pupils will be a distance of no more than 800m from the school (5 - 10mins walk). This further demonstrates that this site is in a highly accessible location in terms of sustainable travel.

Dedicated car infrastructure at schools, such as drop off areas, are considered to be contrary to the policies and actions within the Local Transport Strategy and Road Safety Plan as they encourage car trips to and from school. If the applicant requires accessible parking spaces, Transport advise that these can be implemented on-street through the Traffic Regulation Order process. Further discussions with Transport will be required in relation to location and number of spaces.

The proposed 92 spaces for cycle and scooter parking proposed exceeds the current parking standards for primary schools; this is acceptable as it is expected the majority of pupils will be from the Western Harbour area. No motorcycle parking provision is proposed; Transport advise this is acceptable for the proposed use.

Traffic management measures in the form of appropriate waiting and loading restrictions and school zig zags will be implemented on the road network around the school to minimise the impact of parked vehicles around the site. Waiting and loading restrictions will be utilised to ensure that the appropriate vehicles will be able to service the school with minimal hindrance.

The RDF creates a series of streets and spaces that are friendly to pedestrians and cyclists. It indicates the route to the north boundary of the school to be a shared space for local vehicle access with a segregated pedestrian and cycle route within the park. This is included in the current undetermined planning application for the proposed residential and commercial development (application ref 19/00986/AMC).

The Roads Authority are satisfied that the proposal is acceptable and will not have an adverse impact on the wider road network. In terms of parking, servicing and access the proposal is acceptable.

f) Infrastructure

The Guidance on Developer Contributions and Infrastructure Delivery states that where a development site includes the land safeguarded for a new school, the value of the land, as well as the cost of servicing and remediating the site, will be credited against that sites overall contribution requirement once the Council has confirmed that the new school will be delivered.

In accordance with the Developer Contributions and Infrastructure Guidance, a contribution towards the tram is required. However it is considered that as the school will generate mainly 'local' trips which the tram is unlikely to address, and the impact of these trip is likely to be mitigated by far more localised interventions such as the walking and cycling actions for this area within the LDP Action Programme, a contribution towards the Edinburgh Tram is not required for this application.

Financial contributions are required to the sum of £40,000 to the Hawthornvale off road cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme.

Financial contributions of £2000 will be required for waiting and loading restrictions as necessary, and £2,000 for a suitable order to redetermine sections of footway, verge and carriageway. The developer will need to upgrade the existing uncontrolled island crossing on Lindsay Road at Peacock's Court to a signal controlled crossing point. These are set out in the informatives and will be required by a Memorandum of Understanding.

g) Sustainability

The applicant has submitted a sustainability form in support of the application. This confirms that Air Source Heat Pumps are proposed combined with highly efficient thermal building design, high efficiency lighting and good heating and lighting controls to meet the requirement of section 6 of the Building Standards to provide a carbon reduction of 30%.

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

h) The proposals have any equalities or human rights impacts

The building will be for public use. Access for people with disabilities will be required to meet with current building standards.

i) Material comments raise issues to be addressed

Material Objections

- Loss of sunlight - addressed in 3.3(b);
- Inadequate parking/ on street parking problems already in the area/ congestion, no disabled parking provided - addressed in 3.3(e);
- Loss of privacy - addressed in 3.3(b);
- School originally to be single storey and smaller; building should be single storey. Scale of building is larger than originally envisaged - addressed in 3.3(b);
- Design could be improved - addressed in 3.3(b);
- Could road between school and proposed park be removed - addressed in 3.3(b);
- Noise; main entrance better positioned to north site boundary away from houses - addressed in 3.3(d);
- Loss of valuable greenspace - addressed in 3.3(a);
- Insufficient landscaping - addressed in 3.3(b);

- Highway safety; no drop off facility; poor through routes for emergency vehicles - addressed in 3.3(e);
- Site on busy road and not suitable for a school - addressed in 3.3(a);
- Increase in traffic; air quality issues; many more houses proposed - addressed in 3.3(a) and (e);
- Buildings will not provide shelter from winds adequately addressed in 3.3(b); and
- Expansion of school? Inadequate playground. Site is too small for a school addressed in 3.3(b).

Comments in Support

- School very much needed - addressed in 3.3(a);
- Design sympathetic - addressed in 3.3(b);
- School planned at the site for a long time - addressed in 3.3(a);
- Could heritage of original village school be represented - addressed in 3.3(b); and
- Orientation of school supported - addressed in 3.3(b).

Non-Material Comments

- Loss of view/ open outlook;
- Reduction in property value;
- Who will fund landscaping; and
- Building work should be time restricted.

j) Other Technical Issues

Archaeology

The proposed site occupies an area of modern landfill within the Leith Dock's Western Harbour constructed in the early/mid-20th century. Although there has been an active harbour and port at Leith for over a thousand years it is unlikely that significant maritime remains will be affected especially given expected 20th century dredging activities. Accordingly, it has been concluded that there are no known archaeological implications regarding this application.

Conclusion

The proposal is acceptable in principle; it accords with the LDP and the revised Development Framework. The school has been designed to take into account the nature of the site and its future users. It is acceptable in terms of its layout, design and materials. It will provide a community facility with links to the proposed park to the north; it will contribute to a sense of place. The development would not raise any concerns in relation to flood risk, drainage, transport issues and amenity.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. The recommendations as detailed in section 6.1.2. of the Noise Assessment report by Sandy Brown Associates (reference 18304-R07-A) should be implemented prior to occupation of the building.
3. The landscaping of the site shall be fully implemented in accordance with the approved plans and the planting design and outline specification softworks (as set out on page 4 of the Stage 3 Report- Landscape dated 16th January 2019) within six months of the completion of the building.

Reasons:-

1. In order to ensure the most efficient and effective rehabilitation of the site.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

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

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. A Memorandum of Understanding is required to:
 1. To ensure a contribution of the sum of £40,000 to the Hawthornvale offroad cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme;
 2. To upgrade the existing uncontrolled island crossing on Lindsay Road at Peacock's Court to a signal controlled crossing point. This is to be delivered at the applicants expense and prior to operation of the proposed school;
 3. To implement school Zig-Zag markings at the pedestrian access points to the school site. This is to be delivered at the applicants expense and prior to operation of the proposed school.
5.
 1. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway, verge and carriageway as necessary for the development.
6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved (see Note IV for further information).
7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider updating their current Travel Plan. This should be progressed with the input of the Road Safety and Active Travel Liaison Officer for this area

Financial impact

4.1 The financial impact has been assessed as follows:

The application is a Council development.

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 8 January 2019. Thirty one letters of representation have been received; eighteen object and seven are in support.

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 Edinburgh Waterfront in the Edinburgh Local Development Plan. It is located in the Leith Western Harbour for housing-led mixed use development (site EW 1a). The site is safeguarded for a school (site SCH 5). The area directly to the north east of this site is a Green Space Proposal (GS2).

Date registered

27 December 2018

Drawing numbers/Scheme

1-3,4a-5a,6-12,13a,14, 15a-16a, 17, 18, 19a, 20,

Scheme 2

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

Contact: Karen Robertson, Senior Planning Officer
E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

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 Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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

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

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

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

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

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

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

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

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

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.

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.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Consultations

Environmental Protection comments dated 18 April 2019

Environmental Protection has no objections to this proposed development subject to the following conditions:

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

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

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

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

2. The recommendations as detailed in section 6.1.2. of the Noise Assessment report by Sandy Brown Associates (reference 18304-R07-A) should be implemented prior to occupation.

The proposal is situated on land which has the potential to be contaminated. A condition is recommended above which requires the developer to investigate any potential contamination and ensure that the site is remediated to a level commensurate with the proposed end use.

Environmental Protection does have concerns with potential noise disturbance associated with mechanical plant noise and vocal disturbance from the children using the outdoor play facilities. A Noise Impact Assessment by Sandy Brown Associates was submitted to support the application. This demonstrates that mechanical plant noise from the development can meet the expected standard if mitigation measures are employed, and a condition is recommended to reflect this. The report also notes that vocal disturbance from children will breach the recommended standard, particularly at the proposed residential properties to the east of the site. The report notes that the noise will vary in volume and will be sporadic throughout the school day and there are no practicable noise mitigation measures that can be employed to ensure the standard is met.

Archaeology response dated 10 January 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of a new Victoria Primary School and nursery and associated playground spaces.

The proposed site occupies an area modern landfill within the Leith Dock's Western Harbour constructed in the early/mid-20th century. Although there has been an active harbour and port at Leith for over a thousand years it is unlikely that significant maritime remains will be affected especially given expected 20th century dredging activities. Accordingly, it has been concluded that there are no known archaeological implications regarding this application.

Transport response dated 14 May 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 £40,000 to the Hawthornvale off road cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme (see Note VII for further information);
2. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
3. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway, verge and carriageway as necessary for the development;
4. Upgrade the existing uncontrolled island crossing on Lindsay Road at Peacocks Court to a signal controlled crossing point. This is to be delivered at the applicants expense and prior to operation of the proposed school;
5. School Zig-Zag markings are to be implemented at the pedestrian access points to the school site. This is to be delivered at the applicants expense and prior to operation of the proposed school;
6. In accordance with the Councils LTS Travplan3 policy, the applicant should consider updating their current Travel Plan. This should be progressed with the input of the Road Safety and Active Travel Liaison Officer for this area;
7. 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 (see Note IV for further information);

Note:

I. This proposed school has been assessed as Use Class 10 Non-Residential Institution with a gross floor area (GFA) of 4065m² in line with the approved Tram Line Developer Contributions report, under which the applicant would be required to contribute the sum of £92,446 (based on 4,065 m² GFA in Zone 2) to the Edinburgh Tram with the sum to be indexed as appropriate and the use period to be 10 years from date of payment. However it is considered that as the school will generate mainly 'local' trips which the tram is unlikely to address, and the impact of these trip is likely to be mitigated by far more by localised interventions such as the walking and cycling actions for this area within the LDP Action Programme, therefore a contribution towards the Edinburgh Tram is not required for this application;

II. The application has been assessed under use Class 10 Schools/Nurseries, application site is within zone 2 of the 2017 Parking Standards and the proposed development has a gross floor area of 4,065m² and 542 pupil roll (462 primary and 80 nursery) and 39 staff. The 2017 parking standards permit the following:

- a. A maximum of 13 car parking spaces (1 space per 3 staff). 0 on-site parking is proposed, this is considered acceptable (see note III);
- b. A minimum of 61 cycle/scooter parking (2+ (1 per 7 staff + 1 per 10 pupils)). 92 cycle/scooter parking spaces (52/40) are proposed, this is acceptable;
- c. As the proposal is for 0 car parking, there is no requirement for accessible and EV parking;
- d. A minimum of 2 motorcycle parking (1+ 1 per 25 staff). 0 motorcycle parking spaces are proposed, this is acceptable;

III. This level of car parking is justified by the sites accessibility to public transport and connections to the Active Travel Network, which both will be further enhanced through the Tram Line Completion Project and localised active travel improvements identified in the LDP Action Programme. It is also predicted that a large proportion of the pupils will be travelling from within Western Harbour meaning a number of pupils will be a distance of no more than 800m from the school (5 - 10mins walk) this again further demonstrates that this site is in a highly accessible location in terms of sustainable travel;

IV. As there is no parking provision proposed for this development there is no requirement to provide accessible parking spaces (as per 2017 Parking Standards). If the applicant requires accessible parking spaces, then these can be implemented on-street through the Traffic Regulation Order process. Further discussions with Transport will be required in relation to location and number of spaces. The applicant should note that any on-street accessible parking spaces would be available for use by any permitted (Blue Badge) individual, it should also be noted that blue badge holders are not subject to the same restrictions in terms of on-street parking, in particular waiting restrictions;

V. The City of Edinburgh Council has a number of policies and actions relating to how vehicular traffic is to be managed around schools, these are mainly within the Local Transport Strategy and the Road Safety Plan. These policies and actions relate mainly to the promotion of active travel for trips to and from school and raising awareness of responsible driving behaviour and the impacts that vehicular traffic have on the safety and environment around schools. To ensure a safe and pleasant environment for walking and cycling, trips to school by car are actively discouraged, as it can lead to significant localised congestion and issues with parking in the area of the school. Dedicated car infrastructure at schools, such as drop off areas, are considered to be contrary to the policies and actions within the Local transport Strategy and Road Safety Plan as they encourage car trips to and from school.

VI. Traffic management measures in the form of appropriate waiting and loading restrictions and school zig zags will be implemented on the road network around the school to minimise the impact of parked vehicles around the site and ensure that any vehicles coming to the school will park in appropriate manner that will not impact on the safety of all other users and the amenity of the residents in this area. Waiting and loading restrictions will also be utilised to ensure that the appropriate vehicles will be able to service the school with minimal hindrance;

VII. The Hawthornvale offroad cycle path to Lindsay Road and into Western Harbour Action, that is identified in the LDP Action Programme (January 2019) with the active travel improvements as part of the Tram project will provide a active travel connection between Western Harbour and the Hawthornvale Path (part of the North Edinburgh Path Network), this will connect in with proposed and existing infrastructure within Western Harbour to create a coherent, safe and direct active travel link to the wider active travel network. Also involved with this action is improvements to the existing active travel infrastructure within Western Harbour, current proposals indicate that this will include a scheme of place making in specific areas with infrastructure improvements to influence vehicle behaviour and speed, particularly around the school site. Delivery of this action is anticipated by 2022/23 and to be delivered by the City of Edinburgh Council. The contribution that is being sought was based on the provision of two crossing points at the school site to further facilitate Safer Routes to School which will be delivered as part of this action. The applicant should note that match funding opportunities may be available, discussions with the Road Safety and Active Travel Liaison Officer are recommended;

SEPA response dated 20 June 2019

Thank you for your letter of 07 June 2019 by which you consulted SEPA on additional information submitted in support of planning application 18/10570/FUL.

Advice for the planning authority

On the basis of this information, we can withdraw our objection on the grounds of lack of information on flood risk.

1. Flood Risk

1.1 We remove our objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 We have been consulted on the formation of a primary school within the larger Western Harbour development in Edinburgh. We previously provided some comments on this application in February 2019 and stated that we would expect the 1:1000 year return period to be investigated due to the vulnerability of the development. Finished floor levels were provided but we also advised of the need for finished ground levels to ensure safe access/egress could be provided off-site. As discussed previously, the harbour gate height was to be confirmed to ensure no alterations had been made to it. UKCP18 climate change figures also required consideration. We provided comments in April 2019 and requested that consideration was given to access/egress from western harbour, including the 1:1000 year return period, and details of any proposed mitigation. We also requested confirmation of the finished ground levels.

1.3 The predicted 1:1000 year Coastal Flood Boundary still-water level is 4.2mAOD. A predicted increase in sea level as a result of climate change up to the year 2100 is 0.86m, therefore the coastal flood level including an allowance for climate change is 5.06mAOD. Site ground levels and finished floor levels are above this level.

1.4 The 1:1000 year fluvial peak flow estimate for the Water of Leith is 150.37m³/s. We would note that there is a great deal of uncertainty regarding peak flow estimates for the Water of Leith. The catchment is essentially unique when comparing it with other gauged rivers in the U.K. Therefore, applying the Statistical Methodology to derive flow estimates can lead to further uncertainties. In addition, the gauged record excludes two significant events, which occurred in August 1920 and August 1948. These events were of similar magnitude to the highest event on record, which occurred in April 2000. Therefore, the 2000 flood may not be as rare as suggested when solely analysing the gauged record. Very little information is provided in the report on how the peak flows were derived. That said, a 40% allowance has been included which results in a peak flow of 210.52m³/s being applied to the model. The maximum predicted flood level for the 1:1000 year event including an allowance for climate change is 5.63mAOD. This level also assumes a failure to the lock outflows. A probability cannot be assigned to mechanical failure.

1.5 Based on the information provided, the site ranges between 5.7mAOD and 6.78mAOD on site. The finished floor level of the school will be 6.7mAOD. Therefore, the site is not at risk of flooding from extreme coastal or fluvial events.

1.6 Review of available information shows that access from the site is an approximate minimum of 4.8mAOD. This is above the 1:1000 year still-water coastal flood level, but below the coastal level including an allowance for climate change. The level is also below the predicted 1:1000 year fluvial flood level without an allowance for climate change. This appears to be contradictory to the information we previously received from the neighbouring Western Harbour development in April 2019, which indicated ground levels of 5.88mAOD.

1.7 Generally, we will object to developments that cannot provide safe access/egress to a site, in line with our current guidance. However, we appreciate that the principle of development within Western harbour has been set. In addition, it is difficult to assign a probability to the lock gates failing. Therefore, we do not object to the development. Having said that, for extreme events, Edinburgh Council should be satisfied that the emergency planning strategy of staying on-site rather than evacuation is preferable. Consideration should be given to a loss of services and the concern of children on-site and parents off-site unable to reach their children. Edinburgh Council may wish to consider looking at less vulnerable uses for this site.

1.8 We would recommend the inclusion of flood resistant and resilient materials within the design and construction of the school to mitigate any residual risk of flooding.

1.9 We do not generally review drainage impact assessments but would note that the rainfall model used in the Micro Drainage output states FSR. We would recommend that FEH13 is used within this analysis.

Caveats & Additional Information for Applicant

1.10 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/>

1.11 We refer the applicant to Technical Flood Risk Guidance for Stakeholders. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

1.12 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.

1.13 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 '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/>.

Regulatory advice for the applicant

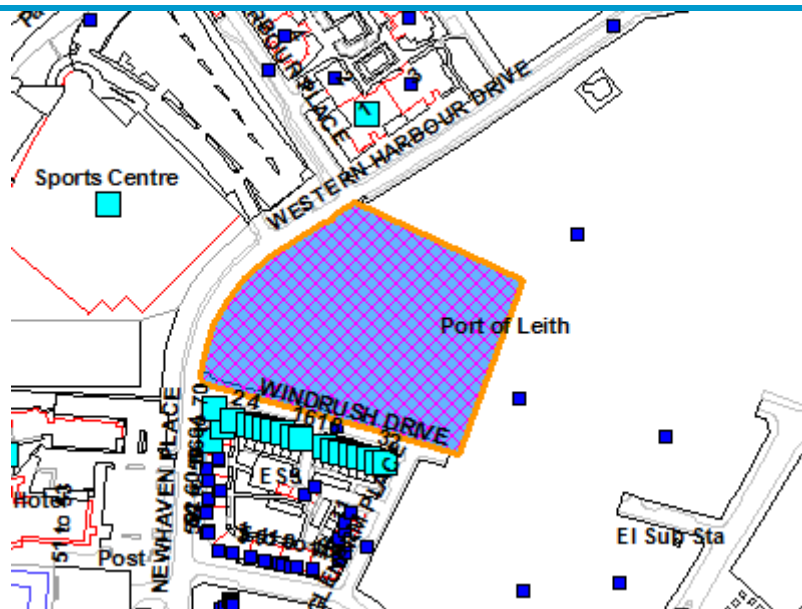
2. Regulatory requirements

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.

Flood Planning response dated 2 July 2019

Flood prevention have no objections to the proposals.

Location Plan



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