

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 18th December, 2019

Dean of Guild Court Room - City Chambers

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

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 16 December 2019** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 Minutes of the Development Management Sub-Committee of 4 December 2019 – submitted for approval as a correct record 9 - 14

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

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

Pre-Applications

- | | | |
|-----|---|---------|
| 4.1 | 2-4, 6,14 Bonnington Road Lane and 200 Bonnington Road Edinburgh EH6 5RB - Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure - application no 19/05515/PAN – Report by the Chief Planning Officer | 15 - 22 |
| 4.2 | East Princes Street Gardens And Land At The Mound, Princes Street, Edinburgh - Christmas market stalls, fairground rides, maze, bars, box offices, associated site offices, stores and ancillary facilities (proposed application for three years - 2019, 2020 & 2021) - application no 19/05272/PAN – Report by the Chief Planning Officer | 23 - 32 |

Applications

- | | | |
|-----|--|---------|
| 4.3 | 399 Old Dalkeith Road, Edinburgh (Land 267 Metres Northeast Of) - Application for matters specified in conditions 2, 5 and 6 of planning permission 13/05048/FUL for an expansion to the Institute of Regeneration and Repair (IRR) - application no 19/04735/AMC – Report by the Chief Planning Officer | 33 - 50 |
|-----|--|---------|

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

- | | | |
|-----|--|---------|
| 4.4 | 30 Redford Drive, Edinburgh EH13 0BG - Erection of a new separate dwelling in the rear garden of no. 30 Redford Drive - application no 19/04975/FUL – Report by the Chief Planning Officer | 51 - 64 |
|-----|--|---------|

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

- | | | |
|------------|--|---------|
| 4.5 | 44 Stanley Place Edinburgh, EH7 5TB - Construction of 102 units of student accommodation with ancillary services (amendment to planning permission PPA-230-2160, 14/05075/FUL) - application no 19/04141/FUL – Report by the Chief Planning Officer

It is recommended that this application be GRANTED . | 65 - 82 |
| 4.6 | Street Naming Bank – Report by the Executive Director of Place | 83 - 86 |

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 | Corstorphine Hospital, 136 Corstorphine Road Edinburgh - Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended) - application no 17/04137/FUL – Report by the Chief Planning Officer

It is recommended that this application be GRANTED . | 87 - 90 |
|------------|--|---------|

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** 53 Burdiehouse Road, Edinburgh (Land 100 Metres East Of) - Residential development 116 dwellings and associated landscaping and infrastructure (as amended) - application no 19/02616/FUL – Report by the Chief Planning Officer 91 - 130
It is recommended that this application be **GRANTED**.
- 7.2** East Market Street, Edinburgh (Land At) - Redevelopment and conversion of existing arches and change of use to provide sui generis distillery with Class 11 (assembly and leisure) visitor centre, Class 1 (retail), Class 3 (food and drink) and sui generis bar/tasting rooms with associated works including landscaping, public realm and means of access. (As Amended) - application no 18/09878/FUL – Report by the Chief Planning Officer 131 - 168
It is recommended that this application be **GRANTED**.
- 7.3** East Market Street, Edinburgh (Land At) - Internal and external alterations and ancillary works (as Amended) - application no 18/09879/LBC – Report by the Chief Planning Officer 169 - 182
It is recommended that this application be **GRANTED**.
- 7.4** Jury's Inn, 43 Jeffrey Street, Edinburgh - Erect new 131 bed boutique hotel, 101 bed extension to existing Jury's Inn hotel, two residential blocks containing 31 flats and retail units. Convert two lower floors of existing category C listed tenement building to new hotel entrance and lounge. Create public space with pedestrian links into the site from existing closes, including new access ramp. (As amended to 125 bed boutique hotel and 100 bed extension to existing Jury's Inn hotel.) - application no 19/00945/FUL – Report by the Chief Planning Officer 183 - 240
It is recommended that this application be **GRANTED**.
- 7.5** Jury's Inn, 43 Jeffrey Street, Edinburgh - Alterations to nos. 55-61 Jeffrey Street associated with the erection of a new adjoining hotel affecting the lower two floors (as amended) - application no 19/00946/LBC – Report by the Chief Planning Officer 241 - 252

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

- 7.6** 189 Morrison Street, Edinburgh, EH3 8DN - Redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works - application no 19/02623/FUL – Report by the Chief Planning Officer 253 - 312

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** 26 Baird Road, Ratho (Land 54 Metres East Of) - Proposed erection of 11 residential dwellings - application no 18/02606/FUL – Report by the Chief Planning Officer 313 - 336

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

Laurence Rockey

Head of Strategy and Communications

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 Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the

High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4264, email jamie.macrae@edinburgh.gov.uk / louise.p.williamson@edinburgh.gov.uk.

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

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

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

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Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial

damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 4 December 2019

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths, Mitchell, Mowat, Munn, Osler and Rose.

1. Minute

To approve the minute of the Development Management Sub-Committee of 20 November 2019 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.4 - West Princes Street Gardens, Princes Street, Edinburgh – Requested by Councillor Mowat.

The Chief Planning Officer gave a presentation on agenda item 4.5 - 194 Fountainbridge, Edinburgh (At Land Adjacent To) – Requested by Councillor Booth and Councillor Osler.

Declaration of interests

Councillor Mary Campbell declared a non-financial interest in item 7.2 as she had previously expressed a view on the application and did not take part in the discussion and decision on this item.

Decision

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

(Reference – reports 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 - 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh</u></p>	<p>Forthcoming application by Sundial Properties for a Proposed mixed use development with associated landscape, drainage and infrastructure in scrapyards and former gasworks. The development includes purpose built student accommodation, affordable housing, affordable retail units, cafe and public digital co-working space. - application no 19/04966/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> • Connectivity with Bernard Street in terms of public realm and make use of existing buildings.
<p><u>Item 4.2 - 165 Broughton Road, Edinburgh, EH7 4LG</u></p>	<p>Forthcoming application by The City Of Edinburgh Council for a Housing led, mixed use development which includes the conversion of an existing Category B listed Stables building into a work and events space, new build intergenerational nursery with older person's housing. New build mixed tenure homes and a variety of public and semi-public amenity spaces. Separate applications will be made for each of the elements, stables, bowling greens and waste transfer station - application no 19/04682/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 4.3 - 119, Ferniehill Drive, Edinburgh (At Land 131 Metres Southeast Of)</u></p>	<p>Forthcoming application by Taylor Wimpey Limited and BL Chesser Ltd for a Residential development and associated works at land known as 'Highfield', Drum Estate. - application no 19/04823/PAN</p>	<p>To note the key issues at this stage.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 4.4 - West Princes Street Gardens, Princes Street, Edinburgh</u></p>	<p>Forthcoming application by The Ross Development Trust for Demolition of the existing Ross Theatre and removal of associated terraced viewing area and their replacement with a new event pavilion building and amphitheatre. Creation of a Welcome Centre comprising, café (Class 3), event spaces and associated facilities. Creation of a new Family Area comprising an upgraded play area, event space, café (Class 3) and toilets. Introduction of a new footpath network, landscape works and replacement and enhancement of the existing pedestrian and service bridges. A new access road from Kings Stables Road to service West Princes Street Gardens and all associated development - application no 19/05115/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> • Newer structures that are not Listed are important and given respect during the planning process. • A tree survey be conducted to ensure compliance with Env 12 if any trees are proposed to be removed and if there are no trees removed then assessment of how existing trees would be protected during any works.
<p><u>Item 4.5 - 194 Fountainbridge, Edinburgh (At Land Adjacent To)</u></p>	<p>Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form + massing; design + materials; daylight + sunlight; design + operation of private/public open spaces; roads, footways/cycleway/access/servicing + parking; venting + electric vehicle charging; drainage; waste management; operational requirements for commercial uses/ sustainability/floor levels/lighting; site investigation/hard + soft landscaping details + noise mitigation.(As Amended)) – application no 19/02993/AMC</p>	<p>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.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.6 - 437 Gorgie Road, Edinburgh, EH11 2RT</u>	Demolition of existing Public House and construction of 11 residential flats with gardens (as amended) - application no 18/04267/FUL	To GRANT Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.7 - Kirkgate Church, 1 Kirkgate, Edinburgh</u>	The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall - application no 19/04238/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 4.8 - Kirkgate Church, 1 Kirkgate, Edinburgh</u>	The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall. - application no 19/04263/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 4.9 - 69 -71 Marionville Road, Edinburgh, EH7 6AQ</u>	Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping - application no 19/04508/FUL	To GRANT Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1 - 53 Burdiehouse Road, Edinburgh (at Land 100 Metres East Of)</u>	Residential development 116 dwellings and associated landscaping and infrastructure (as amended) - application no 19/02616/FUL	This item was WITHDRAWN from the agenda.

[Item 7.2 - Corbieshot, Edinburgh \(at Land East of Corbieshot\)](#)

Residential development (53 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works (as amended) - application no 19/02600/FUL

To **GRANT** Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer with the following amendments to conditions 6 and 8:

Condition 6:

‘An ongoing programme of landscape maintenance, including play equipment, shall be delivered for a ten-year period following implementation of the approved landscaping works’

Condition 8:

‘A full detailed specification, including trade names where appropriate, of all the proposed external play equipment shall be submitted to and approved in writing before work is commenced on site and that the play equipment be implemented no later than completion of 50% of the residential units hereby approved’

And an addition informative that the applicant shall investigate the potential to set up a resident’s group with a view to them taking over the maintenance of the open space and play equipment in perpetuity and to investigate whether this could be included as part of the Title Deeds for the properties hereby approved.

Declaration of interests

Councillor Mary Campbell declared a non-financial interest as she had previously expressed a view on the application and did not take part in the discussion and decision on this item.

Development Management Sub Committee

Wednesday 18 December 2019

Report for forthcoming application by

Edinburgh Abode SARL for Proposal of Application Notice

19/05515/PAN

At 2-4, 6,14 Bonnington Road Lane and 200 Bonnington Road Edinburgh EH6 5RB

Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure.

Item number

Report number

Wards

B12 - Leith Walk

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for build to rent residential accommodation, commercial uses, associated landscaping and infrastructure at site bound by Bonnington Road, Bonnington Road Lane and Anderson Place, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 19/05515/PAN on 18 November 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is located on the east of Bonnington Road Lane and west of Anderson Place. The Water of Leith, a designated local nature conservation site, forms the site's northern boundary. The riverside edge is tree lined. The majority of the site is the former depot (storage and distribution use) for John Lewis, with a former restaurant and Council office block to Bonnington Road. All existing buildings are proposed for demolition. The site sits within a wider area of mixed industrial uses which is undergoing significant change with a number of new residential developments proposed, or under construction in the immediate vicinity.

There are no listed buildings within the site; a category B listed warehouse bond converted to residential and commercial use is opposite the site on Anderson Place.

2.2 Site History

20th September 2018 - Application minded to grant for Planning Permission in Principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building). Currently pending decision subject to conclusion of appropriate legal agreements.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for build to rent residential accommodation and commercial uses. No details have been submitted of number of units, type of commercial uses, access or design.

3.2 Key Issues

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

- a) The principle of the development is acceptable in this location;
- b) The design, scale and layout are acceptable within the character of the area and does the proposal comply with the Edinburgh Design Guidance;
- c) Access arrangements are acceptable in terms of road safety and public transport accessibility and
- d) There are any other environmental factors that require consideration.

a) Principle of the development

The site is located in the Urban Area in the Local Development Plan (LDP). Mixed use developments appropriate to the location and character of the area are supported provided they accord with other relevant local plan policies.

The site lies within the area designated under the Bonnington Development Brief (2008). Specific to this site, the Brief seeks to extend Bonnington Road Lane north towards the river; maintain the existing character of the riverside which is predominantly soft and vegetated; and redesign the existing area of green space in the site as an area of publicly accessible open space. The brief advises that all new development will be required to include a significant element of new small business space which can accommodate a range of light industrial uses.

The existing site is mainly in employment use. The loss of an employment use will need to be assessed against LDP policy Emp 9 (Employment sites and premises). This policy permits the loss of an employment site when a proposal contributes to the comprehensive regeneration and improvement of the wider area and the provision of floorspace designed to provide for a range of users. The proposal should be accompanied by a Planning Statement to justify the proposals in this location.

b) Design, Scale and Layout

The applicant will be required to comply with all relevant design policies within the LDP as well as guidance where applicable e.g. Edinburgh Design Guidance. A design and access statement will be required to support the application as well as a daylight, overshadowing and privacy assessment for both the proposal and neighbouring properties.

Views across the site to landmark features are also protected, with the site included in Skyline Key View N4.

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

The proposal shall have regards to LDP transport policies and Edinburgh Design Guidance. Developer Contributions and Infrastructure Delivery Supplementary Guidance will apply to the proposal. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

d) Other Environmental Factors

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. There are a number of mature trees along the Water of Leith boundary which contribute to the character, biodiversity, amenity and green networks in the area. The proposals should not have a damaging impact on trees worthy of retention.

The application will need to be screened for an Environmental Impact Assessment (EIA) including the cumulative impact of the proposals.

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape and Visual Impact Appraisal;
- Flood Risk Assessment and Surface Water Management Plan;
- Air Quality Impact Assessment;
- Sustainability Report;
- Sustainability Form S1;
- Daylighting, Privacy and Overshadowing information;
- Tree Survey;
- Economic Impact Statement;
- Phase 1 Site Investigation Report;
- Noise Impact Assessment; and
- Phase 1 Habitat and Protected Species Survey.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that a public exhibition was to be held at The Biscuit Factory, 10 December 2019 from 14.00 - 20.00. The applicant intended to advertise the event locally by using posters in public buildings and leafleting of the properties in the vicinity of the site.

The applicant has confirmed that Leith Central Community Council and local councillors received a copy of the Proposal of Application Notice on 15 November 2019.

The Planning Authority also advised the applicant to send a copy of the PAN to the Water of Leith Conservation Trust and to consider social media/website advertising of the public event.

Background reading/external references

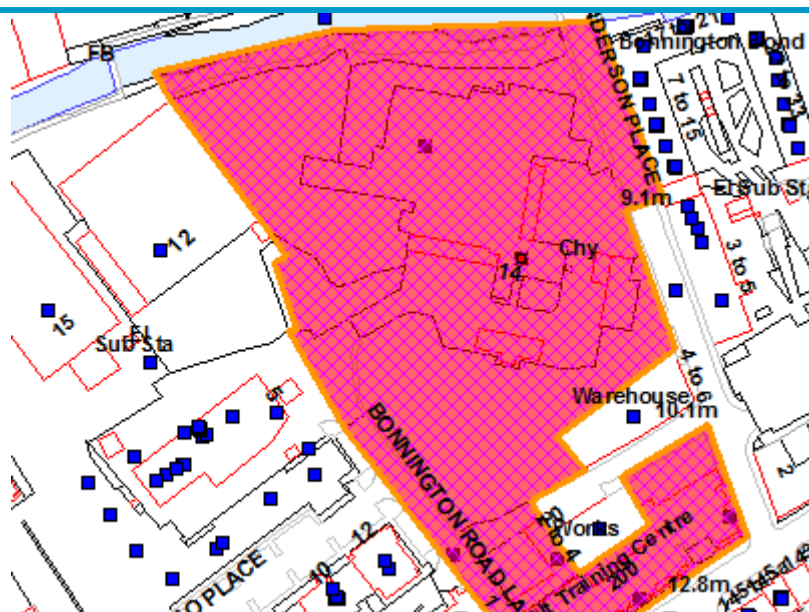
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

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Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

Report for forthcoming application by

Underbelly for Proposal of Application Notice

19/05272/PAN

**At East Princes Street Gardens And Land At The Mound,
Princes Street, Edinburgh**

**Christmas market stalls, fairground rides, maze, bars, box
offices, associated site offices, stores and ancillary
facilities (proposed application for three years - 2019, 2020
& 2021).**

Item number

Report number

Wards

B11 - City Centre

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for planning permission for temporary installations including: Christmas market stalls, fairground rides, maze, bars, box offices, associated site offices, stores and ancillary facilities at East Princes Street Gardens and Land at The Mound, Princes Street. Detailed planning permission will be sought in retrospect for the temporary installations for Christmas 2019/2020 and for a further two Christmas 2020/2021 and Christmas 2021/2022.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 04 November 2019 (19/05272/PAN). The Proposal of Application Notice was approved on 20 November 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is located in East Princes Street Gardens and also includes part of the Mound piazza. Princes Street bounds the site to the north, Waverley Bridge bounds the site to the east. A steep tree lined embankment with Market Street beyond bounds the site to the south. A combination of The Royal Scottish Academy and Playfair Steps with the National Gallery beyond bound the site to the west.

The site comprises a number of listed buildings, structures and monuments:

- The Category A listed Livingston Monument (Listed building reference: LB27864).
- The Category A listed Adam Black Monument (Listed building reference: LB27842).
- The Category A listed John Wilson Monument (Listed building reference: LB27881).
- The Category A listed Police Box at Royal Scottish Academy (Listed building reference: LB30243).
- The Category B listed Waverley West Signal Box at Princes Street Gardens (Listed building reference: LB52052).
- The Category B Listed Market Street and Waverley Bridge Police Box (Listed building reference: LB30239).

The northern part of the site is located within the New Town Conservation Area and the southern part of the site is located within the Old Town Conservation Area. The site is wholly located within the Old and New Towns of Edinburgh World Heritage Site; the Historic Garden Designed Landscape Inventory Site - New Town Gardens; Special Landscape Area - Princes Street Gardens; and a Local Nature Conservation Site.

2.2 Site History

17 October 2001 - planning permission granted for proposed ice rink and nursery rink, stage, cafe area, children funfair rides and Christmas market. (application number 00/03013/FUL).

17 October 2001 - planning permission granted for the erection and operating of a big wheel. (application number 01/01932/FUL).

15 November 2001 - planning permission granted for temporary ice rinks with associated temporary buildings, children's fun-fair food franchises and toboggan run. (application number 01/02286/FUL).

03 September 2002 - planning permission granted for the erection, dismantle and operation of the big wheel. (application number 02/01318/FUL).

30 October 2002 - planning permission granted for temporary ice rink with associated buildings, cafe/bar mulled wine stall, snow slide, children fair, kids snow area, Xmas market and food franchise. (application number 02/03350/FUL).

20 November 2003 - planning permission granted for the erection, dismantle and operating big wheel and carousel. (application number 03/03064/FUL).

12 November 2003 - planning permission granted for traditional German Christmas market. (application number 03/03338/FUL).

19 November 2003 - planning permission granted for Winter wonderland outdoor ice rink. Mixed use including box office and skate hire facilities, a funfair, bar/cafe areas and concession stands as well as plant, production, safety and security accommodation. (application number 03/03685/FUL).

22 November 2006 - planning permission granted for traditional German Christmas market. (application number: 06/03306/FUL).

31 October 2006 - planning permission granted for the erection and dismantle of the flying carousel, part of Capital Christmas 2006. (application number 06/03717/FUL).

10 November 2006 - planning permission granted for Winter wonderland outdoor ice rink, mixed use including box office, skate hire facilities, funfair, concession stands as well as plant, production, safety and safety accommodation. (application number 06/03788/FUL).

21 December 2006 - planning permission granted for the erection and dismantle of helter skelter. (application number 06/04570/FUL).

31 October 2007 - planning permission granted for the erection and dismantle of big wheel, carousel, flying carousal + helter skelter. (application number 07/03852/FUL).

31 October 2007 - planning permission granted for Winter Wonderland Outdoor Ice Rink, mixed use including but not limited to box office, skate hire facilities, concession stands as well as plant, promotion, safety and staff accommodation. (application number 07/04013/FUL).

10 December 2007 - planning permission granted for Highland village market 22 November - 6 January (20 Stalls). (application number 07/04281/FUL).

10 December 2007 - planning permission granted for traditional German Christmas market. (application number 07/04282/FUL).

29 April 2008 - planning permission granted for the erection of two electrical cabinets for winter festival. (application number 07/03292/FUL).

24 November 2008 - planning permission granted for ice rink, 2 markets, fun-fare rides, nativity scene, snow-slide and various other attractions as per enclosed plans. (application number 08/03510/FUL).

25 November 2009 - planning permission granted for ice rink, 2 markets, funfair rides, nativity scene and various other attractions as per enclosed plan. (application number 09/02528/FUL).

23 December 2010 - planning permission granted for ice rink, fairground rides, German Market, Highland Village and other attractions (in retrospect). (application number 10/03284/FUL).

20 October 2011 - planning permission granted for a period of three subsequent years for ice rink, fairground rides, German market, highland village market nativity scene. (application number 1/02690/FUL).

19 November 2013 - planning permission granted for a limited period between 7 November 2013 and 17 January 2014 and for the same period for three consecutive years i.e. until 10 January 2017 for ice rink, market stalls, Christmas tree maze, fairground rides and associated site office, stores and ancillary facilities. (application number 13/04040/FUL).

30 July 2014 - planning permission granted for a limited period between 9 July 2014 to 5 September 2014 and the same period for two subsequent years for the erection of a big wheel with associated box office and ancillary facilities (in retrospect). (application number 14/02334/FUL).

07 November 2014 - planning permission granted for a limited period between 3 November 2014 and 14 January 2015 and for the same corresponding period for three subsequent years i.e. until January 2018 for the erection of ice rink, market stalls, Christmas tree maze, fairground rides, bar, box offices, associated site offices, stores and ancillary facilities. (application number 14/03915/FUL).

Background

A report on the motion to explore with Underbelly (the applicant) alternative locations for the Christmas market installations is scheduled to be reported to the Culture and Communities Committee in January 2020. In 2020 there is to be a wider consultation on the future of the Christmas market.

The Annual Review of Major Events in Parks 2018/2019 and Consultation on Future Events will be reported to the Culture and Communities Committee in Spring 2020. The Edinburgh Parks Events Manifesto and Public Spaces Protocol are being realigned and reviewed and consultation will take place next year.

Main report

3.1 Description of the Proposal

An application for detailed planning permission will be submitted in retrospect for the temporary siting of Christmas market stalls, fairground rides, maze, bars, box offices, associated site offices, stores and ancillary facilities. The applicant is seeking planning permission for the development for three years - 2019, 2020 and 2021.

3.2 Key Issues

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

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

The acceptability of the development in this location is a key consideration. The site is located in the City Centre, as defined in the Edinburgh Local Development Plan. The Plan supports development within this location which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre.

The site is also covered by the 2007 City Centre Princes Street Development Framework. The purpose of this Framework is to set out development principles to guide and co-ordinate development and investment in the city centre. The long-term aspiration of the Council is to sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage the development of the highest quality. The Framework emphasises that the New Town Gardens form part of the special setting for Princes Street and the New Town and any proposals should be sensitive to this context.

b) The development will not have a detrimental impact on the character and setting of any listed buildings and structures.

The site contains and is located close to several listed buildings and structures. The impact of the development on each of their setting and character will be considered in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

c) The proposal will preserve or enhance the character and appearance of the Old Town and New Town Conservation Areas.

This key consideration includes both the physical development and use of East Princes Street Gardens and land at the Mound on the character and appearance of both the New Town Conservation Area and the Old Town Conservation Area. This will be assessed in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

d) The proposals will have no adverse impact upon the Outstanding Universal Value of the World Heritage Site.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the Outstanding Universal Value which are further explained in Appendix D.3 of the 2017-2022 Management Plan. The Management Plan recognises the importance of the topography in shaping the townscape and key views both out and into the World Heritage Site. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

e) The design, scale, layout and materials are acceptable within the character of the area and contribute to a sense of place.

A key consideration is ensuring integration with the existing landscape and townscape from key views and approaches. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

f) The proposal is not detrimental to the amenity of neighbours.

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and non-statutory guidance. A noise impact assessment will be required in support of the application.

g) Access arrangements are acceptable in terms of road safety and public transport accessibility.

Pedestrian permeability and connectivity to/from and through the site and beyond will be a key consideration. The development should have regard to the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site. Consideration also needs to be given to enabling safe and convenient pedestrian movement into and through the site, where appropriate.

h) There are any other environmental factors that require consideration.

The applicants will be required to submit sufficient information to demonstrate that the site has been developed without having an unacceptable impact on the environment. In order to support the submission of the application for retrospective planning permission, the following documents will be submitted: -

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Tree Survey;
- Transport Information;
- Noise Impact Assessment;

- Landscape and Visual Impact Assessment; and,
- Assessment of alternative options and locations.

The application will be required to be screened for an Environmental Impact Assessment (EIA).

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this application.

8.2 Publicity summary of representations and Community Council comments

One public consultation event was agreed, which was on Tuesday 26 November 2019 between 14:00 - 20:00 at The Scotsman Hotel Glenfiddich Garden Suite. An advertisement of that public consultation was published in the Edinburgh Evening News on the 15th November 2019. In addition, posters advertising the public consultation event were displayed in local public buildings.

The Old Town Community Council, New Town and Broughton Community Council, the, City Centre Ward Councillors, the MSP for Edinburgh Central, the MP for Edinburgh North and Leith, the Cockburn Association, Edinburgh World Heritage and Essential Edinburgh were notified of the development on 1st November 2019.

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

Background reading/external references

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

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

Application for Approval of Matters Specified in Conds 19/04735/AMC

**at Land 267 Metres Northeast Of 399, Old Dalkeith Road,
Edinburgh.**

**Application for matters specified in conditions 2, 5 and 6 of
planning permission 13/05048/FUL for an expansion to the
Institute of Regeneration and Repair (IRR).**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposal is in accordance with the development plan and planning permission in principle. No representations have been received and there are no issues in terms of equalities and human rights.

Links

[Policies and guidance for
this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04,
LDES07, LEN21, LEMP02, LTRA08, NSG, NSGD02,

Report

Application for Approval of Matters Specified in Conds 19/04735/AMC

at Land 267 Metres Northeast Of 399, Old Dalkeith Road, Edinburgh.

Application for matters specified in conditions 2, 5 and 6 of planning permission 13/05048/FUL for an expansion to the Institute of Regeneration and Repair (IRR).

Recommendations

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

Background

2.1 Site description

The site is located within the Edinburgh BioQuarter as designated by Policy Emp 2 of the Edinburgh Local Development Plan (LDP) and is 0.9 hectares in area. The site is flat but rises gradually southwards, and contains part of the frontage landscaping and planting of the BioQuarter.

The building is proposed on the northern part of the BioQuarter, adjacent to Little France Drive. It is situated to the immediate northwest of the recently completed Institute for Regeneration and Repair (IRR) and is proposed as an extension to the IRR.

To the south and east of the site is an existing public footpath with landscaping that links the northern and southern sections of the BioQuarter with bridges over the central canal feature. Running between the building and the IRR is a proposed footpath providing a strategic link between the northern and southern sections of the BioQuarter and the central landscape feature as well as the Edinburgh Royal Infirmary to the northwest of the site across Little France Drive.

2.2 Site History

23 December 2004 - Outline planning permission was granted for the development of a biomedical research centre on a 27 ha site. This followed the signing of a planning agreement regarding developer contributions towards transport, landscape and river restoration projects. The Committee also approved in principle a Masterplan for the development on 8 December 2004 (application number: 02/04372/OUT).

16 February 2005 - Planning permission was granted for depositional earthworks on land to the east of the biomedical research centre site and for screen woodland planting along the southern and eastern boundaries of the site (application number: 04/03443/FUL).

31 March 2005 - Submission of Reserved Matters in respect of first phase infrastructure works (roads, drainage and landscaping) further to the outline planning permission granted on 23 December 2004 for the development of a centre for bio-medical research (application number: 02/04372/OUT) (as amended)(application number: 05/00022/REM).

13 August 2008 - reserved matters application was approved for the development of centre for regenerative medicine, comprising facilities for biomedical research and support services with associated car parking and access (application number: 08/00344/REM).

23 September 2008 - A reserved matters application was approved for a temporary car park and associated lighting and engineering works on plot 2 to serve plot 5 (application number: 08/02420/FUL).

15 April 2015 - Section 42 application to vary conditions 1 and 3 attached to outline planning permission 02/04372/OUT (Centre for Bio-Medical Research including educational, health and support facilities) (application number: 13/05048/FUL).

5 November 2015 - Application for matters specified in conditions of planning permission in principle 02/04372/OUT relating to conditions 2, 3, 4, 5 and 6 of 13/05048/FUL for 2 no. modular office buildings, associated car parking and amended vehicular access arrangements was approved (application reference: 15/02579/AMC).

15 February 2017 - Application approved for matters specified in conditions 2, 4, 5, 6, 9, 10 & 11 of planning permission 13/05048/FUL for the new Institute of Regeneration and Repair (IRR). The IRR is proposed to house researchers and support staff for the University of Edinburgh within a building of approx 9,100sqm over 4-storey and include a Translational Research component, seminar spaces, a cafe and a gym space (application number: 16/03293/AMC). This building is under construction and is the building to which this application proposes to extend.

21 December 2018 - Application approved for matters specified in conditions 2, 4(c)(d), 5 and 6 of 13/05048/FUL for the construction of a 3 storey life science laboratory and open plan office building, with roof top plant enclosure (application number: 17/02395/AMC).

26 September 2019 - Application submitted for planning permission for the relocation of existing footpath and utilities at Little France Drive (application number: 19/04599/FUL).

Main report

3.1 Description of the Proposal

This application seeks approval of matters specified in condition 2, 5, and 6 of planning permission 13/05048/FUL.

Condition 2 requires the submission of design details of the building and external landscaping.

This application seeks approval for the erection of an extension to the Institute for Regeneration and Repair (IRR).

The building is proposed to be located to the immediate north of the existing IRR building. The building is proposed to be six storeys in height with additional height for plant on the roof. The total height of the building (without the plant) is approximately 79.5 metres above ordnance datum (AOD), which is approximately 27 metres in height when measured from ground level. The external materials are proposed to be aluminium cladding and glass, similar to the existing IRR.

The extension is proposed to be connected to the existing IRR building by means of a glazed link which is 5.6 metres wide. This feature also provides the entrance into the buildings.

With regards to vehicle and pedestrian access, a key feature of the movement strategy for the BioQuarter is that vehicle traffic is kept away from the central plaza spaces and the proposed new main pedestrian/cycle thoroughfare (Exhibition Walk), which is located immediately adjacent to the building. The main pedestrian flow from the Royal Infirmary Building will be along the main spinal route through the BioQuarter, which creates a dedicated route for university staff and students moving between the proposed building and the existing university buildings to the north of the hospital building, alongside visitors coming to the BioQuarter.

As such, there is no vehicle access to the plaza area outside the proposed building, and deliveries will use the existing access point off Little France Drive (currently used by SCRM).

Internal cycle parking is situated within the existing IRR building, where 72 existing spaces are located. Cycle racks are proposed at various locations across the BioQuarter site as part of a wider strategy.

Car parking provision is proposed to be addressed at a campus wide level across the BioQuarter, so provision is made for disabled parking in conjunction with that already in place at the SCRM, with further provision coming as the BioQuarter is further developed. The existing road for servicing and deliveries (to the east of the proposed building, adjacent to the existing SCRM), will also bring servicing vehicles away from pedestrians.

Landscaping is proposed to comprise of hard and soft areas, where the hard landscaping is proposed around the footprint of the building, with grass and shrubs and trees in spaces between the building and Exhibition Walk and Little France Drive. The existing trees along the frontage of the site are proposed to be retained.

Conditions 5 and 6 relate to SUDS and flooding. It is proposed that surface water will be treated using a stone layer under a storage tank to the north of the building prior to the connection with the Scottish Water sewer. There will be no distribution pipes through the tank so the roof water will have to travel through the stone and as a result be provided with a Stage 1 treatment.

Supporting Statements

The following documents were submitted in support of the application:

- Drainage Strategy;
- Design Statement;
- Planning Statement, and;
- Plant Noise Assessment.

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

Scheme 1

The original proposal saw the building closer to Little France Drive. The position of the building has been revised in order to accommodate the tram safeguard. This has been achieved by providing a smaller link between the extension and the original building.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) The development complies with the planning permission in principle;
- (b) The details of the development are acceptable
- (c) There will be any equalities or human rights impacts and
- (d) The representations have been addressed.

(a) Compliance with the Planning Permission in Principle

In terms of assessing this proposal against the masterplan, the use of the building is a use that is consistent with the uses established by the planning permission in principle.

The Height of the Building

The planning permission in principle (13/05048/FUL) established the masterplan for the development of the BioQuarter. The key diagram of the masterplan indicates where the primary frontages and areas of enhanced public realm will be located. It also outlines the maximum heights of the buildings. In this area, the maximum height is stipulated at 20 metres.

In terms of design, the siting of the building is in accordance with the principles of the layout with regards to key frontages and providing a strong urban edge. However, the height of the proposed building is approximately seven metres taller than the 20 metres as set out in the key diagram of the masterplan. When considering the context of the buildings, and the fact that the existing adjoining building IRR is set at over 75 metres AOD due to ground level differences, the height will not impact on the ridge or any sensitive area. Views from various sensitive locations have been provided, including Craigmillar Castle. The views show that the building will sit comfortably within the context of the BioQuarter and will not have a detrimental impact on wider views. Once other buildings are constructed throughout the BioQuarter, the roofscape will be varied and there will be areas where plant and roofscapes will pop up.

Therefore, the proposal is broadly in accordance with the masterplan and planning permission in principle in this instance.

Impact on the Tram Route Safeguard

The building is proposed to be located along Little France Drive and the front of the building is set back in order to accommodate the tram reservation route.

The proposed location of the building will leave a corridor of approximately 31 metres wide as a tram and road reservation. Whilst there is no definitive tram reservation or design at this location, the 31 metre corridor is sufficient to accommodate the tram infrastructure along with the associated cycle, pedestrian and motor vehicle routes.

However, this width is not considered sufficient to accommodate a tram stop and therefore the proposed building will influence the location of a tram stop serving this part of the BioQuarter. It should therefore be noted that the proposed development does not set a precedent for the location of future buildings along the Little France Drive corridor.

On this basis, the Roads Authority has not objected to the application. The proposal complies with LDP Policy Tra 7 (Public Transport Proposals and Safeguards), which requires that developments should not prejudice the implementation of public transport proposals and safeguards.

The footpaths will require to be stopped-up under Section 207 of the Town and Country Planning Act.

The proposal is in accordance with the planning permission in principle and associated masterplan.

(b) Acceptability of the Details

Condition 2(a) - Building Design

Policies Des 1 to Des 7 of the adopted Edinburgh Local Development Plan (LDP) set the policy framework for the design of developments.

The siting of the building creates a strong urban frontage onto Little France Drive and responds to the main pedestrian thoroughfare through the BioQuarter.

The design of the building is commensurate with the existing buildings in the BioQuarter, particularly the existing IRR, which it will be attached to via a glazed link. This link also provides an entrance feature into the buildings, which provides legibility. The materials are the same as the existing IRR and are appropriate in this location.

As noted above, the building (taking into account the plant on the roof) is higher than the existing IRR and considerably higher than the adjacent SCRM building. However, due to ground level differences, the height will not appear incongruous at this location. The plant on the roof has been finished with a series of louvres in order to rationalise and improve its appearance.

Overall, the building is acceptable in terms of its materials, height and scale and will provide a strong frontage onto Little France Drive. The active frontages onto Exhibition Walk and Little France Drive are appropriate and will provide a level of activity onto these streets.

The design, scale and height of the buildings is acceptable and accords with the design policies of the LDP.

Condition 2(b) and 2(d) - Access for pedestrians and vehicles

There is no vehicle access to the plaza area outside the building so deliveries will use the existing access point off Little France Drive (which is currently used by the adjacent SCRM building). This is acceptable and reduces pedestrian/vehicle conflicts. It also helps to reinforce the main pedestrian/cyclist-only thoroughfare.

Within the existing building, there is dedicated cycle storage space for 72 cycles and associated changing and wash facilities. The floorspace of the proposed building requires an additional 30 spaces and this is secured by a condition of the consent. Additional transport matters regarding City Car Club spaces and the submission of a travel plan are dealt with as informatives.

The access proposals and proposals for cycle storage are acceptable.

Condition 2(c) - Car Parking

Car parking provision is proposed to be addressed at a campus-wide level so cannot be fully addressed at this stage. However, no specific parking is proposed within the curtilage of the application site, and accessible parking provision sufficient to serve this site is provided within the parking area of the adjacent SCRM site.

This is acceptable.

Condition 2(e) - Landscape

The landscape strategy for the site is proposed to form part of the landscaping for the existing IRR, which contributes towards the wider strategy for the BioQuarter.

The overall design and layout of the landscaping is robust, and will provide a good basis for the future landscaping design in the rest of the BioQuarter.

Condition 2(f) - Noise from Plant

A Plant Noise Assessment was submitted in support of the application.

The nearest living apartment, when considering compliance with the planning condition, is situated to the south west on Dalkeith Road at a distance of approximately 300 metres. The nearest noise sensitive receptors to this proposed building are incorporated within the BioQuarter site itself. To the east is the existing SCRM research building, to the south is outdoor break-out space with Building Nine beyond and to the west is the new Scottish Enterprise MOB2 building.

All these receptors fall within approximately 25 metres of the proposed perimeter edge and will be typically sensitive during daytime hours 07:00 to 23:00.

Based on the lowest recorded background noise level (47 dB LA90,15min recorded at Position A1 on 22/09/16 14:52) a noise limit of 52 dB is to be achieved at a distance of 25 m from the building edge.

Additional monitoring will be carried out once the building is operational in order to comply with Condition 2(f). However, at this stage, the results from the Plant Noise Assessment are acceptable.

Condition 2(g) - Relationship to Masterplan

Condition 2(g) of the planning permission in principle seeks that the development should show its relationship with the wider masterplan. The plans show how the immediately adjoining areas can be developed in line with the landscape strategy and Exhibition Walk. A parking strategy will form part of a subsequent application, and this will provide parking provision for the entire BioQuarter.

Conditions 5 and 6 - SUDS and Flooding

The planning permission in principle required that no development shall take place on that part of the site which lies within an area of importance for flood control unless supported by a Flood Risk Assessment (based on a 1:200 year return period flood standard) which shall demonstrate that:

- a) The development will not reduce the area available for the storage of flood water. Any proposal for ground raising, or obstruction by buildings, within this area must include the provision of an equivalent compensatory storage volume.
- b) Proposed buildings will not prejudice options for the restoration and realignment of the open watercourses, or the removal of culverts, outwith the site.
- c) Proposed buildings and their levels have been designed in accordance with the Guidelines, and which take into account the vulnerability of the site to flooding.

An updated Flood Risk Assessment (FRA) was submitted and SEPA noted that the proposed development was sufficiently elevated above the adjacent Niddrie Burn and hence would not reduce the area available for flood storage. The 1:200 year flood level (including an allowance for climate change for this area) was approximately 51.2 metres AOD. The development is situated on existing ground levels above 52.5 metres AOD.

SEPA has indicated that it has no objections to this proposal in terms of SUDS and flood risk, and CEC Flood Planning are satisfied that the site can be developed without any detrimental flood risk impact.

(d) Representations

No letters of representation have been received.

Conclusion

The proposal is in accordance with the development plan and planning permission in principle. No representations have been received and there are no issues in terms of equalities and human rights.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, a plan shall be submitted showing the provision of an additional 30 spaces for cycle storage for approval by the Planning Authority. It shall then be implemented as per the agreed plan.

Reasons:-

1. In order to ensure adequate cycle parking within the development.

Informatives

It should be noted that:

1. Footpaths and roads affected by the proposal will require to be stopped up under Section 207 of the Town and Country Planning Act.
2. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should consider the provision of car club vehicles within the vicinity of the site.
6. The applicant should consider developing a Travel Plan including the provision of 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 and real time information.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

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 allocated in the adopted Edinburgh Local Development Plan as a business area specifically for the development of the BioQuarter.

Date registered

4 October 2019

Drawing numbers/Scheme

01, 02, 03A -16A, 17, 18, 19A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

"LDP Policy Emp 2 (Edinburgh BioQuarter) Development within the boundary of Edinburgh Bioquarter as defined on the Proposals Map will be granted provided it accords with the Bioquarter Development Principles to be further detailed through Supplementary Guidance."

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Approval of Matters Specified in Conds 19/04735/AMC

at Land 267 Metres Northeast Of 399, Old Dalkeith Road, Edinburgh.

Application for matters specified in conditions 2, 5 and 6 of planning permission 13/05048/FUL for an expansion to the Institute of Regeneration and Repair (IRR).

Consultations

Roads Authority, 3 December 2019

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

- 1. The applicant should consider additional cycle parking provision in line with the Council's parking standards which would require 43 spaces for the proposed 6,500 square metres (1 space per 150 square metres);*
- 2. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of car club vehicles in the vicinity of the site;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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 and real time information;*
- 4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.*

Note:

- The proposed location of the IRR extension building will leave a corridor approximately 31m wide as a tram and road reservation. Whilst there is no definitive tram reservation or design at this location, the 31m corridor appears sufficient to accommodate the tram infrastructure along with the associated cycle, pedestrian and motor vehicle routes. However, it should be noted that this width is not considered sufficient to accommodate a tram stop and therefore the proposed building will influence the location of a tram stop serving this part of the BioQuarter. It should therefore be noted that the proposed development does not set a precedent for the location of future buildings along the Little France Drive corridor;

- No additional car parking is proposed in connection with this proposed development;

- Whilst the site lies within the Sheriffhall Junction contribution zone, no costs have been identified;

- A total of 72 cycle parking spaces are provided within the consented IRR building.

Flood Planning, 4 December 2019

Flood Prevention are satisfied for this application to be determined, with no further comments from our department.

SEPA, 9 December 2019

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1. *We have been involved in numerous planning applications for this site and the larger BioQuarter Science Park development. This application is for the expansion of the Institute of Regeneration and Repair. We responded briefly earlier in December 2019 as we were consulted on a Drainage Strategy Plan for Plot 4 expansion. We noted that:*

- *Section 4 stated that a Flood Risk Assessment (FRA) was in the process of being updated.*
- *PAN69 was still referenced in the Strategy.*
- *The Site Plan showed that the lowest part of the development taking place on ground levels of approximately 52-53.5mAOD. The lowest ground levels on site were approximately 51.5mAOD.*
- *A climate change allowance of 20% had been applied.*

2. *We have been supplied with an updated FRA by Kaya Consulting dated 28 November 2019. We would note that no new analysis on the modelled Niddrie Burn peak flows has been undertaken and the information is generally taken from the Arup 2018 FRA. However, the FRA has identified a 1:200 year flood level for the site, including a 40% allowance for climate change, of 52mAOD. There are uncertainties associated with this flood level due to large uncertainties associated with the Niddrie Burn being an ungauged catchment and no further detailed modelling work being undertaken to derive this level.*

3. *From the information provided, the development will take place out with the 1:200 year flood extent, but may be encroaching within the 1:200 year flood extent when a climate change allowance is included. A finished floor level of 52.5mAOD is proposed, which should mitigate the residual risk from the aforementioned uncertainties. The applicant may wish to consider raising the finished floor levels higher given the cost implications and sensitivity of building use to reduce any residual flood risk further. We would recommend that the applicant considers flood resistant and resilient materials during design and construction of the building expansion to mitigate any residual risk of flood water touching the building.*

4. *The council should be satisfied with the Drainage Strategy Plan.*

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

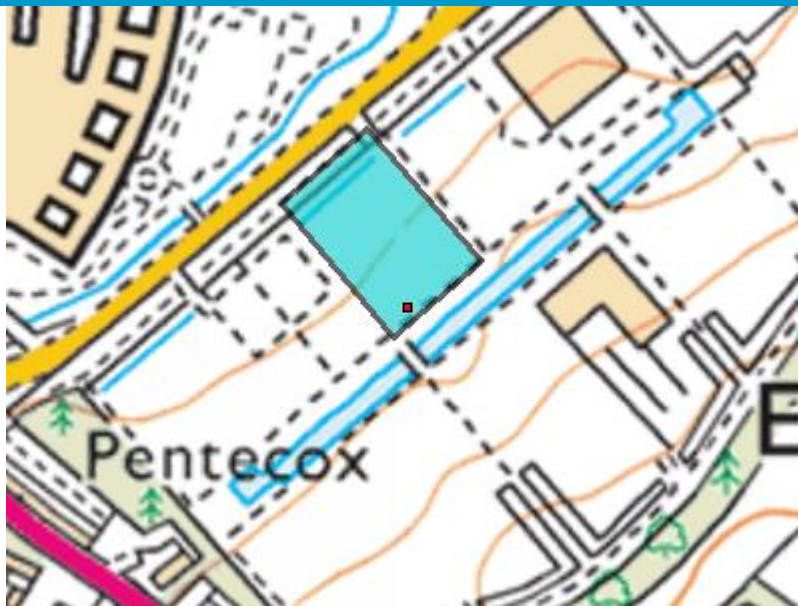
Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/> can be downloaded from

I have just received further brief comments from our hydrologist.

The FRA does note that flooding will occur along Little France Drive which would prohibit safe access/egress along this road during a 1:200 year flood event. However, there is higher ground to the south of the site, which would allow for pedestrian evacuation. The council should be satisfied with this proposal.

Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/04975/FUL
At 30 Redford Drive, Edinburgh, EH13 0BG
Erection of a new separate dwelling in the rear garden of
no. 30 Redford Drive.**

Item number

Report number

Wards

B08 - Colinton/Fairmilehead

Summary

The proposal is contrary to the policies contained in the Edinburgh Local Development Plan. The proposal would constitute an overdevelopment of the site, where the subdivision will adversely undermine the settled townscape character and the amenity value of the area. Future occupiers will not have satisfactory living environment in terms of useable garden space for a three-bedroom house. There are no material considerations that would outweigh the resultant harm.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSHOU,

Report

Application for Planning Permission 19/04975/FUL At 30 Redford Drive, Edinburgh, EH13 0BG Erection of a new separate dwelling in the rear garden of no. 30 Redford Drive.

Recommendations

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

Background

2.1 Site description

The application site is the north west facing rear garden of 30 Redford Drive, which is a single storey, detached, hipped roofed bungalow with a dormer window to the rear. The site is situated on a corner plot with Redford Drive to the north and Westgarth Avenue to the west. The rear garden has a north west gradient and it measures approximately 23.5 m metres in depth. Within the gardens, there is a mature silver birch tree that is not protected. The curtilage fronting onto Westgarth Avenue is characterised by low walling with hedges.

The surrounding area is predominately residential with a similar style of properties. A number of properties have been extended to the rear.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal seeks to subdivide the existing rear garden of 30 Redford Drive and to erect a three-bedroom detached house. It will be single storey in height with a hipped roof; the front pitch will have a dormer window and the rear pitch will have five rooflights. The new build will be fronted and accessed from Westgarth Avenue, with a mono block drive proposed to provide one car parking space. The new build will have a north east facing rear garden and it will measure approximately 70 sqm with a proposed depth of 4.85m to the rear. A new 1.8-metre-high close boarded fence would enclose the sides and rear of the site.

The proposed treatment finish includes natural slates for the roof and white painted roughcast for the walls. Doors and windows will be painted timber.

One silver birch tree is to be removed.

A supporting statement was submitted, and this is available to view on the Planning and Building Standards online portal.

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 housing on this site is acceptable;
- b) the proposal is of appropriate design, having regards to the spatial characteristics of the surrounding area;
- c) the proposed density is acceptable and future occupiers will have acceptable levels of amenity;
- d) the proposal will impact on neighbouring amenity;
- e) there are any other material considerations; and
- f) representations received have been addressed

a) Principle

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) states the circumstances that priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan. The application site is in an urban area. However, the proposal does not comply with the other policies in the LDP as detailed below and so does not comply with policy Hou 1.

b) Development Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The development pattern of the area shows that elongated rear gardens make a positive contribution to the settled townscape character and overall amenity. A number of properties in the area have been extended to the rear, yet there is still an overall consistency in the relationship between buildings and garden sizes. Properties on Westgarth Avenue are defined by the consistent appearance of detached properties of similar scale and proportions, with steep hipped roofs.

The rear garden of 30 Redford Drive is approximately 413 sqm with a depth of 23.5 m. The proposed subdivision of the rear the garden would leave 30 Redford Drive with a garden depth of 9.15m which is not consistent with the settled townscape character in terms of the relationship between buildings and garden sizes. The subdivision of the plot would occupy more than one third of the existing garden and it would undermine the established character and amenity setting to 30 Redford Drive.

The new house would be situated to align with the established front building line on Westgarth Avenue. Due to the size constraints of the site, the new house will not align with the rear building lines of neighbouring properties and provision for private garden space will measure 4.85 metres from the rear of the house to the boundary fence. Whilst the design of the house would largely be in character with the appearance of the area, the design would have a greater width and a larger roof form to address the depth constraints of the site. The positioning of the house fails to respect the established distance between buildings and it will not provide sufficient garden depth to have a positive impact, which reflects the high amenity value of gardens in this area. The siting of a new house on this plot will result in overdevelopment and it will adversely alter the spatial pattern of the area that is worthy of retention.

The subdivision of the plot and siting of a new house will have an adverse impact on the positive qualities that makes an important contribution to the settled townscape character of the area. The proposals do not comply with policy Des 1, Des 3 and Des 4 of the LDP.

c) Density, Mix and Future Occupiers

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance (page 93) states that for private open space/gardens, they should be designed for a range of functions.

The Edinburgh Design Guidance states that the minimum internal floor area for a three-bedroom unit should not fall below 81 sqm. The ground floor will have an internal footprint of 71 sqm and the first floor will have an internal footprint of 30 sqm; the proposal exceeds the minimum floorspace standards.

The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

The non-statutory 'Guidance for Householder' states 18m is the minimum recommended distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary. It also advises that ground floor windows can sometimes be closer than 9 metres to a boundary if they can be screened in some way.

The proposed plans indicate that a 1.8-metre-high close boarded fence would be erected to the rear of the new house. The height and position of the fence in relation to the new house is not shown on the cross section. The windows on the new house will not face directly onto opposing windows but onto the neighbouring gardens of 28 Redford Drive. While the erection of a fence would address privacy concerns, the proposal fails to demonstrate that future occupiers will have sufficient rear garden amenity for a three-bedroom house.

The proposed strip of garden space to the rear will measure 70 sqm (4.85m by 14.5m). However, the rear garden will have a north east facing orientation with very limited capacity to receive sunlight. The depth and layout of the garden will not provide future occupiers useable garden space, and this is not acceptable as part of a new build development for a three-bedroom house. The lack of quality amenity space undermines the high amenity value that is well established in the area. In addition, the scope to facilitate the adaptability of the new house would be limited in its ability to meet the needs of different future occupiers.

Whilst the new house would have a street facing frontage, the level of development on the site is as such that it would undermine the settled townscape character and amenity value in terms of its relationship between buildings. The layout and densification of the site, with insufficient garden depth, would not provide future occupiers with useable rear garden space. The proposal fails to demonstrate that future occupiers will have an attractive living environment as required by LDP policy Hou 4.

The proposals do not comply with policy Des 5, Hou 4 and Hou 3 of the LDP and do not reflect the aspirations of the Edinburgh Design Guidance to provide high quality useable private space for future occupiers of new developments in the city.

d) Neighbouring Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residents will not be adversely affected by the proposal.

Existing occupiers at 30 Redford Drive will not be affected in terms of privacy, overshadowing or loss of daylight.

The proposed ground floor rear windows would face onto the rear gardens of 28 Redford Drive but would be screened by a 1.8-metre-high fence. The proposed rooflights to the rear would be situated 1.5 metres above the floor level and would be integrated within the pitch of the roof. While neighbouring residents would experience a change to their established amenity due to the proximity of the proposed development, the proposal will not have a significant impact in terms of loss of privacy or outlook.

In summary, the proposal will not impact on neighbouring amenity in terms of loss of privacy, overshadowing or loss of daylight.

e) Road Safety

LPD Policies Tra 2- Tra 4 sets out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The provision of one car parking space complies with the maximum standards as set out in the Edinburgh Design Guidance.

No provision for cycle parking was indicated within the proposal. A secure and undercover cycle parking can be accommodated to the rear of the property.

f) Other Material Considerations

Affordable housing

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed.

The proposal is for a single detached dwelling house and is not subject to the requirements of policy Hou 6. In these circumstances, there is no provision to enter a legal agreement to secure affordable housing on this site. The affordability of the scheme carries no bearing in assessing the merits of the proposal.

Flood

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Should committee be minded to granted approval, a condition requiring a surface water management plan will be required. This is to ensure that the proposal addresses LDP policy Env 21.

Waste

The drawings show the location of the bin stores and this would be an acceptable arrangement for kerbside collection.

Trees

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The existing silver birch tree within the site is not protected by a TPO and the site does not lie within a conservation area. Although the tree makes a contribution to the area, the tree can be removed at anytime without the consent of the planning authority. In these circumstances, the removal of the tree carries no bearing in the assessment of the proposal.

g) Representations

Material - objection

- Contrary to policy Des 1, Des 4, Des 5, Hou 5, Env 12 of the Edinburgh Local Development Plan and Edinburgh Design Guidance- Addressed in Section 3.3 (b-f).
- Inappropriate density of development and will harm the spatial character of the area - Addressed in Section 3.3 (b and c).
- Future occupiers will not have acceptable levels of amenity in terms of garden space, headroom height on the first floor. The restricted nature of the site would limit scope for future changes to house - Addressed in Section 3.3 (c).
- Would impact on the established neighbouring amenity in terms of privacy and outlook - Addressed in Section 3.3 (d).

Non-material - objection

- Reference to Building Standards - this is a separate regulatory process from planning.
- No site levels were provided - the drawings were amended to show this information.

Material - Support

- Out of the 31 letters of support received, 8 representations made direct comments to the need for more housing in Scotland/ Edinburgh - Addressed in Section 3.3 (a).
- Will be in-keeping with the area and will have low impact - Addressed in Section 3.3 (b-c).
- Will not impact on neighbouring amenity - Addressed in Section 3.3 (d).

Non- Material - Support

- Out of the 31 letters of support received, 11 representations made direct reference to the need for more affordable housing - Addressed in Section 3.3 (f).
- Reference to other planning permission in area (1B Redford Drive, 20A and 24 Dreghorn Loan, 32 Bonaly Crescent) - the issue of precedent carries no bearing in the assessment of a development proposal. Each planning application is assessed on its own merit and against the relevant provisions contained in the Edinburgh Local Development Plan and non-statutory guidance. The planning history of the area was researched, and no relevant decisions were found.
- Personal connections to the applicant and reference to the circumstances of the applicant. The policies in the Edinburgh Local Development Plan are used to assess the acceptability of a proposed development. Planning operates in the long-term public interests and does not protect the private interests of one individual.

CONCLUSION

The proposal is contrary to the policies contained in the Edinburgh Development Plan. The proposal would constitute an overdevelopment of the site where the subdivision will adversely undermine the settled townscape character and the amenity value of the area. Future occupiers will not have satisfactory living environment in terms of useable garden space for a three-bedroom house. There are no material considerations that would outweigh the resultant harm. It is recommended that this application be refused.

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

3.4 Conditions/reasons/informatives

Reasons: -

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal fails to draw on the positive qualities of the settled townscape character.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as will not have a positive impact on the settled townscape character and would constitute an overdevelopment of the site.
3. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as future occupiers will not have satisfactory living amenity in terms of useable garden space.
4. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal does not accord with other policy provisions in the plan.
5. The proposal is contrary to the Local Development Plan Policy Hou 3 in respect of Private Green Space in Housing Development, as it does not reflect the aspirations of the Edinburgh Design Guidance to provide useable private open space.
6. The proposal is contrary to the Local Development Plan Policy Hou 4 in respect of Housing Density, as the proposal would constitute an overdevelopment of the site and it will not safeguard living conditions for future occupiers.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified on 1st of November 2019 and a total of 33 material representations were received; 1 was a letter of objection and 32 were letters of support.

The comments received are addressed in the assessment section in the report of handling.

Background reading/external references

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

Statutory Development

Plan Provision

The site is an urban area as designated in the Edinburgh Local Development Plan.

Date registered

16 October 2019

Drawing numbers/Scheme

01A-03A, 04, 05A and 06.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk Tel:0131 529 3916

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

Application for Planning Permission 19/04975/FUL At 30 Redford Drive, Edinburgh, EH13 0BG Erection of a new separate dwelling in the rear garden of no. 30 Redford Drive.

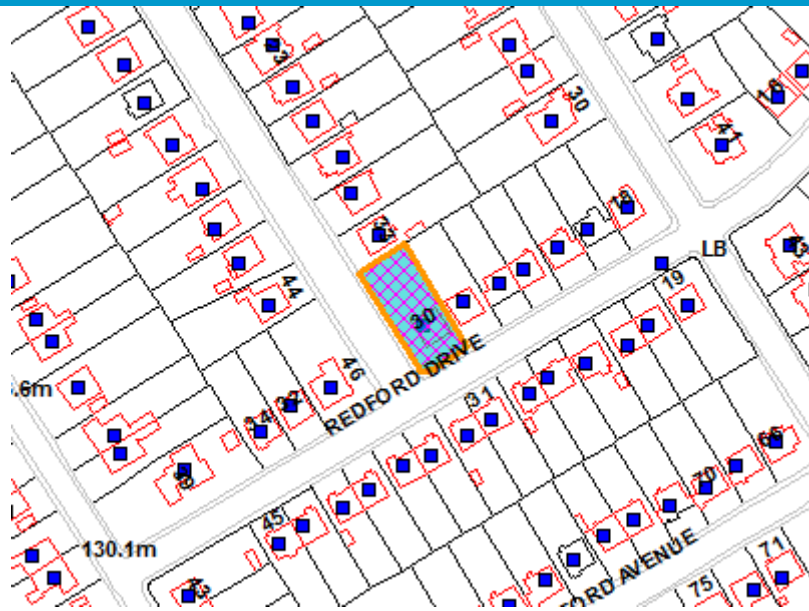
Consultations

Transport

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:
 - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3m (4.8m with transitions);
 - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - c. Any gate or doors must open inwards onto the property;
 - d. Any hard-standing outside should be porous;
 - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/04141/FUL
at 44 Stanley Place Edinburgh, EH7 5TB.
Construction of 102 units of student accommodation with
ancillary services (amendment to planning permission
PPA-230-2160, 14/05075/FUL).**

Item number

Report number

Wards

B14 - Craigentenny/Duddingston

Summary

The proposal complies with the development plan. The development is acceptable in this location and will not lead to an overconcentration of students in the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, the listed building or road safety. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES05, LDES07, LEN03, LHOU08, LTRA02, LTRA03, NSG, NSGSTU, NSGD02,

Report

Application for Planning Permission 19/04141/FUL at 44 Stanley Place Edinburgh, EH7 5TB. Construction of 102 units of student accommodation with ancillary services (amendment to planning permission PPA- 230-2160, 14/05075/FUL).

Recommendations

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

Background

2.1 Site description

The site is a narrow linear area of land measuring 0.24 hectares and located between Stanley Place and the East Coast Mainline railway. The vacant buildings that previously occupied the site have been demolished and some ground works in association with the previously approved planning permission for the site have taken place.

The areas to the north and east of the site are predominantly residential, this includes the category B listed St Ann's Bank House (listed building number 29801, dated 14 December 1970) which is located immediately to the north of the site across the railway. The premises immediately to the west is currently in business use and to the south, beyond the railway, is predominantly residential.

2.2 Site History

26 June 2015 - Planning permission refused for the demolition of existing buildings and construction of 93no units of student accommodation with ancillary services (application number: 14/05075/FUL). An appeal against the refusal of planning permission was allowed on 8 September 2016 (DPEA reference: PPA-230-2160).

14 October 2009 - Planning permission refused to erect a residential flatted block for 57 mixed apartments (application number: 09/01903/FUL).

Main report

3.1 Description of the Proposal

The application is for a material variation to an existing planning permission for student accommodation with ancillary services.

The scale and footprint of the building will be the same as the approved development. However, the previous permission was for 93 units and the proposal now seeks to increase this to 102 units. Other changes to the proposal include: -

- The fenestration pattern will be altered to accommodate the additional units and internal reconfiguration;
- Eight parking spaces will be provided instead of nine;
- The bin stores and the majority of the cycle parking will be located internally rather than in an external store;
- The remainder of the cycle parking will be located in an enclosure to the rear of the building rather than on-street, and will be increased in line with the additional accommodation to provide 100%; and
- Some minor changes to the landscaping and amenity areas.

The overall design concept is the same as the previously approved permission. The building will be a single linear, four storey block that addresses Stanley Place. The development will be predominantly brick built with elements of zinc cladding and dark grey curtain walling. The windows will be high performance PPC aluminium double glazing with integral louvered vent panels.

Supporting Information

The application is supported by the following documents:-

- Planning Statement;
- Design and Access Statement; and
- Noise and Vibration Assessment.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) the principle of the development is acceptable;
- (b) the proposal is acceptable in terms of the concentration of student accommodation in the locality;
- (c) the proposed scale, form, design and materials are acceptable;
- (d) the proposal is acceptable in terms of the impact on the amenity of neighbours and new occupiers;
- (e) the proposal is acceptable in terms of its impact on the listed building;
- (f) the proposal is acceptable in terms of parking and road safety;
- (g) the proposal is acceptable in terms of archaeology and
- (h) material representations have been addressed

a) Principle of Development

Planning permission was granted for a student housing development on the site in September 2016. That permission has been implemented in part and now remains extant in perpetuity. Therefore, the principle of the development of student accommodation on the site is established.

b) Concentration of Student Accommodation

The current proposal seeks to increase the volume of units within the development from 93 to 102. While the principle of the use cannot be reconsidered, the additional capacity being sought requires to be assessed. Since the previous decision, the Edinburgh Local Development Plan (LDP) has been adopted in place of the Edinburgh City Local Plan (ECLP). Policy Hou 8 (Student Housing) of the LDP and Policy Hou 10 (Student Housing) of the ECLP both state that planning permission will be granted for purpose built student housing accommodation where the location is appropriate in terms of access to university and college facilities by walking, cycling or public transport, and where it would not result in an excessive concentration of student accommodation in the locality. However, LDP policy Hou 8 includes students living in the private rented sector within a locality as part of this consideration.

The Council's Non-Statutory Student Housing Guidance (SHG) reinforces the requirements of policy Hou 8 and identifies that student accommodation needs should be met in well managed and regulated schemes where possible.

The SHG sets out additional locational and design guidance to be applied for student housing. Criterion a) accepts student housing in locations within or sharing a boundary with a main university or college campus, or outwith criterion a) student housing will generally be supported on sites with less than 0.25ha of developable area. The site area is 0.24ha and complies with this part of the guidance.

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The SHG advises that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

Based on 2011 census data, approximately 96 (11%) of the residents in the immediate datazone are full time students aged above 16. When recalculated to include consented development in the area, this figure rises to 189 (21%). If the figure is then adjusted to reflect the situation, whereby the current proposal is developed instead of the previously approved scheme, this figure would rise to 198 (22%). This proportion, as proposed, would be a negligible increase and would not lead to an over-concentrated student population in the area. Therefore, the proposal meets criterion b) of policy Hou 8 and criterion b) of the SHG and the increase in unit numbers in the development is acceptable.

c) Scale, Form, Design and Materials

The design concept of the proposal is the same as the previous consent. The development will have the same footprint and will be no taller than what was previously approved. The changes to the fenestration pattern on the north, east and west elevations is an improvement on the previous design, particularly at ground floor level where additional glazed areas are provided at the entrances to create a more active frontage.

As with the previous application, the internal layout of the building is dictated by the constraints of the site. The student flats will be protected from railway noise by an internal isolating corridor between the southern façade and the flat entrances. Therefore, the rear elevation is largely functional to protect residential amenity, albeit with windows and sections of cladding to break up the areas of brick and add visual interest.

The proposed materials are similar to the previous application and are acceptable in the urban context.

The bin and cycle stores were previously to be located in a low-rise on-street enclosure in front of the building. The relocation of the bins and cycles to an internal enclosure and to the rear of the building will reduce clutter on an already narrow street and is an improvement on the previous proposal.

The minor changes to the landscaping and external areas make the outdoor spaces more usable and are acceptable.

Overall, the changes to the design of the development are positive and will ensure that the amenity of the occupiers will be protected.

d) Amenity

Neighbours

The impact on neighbours in terms of daylight, sunlight and privacy was addressed in the previous application. It was concluded that, considering the urban environment and the surrounding built form, that reasonable levels of daylight, sunlight and privacy would be received by neighbouring properties. The alterations to the frontage onto Stanley Place are minimal in this regard and will not introduce any additional impact.

A Noise and Vibration Impact Assessment (NVIA) has been submitted in support of the application. The NVIA considers reflected noise from the facade of the building facing the railway toward the opposing properties on Spring Gardens. The current proposal will have significantly more brickwork on this elevation than the previous scheme, and less extensive glazed areas. Both brick and glass are reflective surfaces, although brickwork is marginally less reflective and therefore the current scheme should reflect marginally less noise. It is noted that when this issue was addressed during the previous application, the relevant noise impact assessment assumed the façade was fully reflective. Therefore, the current application façade will reflect marginally less than approved during the previous application and is acceptable in this context.

New Occupiers

The NVIA has assessed the impact of the railway on the amenity of the future occupiers of the building in terms of noise and vibration.

The report specifies upgraded glazing for bedrooms and lounges that could be affected by rail noise that will reduce the impact to within acceptable parameters. These recommendations will be imposed as a condition. The condition will include a requirement for the recommended acoustic glazing to be installed on the windows on the western facade as highlighted in the report but not shown on the plan included in appendix C of the NVIA.

Environmental Protection has advised that mitigation will be required to protect against the noise from the unit to the west, which currently has class 4 use and operates as a micro-brewery. The definition of class 4 use enables it to be carried on in any residential area without detriment to the amenity of that area, including by reason of noise. Therefore, the normal operation of this premises should not impact on the amenity of neighbouring residents and further mitigation is not justified.

In terms of vibration, the NVIA Vibration Measurement Survey predicts that there is a low probability of adverse impact. It therefore concludes that no vibration mitigation measures are necessary.

There will be no unreasonable loss of amenity to neighbouring or future residents of the development and the proposal is acceptable in this regard.

e) Impact on the Listed Building

The category B listed St Ann's Bank House is located to the north, with its rear elevation facing the site. The site, along with the other premises on Stanley Place, is severed from the residential areas to the north by the railway line. This has the effect of separating them into two distinct areas, between which there is limited interrelationship.

There is sufficient disconnection between the site and the listed building to ensure that the proposal will not be detrimental to the character, appearance or historic interest of the building, or its setting.

f) Parking and Road Safety

The extant planning permission included provision for nine car parking spaces, including one accessible space. The current proposal seeks to reduce this to eight spaces, including one accessible space.

The site is in an accessible location and is within walking and cycling distance of local amenities, the city centre and university campuses. It also benefits from being a short distance from a main arterial route into the city that is well served by public transport. Bus stops on London Road offer services to large parts of Edinburgh and the wider region, and in total, 41 buses per hour in each direction can be accessed within a five-minute walk of the site. In this context, the number of car parking spaces provided is justified.

The proposal includes the provision of 102 (100%) cycle parking spaces for residents, which complies with the EDG requirements for student housing developments.

Overall, the development is well connected and will have no detrimental impact on traffic, road safety or parking.

g) Archaeology

The site is located within an area of archaeological interest. Since the previous permission was granted some archaeological work has been undertaken on site, namely the historic building of the former church by AOC Archaeology in 2017. However, not all works have been undertaken, including the requirement for archaeological excavation work to be undertaken. Therefore, the City Archaeologist has requested a condition requiring a programme of archaeological work to be carried out.

h) Public Comments

- Loss of daylight - assessed in section 3.3(d);
- Development will contribute to increased noise - assessed in section 3.3(d);
- Already an overconcentration of students in the area - assessed in section 3.3(b);
- Impact on parking availability in the area - assessed in section 3.3(f);
- Impact on local GP surgery - assessed in section 3.3(b);
- Site should be used for family homes or affordable housing - assessed in section 3.3(a and b);
- There are already too many student accommodation developments in the city - assessed in section 3.3(a and b);
- The site is not suitable for residential use due to vibration from the railway - assessed in section 3.3(d);
- Concerns over privacy - assessed in section 3.3(d);
- Impact on category B listed St Ann's Bank House - assessed in section 3.3 (e); and
- Poor design does not sit well in its context - assessed in section 3.3(c);

Conclusion

The proposal complies with the development plan. The development is acceptable in this location and will not lead to an overconcentration of students in the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, the listed building or road safety. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The development shall not be occupied until the noise protection scheme as outlined in the RMP Noise and Vibration Impact Assessment Technical Report No. R-8515-ST6-CL, dated 30 August 2019 has been fully implemented and documentary evidence to certify those works has been provided for and approved by the planning authority. The building shall be constructed so as to provide sound insulation against noise to ensure the following levels are not exceeded:
 - Internal noise levels of 45dB LAFmax within bedrooms;
 - Internal noise levels of 30dB LAeq, 8hr within bedrooms;
 - Internal noise levels of 35dB LAeq, 16hr within lounge areas.

Notwithstanding what is shown on the indicative glazing plan in Appendix C, the western facade will be constructed so as to provide sound insulation in line with paragraphs 5.9 - 5.12 of the report.

2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage.

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. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, construction of retaining walls, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

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

5. The applicant will be required to contribute:
 - a. The sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway for the development;
 - b. The sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development.
6. The works to form the laybys and footways on Stanley Place will require separate application for road construction consent and road opening permits and must be open for use by the public in terms of the statutory definition of 'road'.

7. The applicant should note that that the proposed on-street spaces on Stanley Place cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road extension has been adopted or not. The developer is expected to make this clear to prospective residents and tenants.
8. 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.
9. The applicant should consider the relocation of the proposed disabled parking space at the most eastern section of the development as it is likely to be difficult for drivers to manoeuvre given the location of the bin store.
10. Any gate or gates must open inwards onto the property.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 24 individual representations were received objecting to the application, including one from the local MP. A petition containing 58 signatures was also received and one neutral comment was submitted relating to parking in the area.

The reasons for objecting were: -

- Loss of daylight;
- Development will contribute to increased noise;
- Concern over the amount of waste produced by the development;
- Already an overconcentration of students in the area;
- Impact on parking availability in the area;
- Impact on local GP practice;
- Site should be used for family homes or affordable housing;
- There are already too many student accommodation developments in the city;
- The site is not suitable for residential use due to vibration from the railway;
- Concerns over privacy;
- Impact on St Ann's Bank House;
- Inadequate facilities for residents; and
- Poor design does not sit well in its context;

The petition raised the following points:-

- Loss of amenity in terms of daylight, sunlight and privacy;
- Reflected noise from rail traffic will impact homes on Spring Gardens; and
- Unsuitable site for residential development due to noise and vibration from the railway.

Background reading/external references

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

Statutory Development**Plan Provision**

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

Date registered

10 September 2019

Drawing numbers/Scheme

01 - 08,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning officer

E-mail: alexander.gudgeon@edinburgh.gov.uk Tel: 0131 529 6126

Links - Policies

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

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

LDP Policy Des 7 (Layout design) sets criteria for assessing layout 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 Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

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

Appendix 1

Application for Planning Permission 19/04141/FUL At 44 Stanley Place, Edinburgh, EH7 5TB Construction of 102 units of student accommodation with ancillary services (amendment to planning permission PPA- 230-2160, 14/05075/FUL).

Consultations

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the construction of 102 units of student accommodation with ancillary services (amendment to planning permission PPA-230-2160, 14/05075/FUL).

As discussed in my original response to the 2014 application, the site was occupied by the fire damaged late-19th century Episcopal Church of the Holy Spirit, part of the Victoria and development of the area which took place in the second half of the 19th century. Both the 1876 & 1893 OS maps of the site depict in addition to the church a range of buildings occupying the site including tenements and possible small mission hall. Before this the site is depicted on General Roy's mid-18th century map of Scotland as open ground located to the rear of the post-medieval settlement of Abbeyhill.

The application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9. 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.

Since the granting of the 2014 permission part of the requested programme of archaeological work has been undertaken, namely the historic building of the former church by AOC Archaeology in 2017. However not all works have been undertaken, namely requirement for archaeological excavation work to be undertaken as part of the demolition process and prior to development. This is to fully excavate, record and analysis any significant buried remains affected by ground breaking works (demolition, construction) associated with the Victorian development of the site and possible earlier Abbeyhill settlement.

It is recommended that following condition be applied to ensure that the above programmes of archaeological work are carried out;

'No development/demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis &

reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work 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

Environmental Protection had provided comment on the previous proposal for this site and offered no objection subject to conditions.

The proposed layout of the building shows that the proposed student flats are protected at the facade overlooking the railway by an isolating corridor between the facade and the entrance doors to the flats. This is similar to the previous proposal that was consented. It is noted that the main change is that the current proposed south facade facing the railway line has significantly more brickwork than the previous scheme which had extensive glazed areas. Is that correct?

Both brick and glass are reflective surfaces, however brickwork is marginally less reflective and therefore the current scheme should reflect marginally less noise. It is noted that when this issue was addressed during the previous application, the relevant noise impact assessment assumed the facade was fully reflective. Therefore, the current application facade will reflect marginally less than approved during the previous application. This was a major discussion point with the previous application.

We will need the applicant to address the impacts on the western facade of the proposed development. The applicant's noise impact assessment has highlighted acoustic glazing will be required but is not shown on the plan included in appendix C of the noise impact assessment. Can this be updated with the updated plan being submitted as an individual drawing that can be referenced in a condition?

Furthermore, there is a Class 4 use neighbouring the site to the west which is currently a micro brewer with tap shop. The main noise generating activities are likely to comprise of deliveries/collections and plant noise. Class 4 uses will be able to be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore, if this micro-brewery fits into this class use there should be no adverse impacts on the student's amenity. It is noted that the previous application did require noise mitigation measures to mitigate the noise from the class 4 use (bike repair). It is likely that mitigation will again be required that would need to be achieved with an open window assessment (different to the train noise). The applicant will need to address this.

Air Quality on and surrounding London Road is of concern to this Department and any measure to decrease traffic related pollution affecting this area is supported. According to the applicant's ground floor plans there are 8 proposed parking spaces, however the application form states 5 spaces. Environmental Protection recommend that 7Kw (type 2 sockets) charging provision will need to be provided for at least 1 space in accordance with the Edinburgh Design Standards can the applicant clarify and if there are more than

six spaces being proposed highlight on the drawing where the charging point will be located?

If the applicant is proposing an energy centre or centralised boilers they will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act 1993 which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment). Can the applicant provide details on what they are proposing with regards energy for the site.

Network Rail

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the proposal, due to its 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 all changes in ground levels, construction of retaining walls, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

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

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Roads Authority

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

1. *The applicant will be required to contribute:*
 - a. *The sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway for the development;*
 - b. *The sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development;*
2. *The works to form the laybys and footways on Stanley Place will require separate application for road construction consent and road opening permits and must be open for use by the public in terms of the statutory definition of 'road';*
3. *The applicant should note that that the proposed on-street spaces on Stanley Place cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road extension has been adopted or not. The developer is expected to make this clear to prospective residents and tenants;*
4. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
5. *The applicant should consider the relocation of the proposed disabled parking space at the most eastern section of the development as it is likely to be difficult for drivers to manoeuvre given the location of the bin store;*
6. *Any gate or gates must open inwards onto the property.*

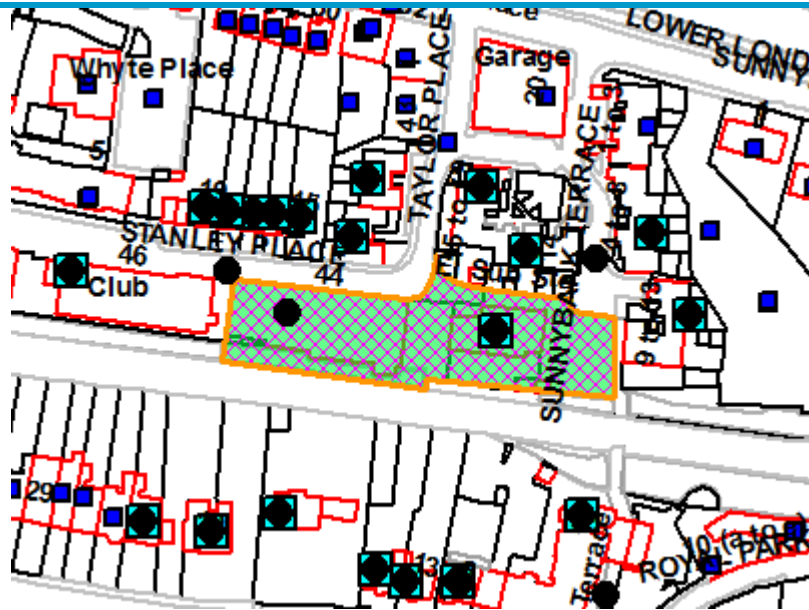
Note

Cycle parking is provided at 1 space per bed and total car parking provision is 8 spaces, including 1 disabled space. Current Council parking standards permit up to 17 car parking spaces for the 102 bed student accommodation (1 space per 6 beds).

Waste and Cleansing Services

An agreement on the waste strategy and requirements for this development has been reached between Waste and Cleansing Services and the developer

Location Plan



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END

Development Management Sub-Committee

10.00am, Wednesday, 18 December 2019

Street Naming Bank

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes that Tom Gilzean's name has been included in the Street Name Bank, and
 - 1.1.2 agrees that this report discharges the remit set by Full Council on 21 November 2019.

Paul Lawrence

Executive Director of Place

Contact: David Leslie, Service Manager and Chief Planning Officer

E-mail: david.leslie@edinburgh.gov.uk | Tel: 0131 529 3948

Street Naming Bank

2. Executive Summary

- 2.1 This report responds to the Motion by the Lord Provost, approved by Full Council on 21 November 2019.
- 2.2 Anyone can suggest a street name for inclusion in the street name bank provided the street name meets the criteria set out in the Statutory Addressing Charter.
- 2.3 When addressing a street, street names are generally selected from the street name bank by the Street Naming Officers and then approved by the relevant Ward and Community Councillors.
- 2.4 In response to the motion, Tom Gilzean's name has been added to the street name bank.

3. Background

- 3.1 The Motion by the Lord Provost that was approved by Full Council on 21 November 2019, states: "Council notes the recent passing of Tom Gilzean MBE, recipient of the Edinburgh Award in 2014.

Council acknowledges the enormous contribution Tom made to the City and in particular his sizable fundraising effort which made him so iconic in the Capital.

Council notes that a book of condolence in City Chambers has been opened on 7 November 2019. Also notes the calls for Tom's name to be added to the Edinburgh street naming bank. Council therefore recommends that the Development Management Sub-Committee, give this consideration with a strong recommendation from Full Council that Tom's name is added to the street names bank with a view to an appropriate street or area being named after him." (Item 9.7)

- 3.2 Under the Civic Government (Scotland) Act 1982, local authorities are given the power to name any road within their area. This statutory duty is carried out by the Council's Street Naming team.
- 3.3 The procedures for street naming are set out in the [Statutory Addressing Charter](#).

4. Main report

- 4.1 Following the passing of Tom Gilzean MBE, the Lord Provost put forward a motion requesting that Tom's name be added to the street naming bank.
- 4.2 In response to this motion Tom Gilzean MBE now appears in the street name bank.
- 4.3 The [street name bank](#) can be viewed on the Council website on the Street Names and Numbers pages.
- 4.4 The process for addressing a street is set out in Section 2 of the Statutory Addressing Charter.

5. Next Steps

- 5.1 Tom Gilzean's name will remain on the street name bank until an appropriate street can be identified that requires naming.
- 5.2 The criteria in the Statutory Addressing Charter will then be used to determine the suitability of the Tom's name for use.

6. Financial impact

- 6.1 There are no financial impacts arising from this report.

7. Stakeholder/Community Impact

- 7.1 No consultation or community engagement is required in order to add a name to the street name bank. Consultation will be carried out as required, and as directed in the Street Naming Charter, when Tom's name is ready to be used.
- 7.2 Adding this name to the street name bank will not have a negative impact on equalities. The Statutory Addressing Charter states that priority will be given to women's names, but only where possible.
- 7.3 Adding a name to the street name bank will have no adverse effects in relation to carbon impacts, adaptation to climate change and sustainable development.

8. Background reading/external references

- 8.1 [Statutory Addressing Charter 2019](#)
- 8.2 [Street Name Bank](#)

9. Appendices

- 9.1 None

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Development Management Sub Committee

report returning to Committee - Wednesday 18 December 2019

Application for Planning Permission 17/04137/FUL at Corstorphine Hospital 136 Corstorphine Road Edinburgh.

**Re-development of the former Corstorphine Hospital to
form 76 residential apartments (including 44 new build
apartments) and associated community hub, vehicular
access, car parking and landscape works (as amended).**

Item number

Report number

Wards

B06 - Corstorphine/Murrayfield

Recommendations

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

Background information

The Committee was minded to grant planning permission on 22 February 2019, subject to the conclusion of legal agreements within six months of this date to make financial contributions towards affordable housing, education and transport infrastructure.

An additional condition was applied on the Committee's request as follows:

"Prior to the commencement of development a revised landscaping scheme shall be submitted to the Planning Authority to explore a more sympathetic approach to the site and setting of the listed building and this shall include the provision of an improved access across the site. This matter shall be referred back to the Development Management Sub-Committee for approval."

Reason: In the interest of appropriate access across the site.

The Committee was concerned that the accessible route proposed in the original scheme was not sufficient in terms of inclusive mobility.

Negotiations are still being finalised on the Section 75 legal agreement.

Main report

Three schemes have been submitted for an accessible route across the site. Options 1 and 2 propose alternative configurations of a DDA compliant ramp on the central green space, whereas Option 3 proposes the retention of the central green space with improvements to the access route proposed in the original scheme.

Option 1: This scheme avoids need for handrails but is impractical, involving a 360-metre long path with 27 resting places. Also, significant earthworks would be required to cut the path into the hill and the existing steps historically used to access the lawn areas would have to be removed. This would have a detrimental impact on the green setting of the listed building, the outlook for many of the apartments and the provision of useable green space.

Option 2: This proposal would also avoid the need for handrails and the ramp is shorter in length than the ramp in Option 1. However, it is still long at 255 metres and has 27 resting places. Otherwise, the disbenefits are the same as for Option 1.

Option 3: This is similar to the route proposed in the original scheme and is relatively short, following the route used previously by the hospital and care home staff. This revised scheme proposes additional resting places and uses the principal accesses to the apartment blocks. Option 3 would preserve the setting of the listed building, maximise useable green space and preserve the historic stepped access to the lawned areas.

In conclusion, whilst Option 3 does not provide an accessible route through the centre of the site and has the steepest gradient of the three options, it is the best scheme in terms of preserving the landscape setting of the listed building and providing a practical and satisfactory accessible route. The landscaping scheme proposed in the application is therefore acceptable.

It is recommended that the Committee approves Option 3 of the accessible access proposals (drawing number 60, scheme dated 21 October 2019) and removes the requirement for the additional condition for a revised landscaping scheme.

Links

Policies and guidance for this application

LDPP, LHOU01, LHOU05, LEN04, LEN03, LDES01, LDES03, LDES04, LDES05, LDES06, LHOU03, LHOU04, LEN09, LEN12, LEN16, LEN21, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, NSMDV,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OVX087EWMQN00>

Or [Council Papers online](#)

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

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Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/02616/FUL
at Land 100 Metres East Of 53 Burdiehouse Road
Edinburgh.
Residential development 116 dwellings and associated
landscaping and infrastructure (as amended).**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the setting of the listed building and provide a positive outcome for the development of the listed building.

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 04.12.2019

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LTRA10, SUPP, SGDC, NSG, NSGD02, NSHAFF,

Report

Application for Planning Permission 19/02616/FUL at Land 100 Metres East Of 53 Burdiehouse Road Edinburgh Residential development 116 dwellings and associated landscaping and infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The site is approximately 6.82 hectares comprising two separate development areas both located east of Burdiehouse Road.

Area A (1.02 hectares) is an existing SUDS area established for the previous Burdiehouse residential development lying to the south of Burdiehouse Burn. It is bounded by existing trees and Burdiehouse Road to the west, the Burdiehouse Valley Park and Burdiehouse Burn to the north, the residential property of 49 Burdiehouse Road to the north east, and newly built housing at Burdiehouse to the south east.

Area B (5.8 hectares) is predominantly open landscape, with the exception of an area of young woodland planting and shrubs associated with an area of new housing at Burdiehouse which bounds the site to the north. The site slopes approximately 10 metres up from the northern boundary to the southern Lang Loan boundary which has an existing vehicle access. Category B listed limekilns (Number 28159, listed on 14 December 1970) are located immediately to the north west. To the north east is woodland surrounding The Murrays, an existing residential development built in the 1990s. The eastern boundary consists of existing woodland, partially covered by Tree Preservation Order (TPO 13, preserved on 13 June 1962), beyond which lies the West Edge Farm housing development. Lang Loan is to the south and farmland, including overhead powerlines, is to the south west. The south eastern boundary of Area B fronts onto Lang Loan. The south-western boundary is farmland with overhead powerlines located across it. The A720 city bypass is approximately 228 metres to the south.

The site is served by public transport routes as it lies in proximity of a main transport corridor into the city (the A701). There is retail provision in the form of local shops at Broomhills approximately 567 metres to the west on Burdiehouse Road. Larger retail units are located within the Straiton Retail Park, approximately 597 metres to the south (from the closest point of the site).

2.2 Site History

13 January 2016 - Proposal of Application Notice submitted for residential development and associated landscape and infrastructure (planning application 15/ 05877/PAN).

9 December 2016 - planning application submitted for planning permission in principle for residential development, a local convenience store (Class 1), associated landscape, access and infrastructure (planning application 16/06036/PPP).

12 October 2018 - Proposal of Application Notice submitted for full planning permission (major) for residential development and associated landscape and infrastructure (planning application 18/08834/PAN).

Relevant applications within the area including the neighbouring Burdiehouse residential development:

22 September 2010 - planning permission in principle was refused for residential development (including affordable housing provision), open space and access junction and road alignment (application reference number: 10/01185/PPP) at land 196 metres south of 49 Burdiehouse Road, Edinburgh.

10 February 2012 - the above planning permission in principle was granted on appeal (appeal reference: PPA230-2047).

Following the appeal decision, the site was allocated for residential development within the first proposed Local Development Plan, including the areas of land previously proposed to be covered by tree planting as shown in the PPP parameters plan.

30 May 2013 - permission granted for approval of matters specified in conditions of PPA230-2047 in respect of access road (application number 13/00273/AMC).

14 June 2013 - permission granted for a section 42 application to vary condition 1 of 10/01185/PPP to increase the maximum building heights (application number 13/00673/FUL).

14 June 2013 - permission minded to grant subject to legal agreement for a section 42 application to vary condition 1 of 10/01185/PPP to modify the structural planting (application number 13/00944/FUL). This permission is subject to a legal agreement covering safe vehicular access to Burdiehouse Road, transport contributions, education contributions, affordable housing and a landscape maintenance bond.

14 June 2013 - planning permission granted for approval of matters specified in conditions of 10/01185/PPP for residential development of 122 houses and flats (application number 12/04385/AMC).

17 April 2013 - planning permission refused for a petrol filling station and electric vehicular charging station, including ancillary shop on adjacent land fronting Burdiehouse Road. Refused at appeal (application number 13/01259/PPP).

6 November 2013 - planning permission granted for approval of matters specified in condition 2k of application 10/01185/PPP approved (application number 13/03048/AMC).

4 November 2015 - planning permission granted for 211 residential units (application number 14/04880/FUL) subject to a legal agreement and conditions.

Main report

3.1 Description of the Proposal

The proposal is for full planning permission for a residential development of 116 units, structural planting, public open space and associated landscaping, vehicular access from Lang Loan and the provision of sustainable urban drainage attenuation basin and associated drainage infrastructure. As referenced in the site description, the application site consists of two separate areas, Area A and Area B.

In Area A, it is proposed to extend and increase in depth an existing SUDS area established for the previous Burdiehouse residential development to meet the drainage requirements of the proposed development. Two pedestrian and cycle path connections would be provided connecting through Area A to the Burdiehouse Road bus stop and to the Burdiehouse Burn. No housing development is proposed here.

Area B is the main development area and it is proposed for development of 116 homes, including 30 affordable, along with 1.7 hectares of public open space. The housing mix comprises detached, semi-detached and terraced houses and two flatted blocks. The houses are all two storeys in height and are finished in render with concrete roof tiles. The two flatted blocks are three storeys in height and are finished in render and brick with flat roofs.

A new street frontage and landscaped pedestrian and cycle route would be provided to Lang Loan to the south east of the site. Landscaping and a further pedestrian and cycle route is to separate the application site from the adjacent green belt land to the south west. The north east boundary would be formed of back gardens and fencing onto the adjacent farmland and woodland. To the north west boundary, the area of woodland and shrub planting previously implemented under the Burdiehouse (LDP allocated site HSG 22) development would be partially reduced to accommodate public open space, SUDS, an informal play area, three cycle connections and a vehicular connection to the HSG 22. Planting would be strengthened along the far northern boundary to provide a link between established woodland and the open space. Pedestrian and cycle connections are to be provided extending beyond the site boundary in the east linking along Lang Loan to connect with the access track to Straiton Ponds and to connect the north west corner of the site across to Burdiehouse Road and bus stop.

Previous Scheme

The scheme has been amended to accommodate a further affordable housing unit, reduce the roof height and divide the flatted block into two separate buildings. Amendments have been made to the road layout to define character areas and to landscaping to accommodate extra heavy standard tree planting.

Supporting Information

The following documents were submitted in support of the application:

- EIA report;
- Sustainability Statement;
- Planning Statement;
- Pre-application Consultation Report;
- Noise Report;
- Design and Access Statement;
- Housing Land Supply Assessment;
- Transport Assessment; and
- Heat Network Assessment.

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

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of residential development is acceptable;
- b) the proposals preserve the setting of the listed building;
- c) the proposal complies with the Broomhills, Burdiehouse and Lang Loan Site Brief;
- d) the design, scale, materials, layout and landscaping are acceptable;
- e) there is sufficient amenity for existing neighbours and future occupier;
- f) the proposal would have acceptable transport impacts;
- g) the proposal would be sustainable;
- h) the proposal addresses developer contributions and the LDP Action Programme

- i) the proposal raises any other issues and
- j) any comments raised by third parties to be addressed.

a) Principle

Areas A and B of the application site are designated within the adopted Edinburgh Local Development Plan (LDP) as being part of both the urban area and land allocated for housing development. This can be attributed as follows:-

- Area A (1.02 hectares) within the urban area and forms the SUDS and open space;
- Area B (5.8 hectares) comprises of the remaining part of housing proposal HSG 22 (1.87 hectares) and an area identified as 'Long Term Redevelopment Opportunity - East of Burdiehouse' (3.93 hectares) which lies within the urban area and is the main area of housing development.

Policy Hou 1 (Housing Development) part 1 states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on sites which fall within set criteria. Criteria a) gives priority to sites allocated for housing. Criteria d) gives priority to suitable sites in the urban area, provided proposals are compatible with other policies in this plan.

As the application site comprises of both an allocated housing site and a suitable site within the urban area, the principle of housing of therefore acceptable in accordance with Policy Hou 1 part 1 criteria a) and d).

b) Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:-

In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed site lies to the east of the category B listed limekilns. These structures are important features in the landscape of south Edinburgh and are highly visible in long views from Burdiehouse Road to the west and north-west and the woodland surrounding the limekilns is prominent in views from Lang Loan to the north. Policy Env 3 (Listed Buildings - Setting) requires development to protect the setting of the listed buildings. The proposal retains the immediate curtilage of the listed structures and maintains a reasonable setting. The proposed housing development would retain the view from Lang Loan to the limekiln woodland area, along the main vehicle access road. The proposal shows landscape open space as a buffer between the site and the adjacent limekilns and therefore the proposal would not adversely affect its setting.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting of the listed building and comply with policy Env 3 (Listed Buildings - Setting).

c) Site Brief

The LDP site brief for Broomhills, Burdiehouse and Lang Loan includes the allocated housing sites Broomhills (HSG 21), Burdiehouse (HSG 22) and North of Lang Loan (HSG 39) together with the main area of development subject to this application, Long Term Redevelopment Opportunity - East of Burdiehouse. The brief sets out a number of principles to be addressed with development.

Area A

This area is identified in the brief as an area of new greenspace and woodland with a pedestrian and cycle path connecting from HSG 22 to an existing path to the north. This area is an established SUDS area serving existing development. Along with extending the SUDS to meet the drainage of the proposed development, new pedestrian and cycle path connections would also be provided. These would continue from the now implemented HSG 22 site connecting through Area A to Burdiehouse Road bus stop. Existing woodland to the west would remain.

Area B

This area is identified in the brief as providing a new woodland to the north, street improvement and frontage to Lang Loan, pedestrian and cycle links between HSG 22 and the Long Term Development Area, links to Straiton Pond and links to HSG 39. The application addresses the requirement for street improvement to Lang Loan through the introduction of a 3m wide pedestrian and cycle path with an avenue of tree planting running along the boundary. Set back from the main access road to the development will be fronted with new housing is orientated to face Lang Loan and provide an active street frontage. The woodland and shrub planting implemented under HSG 22 will be modified to allow the creation of pedestrian and cycle paths and the connection of the vehicle access. Offsite pedestrian and cycle paths will be created to connect to Burdiehouse Road and to Straiton Ponds.

The proposal complies with the relevant requirements of the Broomhills, Burdiehouse and Lang Loan Site Brief.

d) Design, Scale, Materials, Layout and Landscaping

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design.

Policy Des 4 (Impact on Setting) requires development to have a positive impact on its surroundings including the character of the wider townscape and landscape, and impact on existing views.

Policy Des 9 (Urban Edge Development) requires development sites on the green belt boundary to conserve and enhance the landscape setting and special character, promote access to the countryside and include landscape improvements that strengthen the green belt boundary.

The design of the development has been informed by the creation of 1.7 hectares of open space formed over an area of the site which, due to historic underground workings associated with the limekilns, cannot be developed for housing. The formation of the open space, along with woodland planting, will act as a buffer between the proposed development and the adjacent limekilns retaining views. The housing plots and flatted blocks have been arranged to provide frontage to the open space.

As noted in section a) the development sits within a collection of new housing sites allocated in the LDP which are now largely completed. The design of the proposed site has been conceived to act as a continuation of the design and layout pattern that has been established.

To address both the LDP site brief and the need to establish a green belt boundary under policy Des 9, woodland planting to the south west edge and tree planting and building frontage to the south east boundary are proposed.

Landscape and materials

The application is accompanied by a Landscape and Visual Impact Assessment. This sets out that due to the location and levels within the development site there will be visual impacts. These are described as being of moderate significance as the development would be seen within the context of other new development, which includes the adjacent sites in the Broomhills, Burdiehouse and Lang Loan Site Brief. The retention and introduction of woodland planting would help mitigate some of the impacts over time.

The development is predominantly two storeys in height with the exception of the two flatted blocks which are three storeys in height. The flatted blocks have flat roofs in order to minimise their presence within the development. Materials for the flatted blocks and to all houses on the development boundaries are a cream and buff render. Houses within the central areas of the development are finished in white render. All houses have grey concrete roof tiles. The palette of materials is to harmonise with the existing development on adjacent sites. The more muted colours to the flatted blocks and development edges are to minimise their appearance within the wider landscape.

Layout

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

The development had been designed around a central main access street connecting from Lang Loan through to Martin Street which serves the existing Burdiehouse development HSG 22. The formation of a central street, set in tarmac with formal footways and edged by a formal strip of avenue planting, acts a central character area. Secondary streets feeding off the main street to the eastern part of the site are laid out as shared surface areas and finished in block pavements with hedges and trees used to define the spaces within and increase legibility. To the western portion of the site, secondary streets consist of two courtyard areas serving terraced properties and the flatted blocks with on street parking.

The main street, as well as numerous cycle and footpath connections, provide direct links to adjoining sites and facilities in the wider area. This substantially increases the permeability of the site and encourages walking and cycling. The layout of houses and the flatted blocks has been arranged to front key spaces including creation of an active frontage to Lang Loan, the open space and both primary and secondary streets and spaces through the site. This ensures spaces are active and well overlooked.

The layout forms a legible street hierarchy in line with Designing Streets and policy Des 7.

e) Amenity for Existing Neighbours and Future Occupiers

Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Existing Residents

The neighbours most affected by the proposals are located to the north of the site. Here a group of seven two-storey detached and semi-detached properties adjoin the development site. An area of shrub planting to the rear of these properties will be replaced with tree planting in order to provide a nine metre strip between the existing properties the rear of new properties proposed. This will ensure privacy and separation as well as a green corridor link from the wider area. The tree planning will be managed under maintenance agreement to ensure they do not cause loss of daylight and sunlight.

It is acknowledged that the area will experience a change in character from open land to a residential site and this may have an initial impact on existing amenity through different patterns of use. However, the proposed land uses and design are complementary to the neighbouring area, and therefore, the development is in accordance with policy Des 5.

Amenity of Future Residents

Sunlight and Daylight

All of the properties will benefit from the required amount of sunlight and daylight as set out in the Edinburgh Design Guidance. All houses and over 80% of the flatted properties are dual aspect. The four flatted properties which are single aspect directly overlook the area of open space.

Privacy

The homes are arranged to ensure privacy is maintained for residents. All houses and the lower ground floor of the flatted blocks, have at least 3 metres of semi-private space between front elevations and public spaces.

Housing Mix

Policy Hou 2 (Housing mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs. The development includes a range of detached, terraced and flatted properties with 1 to 4 bedrooms including a range of types and sizes of affordable homes. All homes meet or exceed the minimum space standards as set out in the Edinburgh Design Guidance.

The overall development represents a positive contribution to meeting a range of housing needs and includes a range of house sizes.

Open Space

The houses have private garden ground to the front and rear and ground floor flats have direct access onto semi-private open space. There is a generous amount of public open space provided on site including a children's play area within the 1.7 hectare greenspace. Greenspace within the site exceeds the required 20% as required in policy Hou 3. The level and quality of open space proposed is therefore acceptable. The proposal is therefore in accordance with policy Des 5.

f) Transport Impacts

Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development and requires a transport assessment to propose mitigation that addresses cumulative and cross boundary transport impacts. The LDP Action Programme (2019) sets out the infrastructure required to implement the LDP to ensure that proposed development is closely aligned with the infrastructure needed to support it.

The applicant has submitted a Transport Assessment (March 2019) in support of the proposal. This assessment models the proposed scheme along with neighbouring recent developments. It concludes that transport provision in the area is considered sufficient to accommodate the development without the need for mitigation. It notes that proposals to encourage walking and cycling should be used to promote connectivity with the surrounding area.

Transport Scotland commented on the proposal stating that although they would not propose to advise against the granting of planning permission, this is provided on the understanding that the Council will make provision (should the application be recommended for approval and if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal) for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

The site was assessed as part of the LDP Transport Appraisal Addendum (November 2016) and is included within the LDP Action Programme (January 2019) and the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). Within the supplementary guidance, the development falls within healthcare, education and transport contribution zones. For transport, this includes the Straiton Junction Transport Contribution Zone, the Lasswade Road / Lang Loan Transport Contribution Zone and the Burdiehouse Junction contribution zone. A contribution is required towards the Burdiehouse Junction of £52,800. This contribution will be secured by legal agreement.

To ensure the development has suitable access to public transport, the Action Programme seeks support for enhanced bus capacity on Burdiehouse Road, with this action shared across neighbouring sites. The Action Programme also seeks support for the introduction of a bus route connecting to an existing development, The Murrays which sits to the north east of the site. The Action Programme notes that the introduction of the route is constrained by bus operators who may be reluctant to alter current routes. To deliver this route would also require upgrade of the road in site HSG 22 and the use of further land outwith the applicant's control. No costs have been attributed to these actions.

Provision of high quality on and off site pedestrian and cycle connections are also specified in the Action Programme. These include onsite routes allowing connection to adjacent walking and cycle routes to the north, east and south and neighbouring residential areas and continuation of the active travel route along Lang Loan.

On-site the proposed development has responded to this requirement by providing three main segregated walking and cycling links running east to west and north to south through the site and along Lang Loan. These routes are specified as being three metres in width. These routes will be delivered with the development.

Four off-site connections are specified in the Action Programme. These are links to West Edge Farm (228m) and The Murrays (103m) to the east of the site, Straiton Ponds (481m) to the south of the site and Burdiehouse Burn/Bus Stop (594m) to the west. The offsite routes are specified as 4m wide and lit with the exception of the section to Lang Loan. The applicant has indicated that the links to the west and south of the site are within land which they control. Delivery of these west and south links is to be secured by condition. Links to the east of the development site are on land which the applicant does not have control and will be secured by legal agreement.

Car parking and cycle parking

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.

The proposed development includes 57 on street car parking spaces including 6 spaces for disabled people and 72 off street parking spaces, to a total of 129 spaces. Current parking standards would permit up to 219 spaces for the 116 units and require provision of 1 in 6 on street spaces to be for disabled people. The provision is therefore in accordance with policy Tra 2.

For the flatted blocks two cycle stores are proposed. One is accommodated internally within south flatted block and the other as a separate covered area within the courtyard. These areas provide storage for 42 cycle spaces for 21 flats. Cycle parking for the houses can be accommodated within garages and private garden areas. This provision meets the requirements of policy Tra 3 and the Edinburgh Design Guidance.

g) Sustainability

Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development. Supplementary Guidance on Heat Opportunities Mapping was adopted in December 2018. This requires applicants for allocated housing and major development sites to make an assessment as to whether a creation of or connection to a heat network would be feasible.

The applicant has completed the required S1 Sustainability Statement and submitted a Heat Network Assessment. The S1 statement shows the development will meet all essential criteria as set out in the table below. This includes use of photovoltaic cells on roofs and provision of ducting for electric car charging points. The Heat Network Assessment confirms that in this location and with the nature of the housing development proposed, a heat network would not be a viable option.

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 development meets the required sustainability requirements of policy Des 6 and the associated Supplementary Guidance.

h) Developer Contributions and Action Programme

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

The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018) and the LDP Action Programme (January 2019) require the following contributions and actions.

Education

Assessment based on: -

21 Flats

95 Houses

This site falls within Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£2,010,105

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

Total land contribution required:

£257,932

Note - no indexation to be applied to land contribution.

Healthcare

The site falls within the Gilmerton healthcare contribution zone. This amounts to £1050 per dwelling (for a new practice), based on 116 dwellings

Total contribution required:

£121,800

Transport

The applicant will be required to contribute:

- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian/cycle connections outwith the site, as set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed
- The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.

Affordable Housing

At least 25% of the total number of residential units on site shall be affordable.

A legal agreement will be required to secure the contributions outlined above, and the progression of traffic orders as necessary, including the redetermination of footways and carriageways, a stopping up order and the enforcement of disabled car parking spaces.

i) Other issues

The Environmental Impact Assessment (EIA) submitted with the application assessed the development in relation to its environmental impacts.

Noise

The site is approximately 250m from the A720 Edinburgh City Bypass, with Langloan immediately bounding the site to its south. To the south of the site are high voltage electrical pylons sitting approximately 35m from the proposed development. The EIA includes a Noise Impact Assessment and requires mitigation to protect future residents from the impacts of these potential noise sources.

Environmental Protection has recommended conditions to ensure that these impacts are mitigated. These include a 1.8 m high acoustic barrier around plot 101 and noise reducing glazing to habitable rooms facing the southern edge of the development towards the bypass.

Mining

The Coal Authority has advised that it does not object to the application subject to a condition to ensure that further site investigations are carried out, as there are likely to be coal mining features and hazards. It recommends further intrusive site investigation works, along with the stabilisation of the mine entries and/or areas of shallow mine workings, within the application boundary, and that these works should be undertaken prior to development. Therefore, a condition requiring further intrusive site investigation and further remedial works, if necessary, is recommended.

Contaminated Land

The applicant has submitted a Ground Investigation Report. Environmental Protection has advised that a site survey 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. This will be secured by condition.

Archaeology

The City's Archaeologist has advised that the site is of archaeological significance, the aim should be to preserve the archaeological remains in situ and that mitigation measures will be required. A programme of archaeological works will be required prior to development and will be expected to demonstrate phased, detailed mitigation strategies and incorporation of heritage in the final designs whether through public art or interpretative panels. Therefore, a condition is recommended to ensure that archaeological remains are protected, excavated or appropriately recorded. This complies with Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance).

Trees

The application site extends into woodland area on the eastern boundary, which is covered in part by a Tree Preservation Order. However, TPO 13 is not affected by this proposal and therefore no objection under Policy Env 12 (Trees), subject to condition that the trees should be safeguarded by tree protection plans, secured by condition, if the application is to be approved.

Ecology and Protected Species

Scottish Natural Heritage (SNH) has no objection to the proposals and are supportive of the proposed creation of extensive greenspace and new tree planting which is included in the Landscape and Ecology Management Plan. They have recommended that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3 of the Landscape and Ecology Management Plan, are taken forward.

j) Public Comments

Material Representations:

- Object to through road to new development due to impact on Martin Street and Clippen's Drive including increase in traffic, threat to road safety, unsuitability of road to accommodate traffic, increase in noise and air pollution, loss of residential character and amenity and potential for connection to be used as a rat run.
- Object to connection to Murrays on road safety and amenity.
- Object to formation of bus route due to road safety and amenity.
- Comprehensive traffic study/audit required.
- Increase in on street parking in existing estate.

Issues of road safety, layout, travel and transport have been addressed in sections 3.3c) to 3.3f) and a transport study has been submitted and considered under section 3.3f).

- Need for playpark or other community space in development
- Loss of amenity including daylight, sunlight and loss of privacy
- Lack of infrastructure including roads, medical practice and schools
- No links to Burdiehouse Burn Valley Park, opportunities not taken to enhance the park

Issues of amenity, access to open space and infrastructure are addressed in sections 3.3c) to 3.3h).

Non-material Representations:

- Loss of view
- Should have a lit pavement whole way along Burdiehouse Road
- Barratts advised no through road would be made between developments
- Creation of footway on Lang Loan desirable
- Need for enhanced pedestrian and cycle facilities in wider area
- Need speed reduction measures on Clippen's Drive

Conclusion

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

Addendum to Assessment

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

3.4 Conditions/reasons/informatives

Conditions: -

1. The following noise protection measures to the proposed development, as defined in the Airshed 'Noise Assessment' report (AS 0677), dated 27 May 2019:
 - The Proposed Development shall include a 1.8 m high acoustic barrier around plot 101. The location, extent and geometry of the noise barrier is highlighted in Figure 6 of the noise assessment. The barrier shall be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base a dry mass density of 12 kg/m² as a minimum.
 - Glazing units serving the habitable rooms overlooking the A720 shall have a minimum sound reduction level of 33 dBw double glazing with acoustic trickle ventilation of 38dB Dne minimum sound reduction levels (specific units highlighted on figure 6 of the noise assessment) shall be carried out in full and completed prior to the development being occupied.

..

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. i) Prior to the commencement of construction works on site the following will be required complete:
 - The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval by the planning authority and
 - Implementation of those remedial works.
4. 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.
5. Provision of the high quality pedestrian/cycle connections 'link to Straiton Ponds (481m) and 'link to Burdiehouse Burn/Bus Sop (594m) as set out in the Local Development Plan Action Programme, shall be implemented prior to no more than 35 units on site being occupied. Specification of the surface and lighting of these links shall be submitted for approval of the Planning Authority.

6. No development shall take place including demolition, ground works, vegetation clearance until a Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted and approved in writing by the planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the planning authority.
7. The approved landscaping scheme shall be fully implemented within the first planting season following completion of the development. Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In order to ensure a suitable residential environment.
2. In order to ensure that the site is suitable for redevelopment.
3. In the interests of public safety.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure the development is supported by suitable walking and cycling infrastructure.
6. In the interest of protecting biodiversity.
7. In order to ensure appropriate planting is established on site in the interests of amenity and setting of the development.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a legal agreement has been concluded with respect to:-

Education

Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'

Total infrastructure contribution required:
£2,010,105

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

Total land contribution required:

£257,932

Note - no indexation to be applied to land contribution.

Healthcare

Gilmerton healthcare contribution zone

£1050 per dwelling, based on 116 dwellings

Total contribution required:

£121,800

Transport

The applicant will be required to contribute: -

- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian / cycle connections outwith the site. As set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed
- the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.

Affordable Housing

At least 25% of the total number of residential units on site shall be affordable.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant will be required to provide 10 on-street electric vehicle charging points (1 in 6 spaces)
6. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles. The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
8. For the avoidance of doubt, appropriate lighting to an adoptable will be required on all adoptable remote footpaths.
9. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
10. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
11. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport.
12. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
13. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
14. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

15. Electric vehicle charging outlets should be considered for all properties with off-street parking.
16. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice (18/08834/PAN) was submitted to City of Edinburgh Council on 12 October 2018, for residential development providing a range of private and affordable homes, and associated landscape, access and infrastructure.

A pre-application report was presented to the Committee on 5 December 2018. The Committee noted the key issues at that stage in the process.

The PAN set out a proposed programme of pre-application consultation. A copy was sent to the following organisations:

Community Councils

Gilmerton and Inch Community Council

Neighbourhood Partnerships

Liberton and Gilmerton Neighbourhood Partnership

South Edinburgh Partnership

Ward Councillors

Cllr Lezley Marion Cameron
Cllr Derek Howie
Cllr Lesley Macinnes
Cllr Stephanie Smith

Public Exhibition

A public exhibition took place on 23 November 2018 at the Gilmerton Society Hall, Edinburgh. The details and feedback are set out in the Pre Application Consultation Report dated February 2019. This is available to view on the Planning and Building Standards Online Services.

The proposals were submitted to the Urban Design Panel on 28 November 2018. Full details of the response can be found in the Consultations section.

Schools

Gilmerton Primary School
Liberton High School
Gracemount High School
St Catherine's Roman Catholic Primary School
Holy Rood RC High School

Other Organisations

Friends of Burdiehouse Burn Valley Park

MSPs

Ash Denham MSP
Jeremy Balfour MSP
Miles Briggs MSP
Kezia Dugdale MSP
Neil Findlay MSP
Alison Johnstone MSP
Gordon Lindhurst MSP
Andy Wightman MSP

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 18 June 2019. There have been 30 letters from surrounding residents including 25 objections, four neutral comments and one letter of support.

The Community Council has not commented.

Representations can be found in the main report in the Assessment section.

Background reading/external references

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

**Statutory Development
Plan Provision**

The application site is located within the Urban Area and housing allocation HSG 22 as defined by the Local Development Plan.

Date registered

14 June 2019

Drawing numbers/Scheme

01-45A,

Scheme 2

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

Contact: Lynne McMenemy, Senior Planning Officer
E-mail: lynne.mcmenemy@edinburgh.gov.uk Tel:0131 529 2485

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

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

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

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

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

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

LDP Policy 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 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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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

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

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

Appendix 1

Application for Planning Permission 19/02616/FUL At Land 100 Metres East Of 53, Burdiehouse Road, Edinburgh Residential development 116 dwellings and associated landscaping and infrastructure (as amended).

Consultations

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing Management and Development assess housing requirements by tenure to support the city's Affordable Housing Policy (AHP).

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

2. Affordable Housing Provision

This application is for a development consisting of 116 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (29) homes of approved affordable tenures. The developer has entered into dialogue with the Council.

- o The tenure of the affordable housing must be agreed by the Council;*
- o The applicant has entered into dialogue with a Registered Social Landlord regarding the the affordable homes but has not yet selected an affordable housing partner;*
- o The applicant entered into dialogue with the Councils Housing Service in regards to delivery of a well integrated and representative mix of affordable housing on site.*

Negotiation with the applicant has resulted in a revised affordable housing mix in two locations and an increase in the number of affordable homes being provided. The applicant has stated that

the affordable housing will account for 30 homes (26% of the new homes), and this above policy level of affordable housing delivery is welcomed by this department. The affordable housing will consist of 21 flatted apartments and 9 terraced houses which will offer a mix

of homes. Three of the terraced homes are to be delivered by the RSL and the remaining six would be for Golden Share:

- o 4x 1b apartments (RSL)
- o 17x 2b apartments (RSL)
- o 3x 3b terrace units (RSL)
- o 6x 3b terrace units (Golden Share)

The revised proposal offers a more representative mix than originally proposed by the applicant. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and must comply with guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

The affordable homes are situated within close proximity (within 400 metres) of regular public transport links and are located next to local amenities. It is important that an equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

3. Summary

The applicant has made a commitment to provide 26% (30 homes) as on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- o *The applicant has entered into dialogue with both the Council and a Registered Social Landlord (RSLs) to deliver the affordable housing*
- o *The tenure of the affordable housing must be agreed with the Council*
- o *The affordable housing will include a both flatted and terraced housing, providing a variety of house types and sizes in two locations within the site*
- o *All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- o *In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o *The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

SEPA

We have no objection to this planning application, but please note the advice provided below.

Flood Risk

We have reviewed the information provided with this planning application and we note that part of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and it may, therefore, be at medium to high risk of flooding.

The risk identified at this site is from surface water flooding only. The City of Edinburgh Council should be satisfied with the drainage design and that the site does not increase surface water flood risk elsewhere.

Review of the Site Layout - Wider Context drawing (18173(PL)001_G, dated 12/10/2018) and OS Map contours, indicates that the site is located on ground levels approximately 135-146mAOD. The Burdiehouse Burn is situated well below 120m AOD, approximately 140 metres north of the red line boundary. Review of topographic information submitted as part of the previous proposal (planning application 16/06036/PPP), which extends down to the watercourse, supports these elevations. There is sufficient height difference, therefore, between the site and Burdiehouse Burn. We are not aware of any other watercourses within or immediately adjacent to the site.

We would recommend that contact is made with the council's Flood Prevention Officers to gather any information/ local knowledge they may have.

If you require us to provide additional comments on the flood risk issue, please re-consult us and specify the nature of the perceived flood risk.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of 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/>

Stabilisation of mine workings with Pulverised Fuel Ash (PVA) Grouts.

We recommend that if stabilisation works are identified as being required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout is produced prior to this activity being undertaken on site.

The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the

requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

SEPA recommends that the assessment is undertaken in line with the guidance document: *Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.*

is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

Additional Information

Further details relating to CAR requirements can be found on SEPA's website at; http://www.sepa.org.uk/water/water_regulation/regimes.aspx

Consultation with The Coal Authority is recommended.

Key points to note in relation to the water environment when undertaking mine workings grouting:

An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.

It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.

Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.

If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

Air Quality

In the EIA non-technical document there is a statement that the traffic generated by the development is under the thresholds indicative of requiring detailed assessment. No specific mitigation has therefore been proposed. Should the planning authority agree with this, we advise that good practice to reduce emissions and exposure is incorporated into all developments at the outset.

*The council should refer to EPS & RTPI Scotland's guidance document: *Delivering Cleaner Air for Scotland - Development Planning and Development Management* for more information on how effective development can minimise impact on air quality.*

Future consents from SEPA

It appears that sewage is going to the Scottish Water foul sewer. This should be confirmed by the applicants and Scottish Water.

If there are any alterations to the burn the applicants should consult SEPA's local team (contact details below) to obtain the relevant permissions. We also advise the applicants to contact our local team to discuss soil movements as a Waste Management Licence exemption may be needed.

Regulatory advice for the applicant

Regulatory requirements

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

is more than 4 hectares,

is in excess of 5km, or

includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in the local SEPA office at:

Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh EH12 7AT.

Coal Authority

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that there are 3 recorded mine entries (shafts and adit) within, or within 20m of the planning boundary.

The Coal Authority notes the submitted Phase 1 Ground Condition Assessment (Contamination and Stability), which appends the Environmental Impact Assessment (May 2019, prepared by Peter Brett Associates LLP). The Report has been informed by up-to-date geological and mining information and results from intrusive site investigations undertaken.

Based on this review of existing information, the Phase 1 Assessment correctly identifies the risks to the development posed by both oil shale and limestone workings and the recorded mine entries, one of which relates to oil shale. However, The Coal Authority is not responsible for oil shale or limestone within the site. It is the responsibility of the landowner/developer to ensure that the site is or can be made safe and stable for the proposed development in accordance with the requirements of the planning system. The Coal Authority therefore has no objections to this planning application subject to a planning condition to ensure the investigation and potential treatment of the mine entries as recommended within the Report.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 1 Ground Condition Assessment (Contamination and Stability) (November 2016, prepared by Peter Brett Associates LLP); that recorded mine entries pose a risk to both public safety and ground stability. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

**The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;*

** The submission of a report of findings arising from the intrusive site investigations;*

** The submission of a scheme of remedial works for approval; and*

** Implementation of those remedial works.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Scottish Natural Heritage

Thank you for consulting Scottish Natural Heritage on the above proposed residential development. This is a full planning application which supersedes the previous application (16/06036/PPP). The development has changed and is supported by a new environmental impact assessment (EIA) in order to comply with the 2017 EIA Regulations.

Summary

The new application, if delivered to appropriate standards and in accordance with submitted masterplans, designs and codes, has the potential to provide a well-integrated housing development, providing a new neighbourhood with a favourable level of integrated, accessible and multi-functional green infrastructure.

Strategic Context

The proposed development is addressed in the Edinburgh Local Development Plan: housing north of Lang Loan (HSG 39). The proposal is subject to the design principles set out in the Broomhills and Burdiehouse Site Brief and we are satisfied that the application accords with these principles.

The site lies in a prominent and exposed location on the edge of the city and, together with other planned developments in this area, will alter the character of the city edge at this location. We therefore advise that a strong and cohesive approach is required to place-making and design in order to integrate these various developments with each other and within their broader landscape context.

Appraisal of the Impacts and Advice Landscape and Green Infrastructure

We are not able to comment on the landscape and visual impacts of this proposal. We are currently providing landscape and visual advice in only the highest priority circumstances, where development:

- 1. Is likely to have significant adverse effects on the integrity and objectives of designation of a National Scenic Area.*
- 2. Is likely to have significant adverse effects on Special Landscape Qualities of a National Park.*
- 3. Is likely to have significant adverse effects on the qualities of a Wild Land Area.*
- 4. Raises landscape issues of national interest in the wider countryside.*
- 5. Contributes to selected place-based priorities.*

However, since we previously provided landscape comments on this proposal and these are still relevant, we repeat this advice below.

The proposed site lies on the northwards slope of an elongated minor ridge on the edge of the city of Edinburgh, close to the city by-pass. In part, this ridge helps define the landscape setting of this area of the city, particularly as experienced from the city by-pass and other areas to the south. We note that the proposed layout seeks to locate built development below the minor ridge. This siting of the housing, combined with the proposed avenue planting along Lang Loan, will help to shelter and visually contain the effects of built development, and associated ancillary infrastructure such as night-time lighting.

We consider the proposal has built on the key development principles outlined within the Local Development Plan, producing a detailed masterplan and landscape plans for the site. These principles, including the design approach for the site's green infrastructure, if successfully delivered to appropriate standards and ensuring appropriate linkages to the neighbouring developments and proposals, could lead to multiple benefits for both people and nature.

We welcome the avenue planting and 3m wide multi-user path along the southern boundary of the site next to Lang Loan. We highlight that the planting will need to be very well executed in order to establish satisfactorily. We draw attention to the exposed location and the difficulties in achieving successful planting in such conditions.

We also note the extensive area of green space / green infrastructure lying to the west of the site where the land is not suitable for housing. We welcome the varied treatment in this area with a mix of wildflower meadow, wetland grassland and tree planting fronted by the proposed new housing. We think that this should help create a high amenity area for recreation, and with active travel links (cycle paths and footways) between the new housing and phase 2 of the Burdiehouse development, helping link the development with wider communities and to other routes or areas of greenspace such as the Burdiehouse Burn.

We recommend that further information is needed for the appropriate delivery, maintenance and management of all the proposed green infrastructure, which should all be included within the Landscape and Ecology Management Plan. The short and long term approach to maintenance and management of all areas of open space will strongly define the quality of the local environment created within the application area and we advise that these matters are adequately clarified in advance.

Ecology

The environmental report provides an evaluation of the relevant ecological features found on-site, informed by a combination of baseline ecological desk study and survey work undertaken in January-March 2019. As indicated we are supportive of the proposed creation of extensive green space and new tree planting which is to be included in the Landscape and Ecology Management Plan.

It is proposed that a bat survey will be undertaken in May-June 2019 with the details to be provided in an addendum prior to determination of the planning application. We note that the wider ecological surveys have indicated the possibility of bats being present on-site so until the addendum is submitted we can't provide further comment on this aspect. Advice on bats is available from our website:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-bats>

Although there are badgers in the wider area, site survey undertaken on 4 March 2019 did not identify any badger setts on-site or within the 100m buffer area surveyed (see Appendix 9.3). Therefore we advise that no specific mitigation or licence is required in respect of badgers. We recommend that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3, are taken forward.

We hope you find this advice useful, please do not hesitate to get in touch by email: catriona.gall@nature.scot or by 'phone: 01738 458665 if you require further information.

Historic Environment Scotland

Thank you for your consultation which we received on 18 June 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Proposed Development

We understand that the proposed development comprises a residential development of 115 units in addition to landscaping, transport and drainage infrastructure. The proposed development is located 120m south east of the completed Phase I Burdiehouse development and immediately south to the Phase II Burdiehouse development.

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.

Transport Scotland

The Director does not propose to advise against the granting of permission.

Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision, if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal, for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

Midlothian Council

Midlothian Council wishes to ensure that the roads in the locality of the development operate satisfactorily in terms of safety and congestion in the context of the expected cumulative development. The 'SESplan Cross Boundary and Land Use Appraisal Final - April 2017' (Cross Boundary Study or CBS) identified problem 'hotspots' including Straiton junction. These are locations where significant deterioration in the performance of the network might occur due to the impact of cross boundary trips from non-committed development (defined as allocations within adopted plans and proposed LDPs at the time the study was published in 2017).

Although the proposed development is relatively small in the context of development along the A701 and A720 corridors, Scottish Government transport appraisal guidance

states that the significance of a traffic impact depends not only on the percentage increase of traffic but the available capacity. It would be valuable to seek an opinion from Transport Scotland on the acceptability of the proposals, and to consider the need for any developer contributions towards improvements.

The CBS also refers to SEStran's Strategic Cross Boundary Cycle Development report, which identifies gaps and barriers in the cross-boundary active travel network, including the A701 corridor at Straiton junction. Midlothian Council's adopted Green Network Supplementary Guidance establishes a green network requirement to create an active travel route along the A701 from Bilston to Straiton with onward connection to the Edinburgh Active Travel Network. If the Burdiehouse development is consented it is important that a contribution is made to overcoming this barrier in the active travel network. Joint working between Transport Scotland, and Midlothian/ CEC planning and roads services would be useful in helping develop improvements for pedestrians and cyclists at this location.

Landscape

The development extends up to the ridgeline along Lang Loan, which provides visual containment to the City of Edinburgh and would be visible on the skyline from the south, where not screened by intervening development. The EIA (paragraph 10.11.44) assesses these as visual effects of moderate significance.

The proposal is not on a site allocated in the recently adopted CEC LDP and so does not benefit from a site brief to set out development principles. Midlothian Council would rather the development were contained within the existing landscape boundaries. A reworked proposal, drawing the developed area further back from the ridgeline and more use of single or one and a half storey houses at the higher parts of the site would assist in reducing the impact of the development.

Edinburgh Urban Design Panel – Pre Application Stage

Report of meeting held at the City Chambers on 28 November 2018
Recommendations

The Panel welcomed the opportunity to provide design advice for this proposal at an early stage in the design process and suggested the following matters be considered further:

The design and connections for the site to be shown in the context of the wider area

Sustainability

Development of a site wide landscape framework

Development of onsite affordable housing which is tenure blind

Development of character areas

Development of a suitable greenbelt edge

Planning Context

The application site is approximately eight hectares in area and is located within the southeast of Edinburgh, to the south of Burdiehouse. It consists of two separate areas. Area A is adjacent to Burdiehouse Road and Burdiehouse Valley Park. Area B is immediately north of Lang Loan and includes frontage/vehicular access to Lang Loan.

Area B is adjacent to the south of the category B listed Lime Kilns (listed building reference: LB28159, dated 14 December 1970). There are overhead power lines adjacent to the southern boundary of the Area A.

At present, area A is SUDS and wildlife area and area B is open countryside/farmland.

A Proposal of Application Notice (PAN) has been submitted for a major residential development.

The site is located in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). The site also includes land designated as Local Nature Conservation Area and Area of Importance for Flood Management. The part of Area B along the northern boundary is also included within LDP HSG 22.

A Proposal of Application Notice has been submitted - the Community Engagement will form part of the pre-application process and is required to be undertaken by the applicant. A summary of this consultation with the community will be submitted with the application via a Pre Application Consultation (PAC) report.

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.

Panel Comments

The Panel had detailed comments as follows:

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

HSG 22 Broomhills, Burdiehouse and Lang Loan Site Brief

The Panel noted that this site sits within the above wider area and it is therefore important to show this site within the wider context and how it is connected.

The Panel noted that in the context of this site being part of a larger site little infrastructure is being provided and although an allocated site is still prime agricultural land and therefore these sites should be delivering highly sustainable development.

Design Concept / approach

The Panel noted that the design was at an early stage and no detail has been provided on matters such as the housing layout, housing mix, open space within the residential units and the proposed architecture and design of the individual houses. Therefore, they are only able to provide limited comment on the concept layout plan.

The Panel noted that in developing the proposals there is an opportunity to develop different character areas for the site, within an overall coherence with the earlier phases.

Edge of Development

The Panel noted the importance of providing an appropriately designed edge to the development edge fronting Lang Loan. Given the topography of the site (on a ridge) and adjacency to the greenbelt this should be tested through an LVIA and submitted as part of the supporting information for the application.

The site brief in the Edinburgh Local Development Plan indicates that this edge is a street frontage. The Panel expressed concern regarding this and suggested that a green edge may be more appropriate subject to the findings of the LVIA.

The Panel commented that the city may benefit from the development of a greenbelt management plan.

Movement

The Panel expressed concern regarding the accessibility of the site to public transport and that this could result in a car dependant development.

The Panel encouraged the design team to consider the wider movement structure in considering the design for this site and engage with Lothian buses.

The edge conditions needs to strike the correct balance between rural context and providing safe and secure off road links.

Affordable Housing

The Panel welcomed the inclusion of tenure blind affordable housing in the site.

Open Space, landscape and connections

The Panel noted that a landscape strategy should be developed for the entire site. This should not just include the proposed area of open space but extend beyond the red line to show linkages and include the area allocated for housing on the concept plan.

With respect to the design of the large area of open space, the Panel suggested that this space could be designed to take account of views to the Pentland Hills and the Lime Kilns.

Lime Kilns

Proposals for these structures including routes and views through and too them have been developed as part of other phases of HSG22.

The Panel noted that connections both physical and visual should be shown as part of this application to the Lime Kilns and be coordinated with the previous application which have dealt with these features.

The Panel noted that clarification of ownership, of the Lime Kilns, would help to guide the open space and access strategy for the wider area.

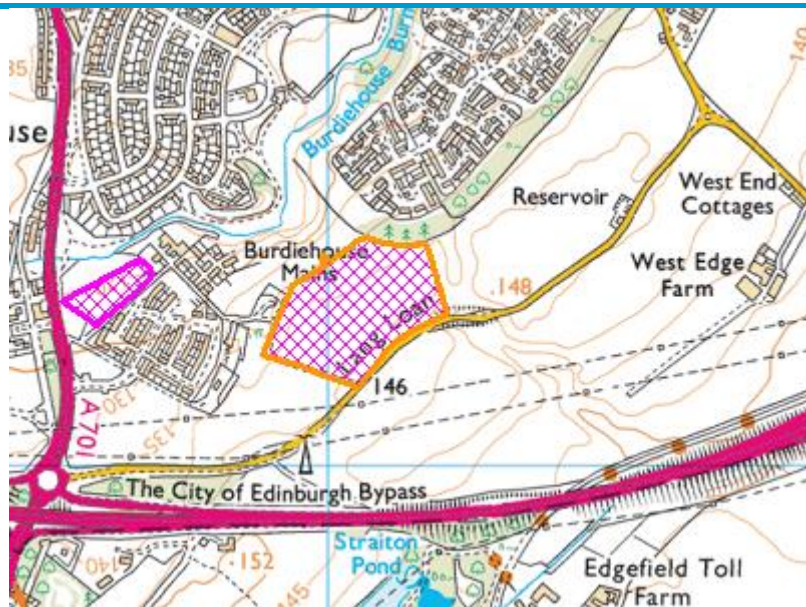
Community Safety

The Panel encourage Secure by Design accreditation for the entire site. Also, carefully designed open space with adequate overlooking and a scheme of maintenance to ensure the open space is well maintained.

Sustainability

The Panel advocated that the design for this site and others on the urban edge should have sustainability at its heart. For example grey water supplies from SUDS, reed bed treatment, alternative to mains gas on site, highly insulated orientated dwellings with adequate infrastructure and facilities.

Location Plan



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END

Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 18/09878/FUL
at Land at East Market Street Edinburgh.
Redevelopment and conversion of existing arches and
change of use to provide sui generis distillery with Class 11
(assembly and leisure) visitor centre, Class 1 (retail), Class
3 (food and drink) and sui generis bar/tasting rooms with
associated works including landscaping, public realm and
means of access. (As Amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

With reference to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed buildings and Old Town Conservation Area.

The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the Old Town but rather to complement and enhance them through a positive engagement with the urban morphology of its historic and modern urban setting. The proposal responds to issues of spatial structure, permeability, townscape, architectural expression, heights, vistas, roofscape and materials in accordance with the principles of the Caltongate Masterplan and Old Town Conservation Area Character Appraisal.

The location of a cultural, leisure and entertainment use at this accessible city centre site, accords with LDP Policies Ret 1, Ret 7 and Del 2. The proposed use also complies with the relevant principles of the Caltongate Masterplan.

The proposal has been designed to minimise any potential negative impact on its neighbours and raises no issues in respect of privacy, outlook and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to unpredicted levels of noise from the roof top terrace. However, this is considered to be a minor infringement given the urban context and neighbouring property relationship. The amended proposal in part mitigates the potential impact through the redesign of the roof terrace and incorporation of new public space. An infringement is justified given the existing context.

There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	CRPOLD, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN04, LEN06, LEN09, LEN12, LEN15, LEN20, LEN21, LEN22, LRET01, LRET02, LRET07, LRET11, LTRA01, LTRA02, LTRA03,
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Report

Application for Planning Permission 18/09878/FUL at Land at, East Market Street, Edinburgh. Redevelopment and conversion of existing arches and change of use to provide sui generis distillery with Class 11 (assembly and leisure) visitor centre, Class 1 (retail), Class 3 (food and drink) and sui generis bar/tasting rooms with associated works including landscaping, public realm and means of access. (As Amended).

Recommendations

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

Background

2.1 Site description

The site is approximately 0.13 hectares and is located within the City Centre, adjacent to the junction between East Market Street and Cranston Street. To the north, across East Market Street lies the car park associated with Edinburgh Waverley train station, with the City of Edinburgh Council Headquarters to the east of this.

The site is currently vacant and incorporates five category C listed Victorian arches (LB reference: LB49085). To the south of the site lies B listed tenements on Cranston Street (LB reference: LB29192) and B listed tenements on Jeffrey Street (LB reference: LB29189). The tenement on Cranston Street is five storeys and comprises a mix of residential properties at the upper floors and commercial and community facilities at the ground floor of Cranston Street and Jeffrey Street.

To the east on the other side of Cranston Street lies a restaurant and hotel, which form part of the wider New Waverley development. Within the remaining 18 arches (LB reference: LB49085) along East Market Street immediately to the west of the site, there are several small retail, restaurant, café and office uses. The Old Town of Edinburgh lies to the south comprising a mix of uses, with retail and cafe uses at street level along Jeffrey Street, the Royal Mile and St Marys Street, with generally residential properties above.

The application site is located within the Old and New Town of Edinburgh World Heritage Site.

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

2.2 Site History

The site and wider New Waverley area is subject to a detailed and comprehensive planning history comprising circa 50 various permissions relating to two separate and distinct rounds of applications. This includes detailed applications, listed building consents and conservation area consents, and are summarised as follows:

Masterplan area

October 2006 - The Caltongate Masterplan for the wider Caltongate site was approved. The recent developments by Adagio, Premier Inn Hub and Jeffrey Street Arches form part of the implementation of the masterplan.

Application site

August 2008 - planning permission was granted for the conversion of the listed arches 19-24 and the erection of buildings for use as offices, retail (class 1), restaurant/bar and leisure (class11), access, open space, landscaping and associated works. External alterations and change of use of arches (1-18) for food and drink purposes(class3) and alternative use for retail (class1) and/or business (class 4) purposes. Realignment and alterations to Cranston Street. External alterations to 5a-9 Cranston Street and change of use to residential and offices, and alternative use of ground floor (9 Cranston Street) for retail (class 1), financial and professional service (class 2) and/or business (class4) purposes. (Application reference number: 07/01241/FUL)

August 2008 - Redevelopment and erection of buildings for residential flats, offices, alternative office and/or community facility, and retail (Class 1) use, access and servicing area. Realignment and alterations of Cranston Street (as amended). (Application reference number: 07/01288/FUL)

January 2014 - planning permission and listed building consent was granted for the conversion of all the arches, erection of a pavilion building on this site, accessible from the Jeffrey Street level and the development of three hotels currently in operation comprising Premier Inn, Hub by Premier Inn and the Adagio Aparthotel (application reference 13/03407/FUL and LBC reference 13/03405/LBC). Partly complete, with the exception of the remaining five arches subject of this application.

Main report

3.1 Description of the Proposal

The application proposes the redevelopment and conversion of five existing arches and change of use to provide sui generis distillery with Class 11 (assembly and leisure) visitor centre, Class 1 (retail), Class 3 (food and drink) and sui generis bar/tasting rooms with associated works including landscaping, public realm and means of access.

The proposals will be very similar in scale to the approved 2014 scheme and will accommodate a variety of uses within a new two storey structure of approximately 1,275 square metres which includes the conversion of five existing C listed arches, with a smaller pavilion roof top building proposed at the second-floor level.

Scheme two

Several amendments to scheme one were made during the assessment of the proposals. The main changes to scheme one relates to: -

- Amendments to the façade details including the colour and type of materials;
- Amendments to the service arrangements;
- Amendments to the public realm materials along Jeffrey Street and Cranston Street;
- Amendments to the design and function of the roof terrace;
- Replacement of the wall along Jeffrey Street with railings and
- Reconfiguration of the steps between Cranston Street and Jeffrey Street.

The spaces within Edinburgh Gin's new distillery and visitor centre comprise of four elements; the still house, visitor experience, ancillary accommodation and a roof top pavilion and terrace. The stills are located within both the double height space and the second arch, which will be visible through the glazed curtain walling from East Market Street. The still backup areas (tanks, plant, stores, etc) are located within the first arch to facilitate access and deliveries from East Market Street. Although visitors will have access to the still house, the positioning of the main still storage area within the first arch ensures the distillery team have direct access to the backup areas. Segregating the public tour route from the back of house stills avoids any potential health and safety conflicts.

New public realm will be created at street level accessible from East Market Street and at roof level accessible from Jeffrey Street. The proposed development will extend the Old Town material palette of Caithness Stone around the entire building façade along Cranston Street and East Market Street and up to the main entrance. Granite is proposed for the two steps and bench located at the entrance. The transition between the Edinburgh Gin site and the adopted footway is proposed to be delineated by 100mm radius stainless steel marker studs. A new public stair is proposed to link Jeffrey Street and Cranston Street.

The revised roof terrace creates both an external space for use by Edinburgh Gin visitors, and space for the public. The primary access to the private roof terrace is from the internal stairs and lift, and primary access to the public roof terrace is proposed from Jeffrey Street. The roof terrace layout creates a variety of spaces for visitors to enjoy views to Calton Hill, North Bridge and the Balmoral Hotel.

The existing Jeffrey Street stone wall borders the roof terrace space. The existing stone wall is proposed to be carefully taken down to street level and rebuilt using railings to a height of 1.8m from Jeffrey Street footway level. The existing wall height is 1.2m. The proposed increase in height is to improve the security of the roof terrace, whilst also retaining visibility through the railings. Each access point has a set of double leaf metal gates which are proposed to be the same height as the Jeffrey Street wall set back from the footway. New stone wall returns are proposed to house the gates.

The application proposes to use dark grey terracotta profiled rainscreen cladding and glazed curtain walling for the upper areas of the building, and a random rubble sandstone basecourse.

Supporting information

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

- Design and Access Statement;
- Landscaping Design Statement;
- Townscape and Visual Impact Assessment;
- Planning Statement;
- Transport Statement;
- Daylight, Sunlight and Privacy Assessment;
- Noise Impact Assessment;
- Odour Impact Assessment; and
- Sustainability S1 Form.

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

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of development is acceptable;
- b) The proposals adversely affect the character and setting of the listed buildings;
- c) The proposals will preserve or enhance the character and appearance of the Old Town Conservation Area;
- d) The proposals harm the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (WHS);

- e) The design is acceptable and will contribute towards a sense of place;
- f) The proposal raises any issues in respect of transport and road safety;
- g) The proposal will have a detrimental impact on the amenity of nearby residents;
- h) There are any other material considerations;
- i) Any impacts on equalities or human rights are acceptable and
- j) Representations raise issues to be addressed

a) The principle of development is acceptable

The application site is located within the City Centre, as defined in the Edinburgh Local Development Plan (LDP). In this regard, LDP Policy Del 2 is relevant. It states that development will be permitted which retains and enhances the character, attractiveness, vitality and accessibility of the city centre.

LDP Policy Del 2a) supports comprehensively designed proposals which maximise the potential of the site in accordance with any relevant development principles, development brief and/or other guidance. The proposals provide a comprehensive design which maximises the potential of the site in accordance with the principles set out in the 2006 Caltongate Masterplan. The Caltongate Masterplan proposes mixed use development to achieve a sustainable and integrated city quarter. These uses include shops, food and drink outlets and leisure facilities. Likewise, LDP Policy Del 2b) supports a wide range of uses, including commercial leisure uses which maintain an intensively developed, vibrant city centre character. The proposed use is appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.

The site itself is identified within the Masterplan for a new building with potential uses that include offices, retail, cafe and restaurant. The proposed use will complement the range of visitor attractions and leisure uses, which are already present on Market Street. It will further encourage people to explore beyond the end of Jeffrey Street and lead them into the wider area covered by the masterplan. The new building will be accessed and serviced from East Market Street which will minimise any potential conflicts with existing residences. The location of this use within the arches represents an excellent use of a difficult existing space and accords with the intentions of the Caltongate Masterplan and subsequently LDP Policy Del 2a) and b).

Within the context of LDP Policy Del 2a), the Development Principles for Proposal CC2 in the LDP are also relevant and include reference to a mix of uses, including food and drink premises. Reference is also made to the importance of new buildings respecting the form and contours of the Waverley Valley and preserving and enhancing important existing views and the potential to create new views into and across the site. The proposed development supports this aspiration through the creation of a new public viewing platform from Jeffrey Street. LDP Policy Del 2c) requires, where practicable, that offices be provided as part of major mixed-use developments. Office use is already provided as part of the wider masterplan area. The proposal will compliment these existing office uses and contribute to the overall mix on the site. The creation of new civic spaces off Jeffrey Street and along East Market Street, together with a new pedestrian route from Cranston Street to Jeffrey Street comply with LDP Policy Del 2d).

LDP Policy Ret 1 applies a sequential approach to the identification of preferred locations for retail and other uses (including cultural facilities) which generate a significant footfall. The location of the site is in accordance with the town centre first approach, thus complying with LDP Policy Ret 1. Likewise, LDP Policy Ret 7 supports the principle of high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the city centre, provided that they make a positive contribution in terms of the type of use and quality of design, are in accessible locations and do not produce unacceptable noise and late-night disturbance. The quality of the design, transport and amenity issues are assessed in greater detail in the sections below. Nevertheless, it can be concluded that the principle of the proposed land use is in accordance with the LDP.

b) The proposals adversely affect the character and setting of the listed buildings

Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act provides:

"(1) In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Scottish Ministers, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

(3) In this section, 'preserving', in relation to a building, means preserving 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, and 'development' includes redevelopment."

This assessment has been made within the parameters of having special regard to the desirability of preserving the character of these buildings or their settings, or any features of special architectural or historic interest which they possess.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states; 'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. The document states that where development is proposed it is important to:-

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting. LDP Policy Env 4 states that proposals to alter or extend a listed building will be permitted where a) those alterations or extensions are justified; b) there will be no unnecessary damage to historic structures or diminution of its interest; and c) where any additions are in keeping with other parts of the building. Historic Environment Policy for Scotland (HEPS) Policy HEP4 also ensures that any changes to specific assets protect the historic environment and should be enhanced where possible.

The assessment is divided into the following headings:

- The impact of the internal and external alterations on the character and setting of the C listed arches; and
- The impact of the alterations and new build extension on the setting of the B listed tenements on Cranston Street and Jeffrey Street.

Impact on the character and setting of the Arches

Internal alterations

Internally there are no areas of significant architectural or historic interest within the currently vacant arches. For the most part, the internal form of the arches will remain unaltered with the stonework and vaulted ceilings remaining exposed. Existing details such as the high-level stone corbels and cast-iron drainage within each of the arches are to be retained as a feature. Conservation work is proposed to the existing stonework using a specialist stone consultant. This will involve a stone-by-stone condition survey of the existing stonework to identify any structural issues and any stone replacements.

Four of the five arches will be fully accessible to the public as part of the visitor experience. The design of the new mezzanine, floor plates and supporting structures have been developed so they are independent of the existing stonework, thus minimising any impact. The full volume of arch two is to be left open and exposed. This arch will be visible through the glazed curtain walling along East Market Street. In this regard, the proposals visually open up the arches, significantly enhancing the appearance of the listed structures with minimal intervention. The proposed development will not only bring the arches into sustainable use but will also benefit from the structural and physical maintenance.

The internal alterations enhance the existing historic arches, thus complying with HEPS Policy HEP 4, LDP Policy Env 3 and 4 and Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act.

External alterations and new build extension.

HES Managing Change in the Historic Environment: Extensions guidance (Oct 2010) notes that key issues in extending a historic building require that they: -

- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation; and
- must be designed in a high-quality manner using appropriate materials.

The architectural style of the proposed new building is clearly modern but sensitively responds to its context through its form, finish, detailing and materials, complementing the 24 listed arches, their historic setting and their wider regeneration. An assessment of the proposed materials is set out further in Sections 3.3c) and 3.3e). Although the building will be built over the primary elevation of four arches, it incorporates them, allowing the arches and the Jeffery Street retaining wall to remain visible behind extensive glazed curtain walling on the East Market Street elevation. Their form will be retained and clearly read out-with the building, thus complementing the scale of the arches and character of the street. The new building will extend into the vacant land to the north of the arches to meet the curve of Cranston Street. The new building is appropriately scaled and will relate well to the curved geometry of the street and will not diminish the robust overall character of the arches. The proposed building will be smaller in scale than that the two previously approved schemes.

The external alterations and new build extension complement and enhance the existing historic arches, thus complying with HEPS Policy HEP 4, LDP Policy Env 3 and 4 and Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act.

Impact of the new building on the setting of Jeffrey Street and Cranston Street

The north gable of the tenement on Jeffrey Street is fenestrated. While the majority of this gable is very plain, it was clearly designed not to abut a further building. The new building is 67.570m AOD at its tallest point, which is 8.515m AOD below the eaves of the tenement and positioned 7m away from its gable end. Therefore, as a result of its proposed scale, it has a positive relationship with the tenement that protects and enhances its setting. A random rubble sandstone basecourse is proposed to the façade which reflects the stone of the existing Jeffrey Street wall which sits alongside the tenement. This basecourse forms a continuation of this wall, forming a plinth wrapping around the base of the building, integrating the building into its Old Town context, whilst also preserving the setting of the tenements.

The Townscape and Visual Impact Assessment illustrates minimal impact on the setting of Jeffrey Street, with only the roof top pavilion element extending above the Jeffrey Street wall. While the Caltongate Masterplan identifies this site for a potential landmark structure, the proposal remains subservient to the B listed buildings on Jeffrey Street and Cranston Street. The scale of the proposal is, therefore, considered appropriate to the setting of these buildings. The modest height allows views to the new hotel on Cranston Street, thus adding positively to the townscape, and further enhancing its setting.

The external alterations and new build extension complement and enhance the setting of the tenements on Cranston Street and Jeffrey Street, complying with HEPS Policy HEP 4, LDP Policy Env 3 and 4 and Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act.

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings, including any special architectural or historic interest they possess. The proposed development strengthens the urban streetscape and complements the character and setting of the Arches. The application is therefore, also compliant with LDP Policies Env 3 and Env 4.

c) The proposal will preserve or enhance the character and appearance of the Old Town Conservation Area

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. LDP Policy Env 6 supports development which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant conservation area character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area, and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site is currently a left over and neglected space within the Old Town Conservation Area. The Character Appraisal sets out the key elements that contribute to the special historic and architectural character of the area. For new development, it encourages good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions and design of traditional buildings in the area. The essential characteristics of the Old Town Conservation Area are assessed below:

Plan form and building line

The proposed building continues the plan width of the tenement gable, the curve of Cranston Street and Jeffrey Street and extends this to meet East Market Street. This reflects the historic spatial pattern, creating a strong relationship between the different levels of Jeffrey Street and East Market Street. The proposed development will also provide a continuous hard urban edge directly abutting the footway of Cranston Street and Market Street, reflective of the character of the Old Town.

The topography of the Old Town creates a dramatic natural setting for the surviving original medieval street pattern and plan form of lang riggs and closes running off the spine of the Royal Mile. These tightly packed narrow closes make the Old Town highly permeable. The application proposes a new pedestrian access from Jeffrey Street to Cranston Street in the form of new public steps, adding to the permeability of the area and the opportunities for wayfinding. This is positive, reflecting the dense network of closes and wynds, characteristic of the Old Town Conservation Area and a proposal which is supported by the Caltongate Masterplan.

It is the combination of a new pedestrian access, strong building line and resolution of topography that results in a form which strengthens the spatial pattern of the Old Town.

Skyline and views

The wealth of important landmark buildings, including the Castle, the spires, towers and domes on the Old Town ridge and Arthur's Seat dominate a distinctive historic skyline, not just from the conservation area boundaries, but also in many more distant views and approaches to the city. The application is supported by a Townscape and Visual Impact Assessment, which includes a study area which is relatively compact due to the constrained nature of the site within the valley between the Old Town and Calton Hill. The proposed development will not impact on the historic skyline.

The modest height and architectural quality also allow views to be retained towards the layering of buildings, characteristic of the Old Town. As well as views towards the Old Town, the Character Appraisal also identifies views from the Old Town towards the New Town, including the view towards St Andrews House as a key vista/panorama. This was also identified as an opportunity in the Caltongate Masterplan. The roof of the new building will form a new public space extending from Jeffrey Street designed to facilitate an enhanced experience of the view.

Materials

The Old Town is characteristic of a limited palette of natural materials, mainly stone and slate. This provides a sense of unity. Dark grey horizontal profiled terracotta rainscreen is proposed which is neutral in appearance. This reflects the dark grey of the Scots slates, sitting comfortably alongside the surrounding stone context. The design of the façade also incorporates a random rubble sandstone basecourse to mirror the stone of the existing Jeffrey Street wall. This basecourse forms a continuation of this wall, forming a plinth wrapping around the base of the building, integrating the building into its Old Town context. Caithness Stone is proposed along the footways, which is also supported. The balance between traditional and contemporary high-quality building and public realm materials will enhance the Conservation Area. Conditions are recommended in respect of material finishes, external light fitting, and details of the stepped access.

Boundary treatment

Boundaries maintain the character and quality of the spaces in the Old Town, providing enclosure and definition to many pedestrian links, whilst also restricting views out of the spaces. The replacement of the existing stonewall along Jeffrey Street with taller metal railings is a positive form of enclosure along this street that contributes positively to the character of the area, whilst preserving and enhancing views north towards Calton Hill and St Andrews House.

Land use

The site was previously used as a storage facility for the Council, forming a negative use in an increasingly vibrant area. A breadth of facilities and attractions establish the Old Town as a cultural, leisure, entertainment and tourism centre of national importance. It is essential, however, that a productive balance between the interests of residents, business, institutions and visitors is maintained. The continued existence of a creative mix of uses is an essential element in maintaining active streets and a vibrant town centre. In this regard, the proposed land use is in-keeping with the character of the Conservation Area, further enhanced by the re-use of the historic arches for the visiting public.

Conclusion

With reference to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposal does not impact adversely or significantly on key views and townscape character. It is considered that the proposed development further enhances the special interest. It will contribute to the architectural quality of the area with a contemporary high-quality building designed to respond to its historic and modern urban environment. The proposal successfully responds to issues of spatial structure, permeability, townscape, architectural expression, heights, vistas, roofscape and materials in accordance with the principles of the Caltongate Masterplan. In this regard, the special character and appearance of the Old Town Conservation Area will be preserved and enhanced, complying with LDP Policy Env 6.

d) The proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site

LDP Policy Env 1 states that development will not be permitted which would have a harmful impact on the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site (WHS) or would have a detrimental impact on the Site's setting.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the OUV which are further explained in Appendix D.3 of the 2017-2022 Management Plan. Given the numerous and overlapping factors that contribute to the OUV of the WHS, the assessment has also been informed by other sections of the report, notably impacts on the Old Town Conservation Area in section 3.3c). The Management Plan recognises the importance of the topography in shaping the townscape and key views both out and into the WHS. The WHS is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe. The modest scale of the building, choice of materials and architecture will have a positive impact on the World Heritage Site. In particular, the replacement of the wall along Jeffrey Street with railings and the introduction of a public roof terrace preserves and enhances the views from Jeffrey Street (the Old Town) across Waverley Valley into the New Town, a critical component of OUV.

In addition to the physical attributes of the OUV, the proposed development relates directly to the OUV of 'Culture and Activities'. The Management Plan states that sustaining a living capital city centre is a balance between protecting the environment, strengthening society and supporting a vibrant cultural scene. The development is part of a wider regeneration which is delivering a range of uses to enhance the area. The proposed development has the potential to have a positive impact on this attribute.

In this regard, the application will have a positive impact on the WHS and complies with LDP Policy Env 1. Edinburgh World Heritage Trust do not object, stating that the amended scheme addresses their initial concerns.

e) The design is acceptable and will contribute towards a sense of place

Scale, form, height and materials

LDP Policy Des 1 states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The Caltongate Masterplan identifies the application site as an opportunity to enhance and further activate the streetscape. It highlights the opportunity for a landmark building at this location. In doing so, the Caltongate Masterplan recommends a guide height along East Market Street of 72.5m AOD. It also notes that the heights should be reduced over the south section of the site adjacent to the tenement.

The proposed height ensures that the crown of the existing arches is fully expressed within the building and on views into the building. The overall proposed building height sits at 67.570m AOD, which is 4.93m below the guide height. The rooftop multi-use accommodation has been sensitively designed to ensure it has a similar footprint to that which was previously consented (application reference number 13/03047/FUL). It is predominantly glazed with elements of metal cladding to conceal lift and toilet facilities, the detail of which will be secured through a condition. In accordance with LDP Policy Des 3 and the Caltongate Masterplan, the design has incorporated and enhanced a significant panoramic view over the Waverley Valley towards North Bridge and Calton Hill.

The Old Town is characteristic of a limited palette of natural materials, mainly stone and slate. An assessment of the proposed materials is set out in Section 3.3c). The balance between traditional and contemporary high-quality building and public realm materials is supported.

The application complies with LDP Policy Des 1, Des 3 and Des 4.

Public realm and landscape design

The proposed rooftop terrace is divided into two parts; an external space for use by Edinburgh Gin visitors as part of the tour, and a viewing platform for public access. The public terrace is 137.2 square metres and the private Edinburgh Gin terrace is 114.2 square metres. The primary access to the Edinburgh Gin terrace is from the internal stairs or lift. The public viewing terrace to the west has accessible level access from Jeffrey Street. Granite is proposed for the roof terrace material with a bespoke detailed paving design which references the local Edinburgh context. To add visual amenity to the rooftop terrace and reflect the use of the building, the plant species proposed are those which are used in the gin making process. Different elements of rooftop paving, landscaping and furniture are coordinated to avoid a sense of clutter, whilst also adding articulation to the roofscape.

Along Jeffrey Street, Caithness Stone is proposed, which aligns with the Council's wider aspirations for its upgrade and is appropriate to the character of the area. The revised application proposes that the wall along Jeffrey Street is taken down to street level and rebuilt as a low wall with cope to match the existing and a metal railing erected to a height of 1.8m. As the proposed railings provide a more visually permeable and secure boundary treatment appropriate to the character of the area, this additional height of 0.6m is acceptable. Each of the two proposed access points comprise of a set of double leaf metal gates, the detail of which will be secured through a condition. Details of external public realm materials would also be subject to condition.

The application complies with LDP Policy Des 8.

f) The proposal raises any issues in respect of transport and road safety

LDP Policy Tra 1 supports major development comprising offices, retail, entertainment, sports, leisure and other non-residential uses, which would generate significant travel demand, on suitable sites in the City Centre. It is stated that these developments should be accessible by a choice of means of transport.

Pedestrian and vehicular access

LDP Policy Des 2 supports a comprehensive and integrated approach to the layout of buildings, streets, footpaths and cycle paths as provided for in an approved development brief or strategy. The new use will be accessible by pedestrians from three directions; East Market Street, Cranston Street and Jeffrey Street. The site will contribute to the objectives of the Caltongate Masterplan by providing a new pedestrian stepped access between Cranston Street and Jeffrey Street, thereby improving footfall and pedestrian flow, creating a new place and destination, that will improve the character of the area. The application complies with LDP Policy Des 2.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provide direct and convenient connections on foot and cycle. The applicant is proposing to enhance pedestrian movement along Cranston Street and East Market Street by improving the footway and up to Jeffrey Street by providing a new stepped pedestrian access. The application also proposes a reduced kerb radius on the junction of Cranston Street and East Market Street, thus improving pedestrian safety. The application complies with LDP Policy Des 7.

The applicant envisages around seven vehicles arriving each week to deliver materials for the gin-making process and to remove finished gin. A further three deliveries each week are expected of stock for the retail element of the proposed development. All these deliveries are envisaged to be by long-wheelbase Transit-type vans from a proposed carriageway loading bay on the southern side of East Market Street. This is supported and will require the necessary Traffic Regulation Orders through the Road Construction Consent process.

Parking

The proposed development does not propose dedicated on-site car parking due to its city centre location and accords with the Edinburgh Design Guidance.

The application proposes two uncovered Sheffield cycle parking stands within the public realm on East Market Street, providing space for four bicycles. One Sheffield bike stand is also provided in the secure storage area underneath the new steps. This provides two spaces for staff. This provision exceeds the requirements set out in the Edinburgh Design Guidance and complies with LDP Policy Tra 3 and Tra 4.

Transport infrastructure

LDP Policy Del 1 states that proposals will be required to contribute to the existing and proposed tram network. The site forms part of the wider New Waverley development for which a tram contribution of £50,000 has already been paid. Any additional tram contribution for this site would be duplication, and is therefore, not a reasonable requirement. As this proposal is bringing forward similar uses to those which have been previously proposed, in a building which is smaller than the extant permission, no further contributions are required.

The Roads Authority do not raise any objections.

g) The proposal will have a detrimental impact on the amenity of nearby residents

LDP Policy Des 5 seeks to ensure that neighbouring amenity is not adversely affected by new development. Representations have been made concerning the development's impact on residential amenity within the tenements on Cranston Street, which bound the site to the south. The Edinburgh Design Guidance informs compliance with LDP Policy Des 5.

Daylight

A daylighting study has been submitted by the applicant which applies the Council's recommended Vertical Sky Component (VSC) approach to assessing impact of development on the ratio of daylight available to existing properties. The Edinburgh Design Guidance requires that the amount of daylight reaching an external wall must be more than 27%, or 0.8 of its former value.

Two windows on the narrow northern gable of the tenement would be affected by the proposed development and have been assessed for compliance. One of these windows failed the VSC assessment and has been re-assessed using the Average Daylight Factor analysis (ADF) which assesses internal spaces using assumed internal plan form. The one room that was tested using the ADF analysis demonstrated that it complies with the target set out in the Edinburgh Design Guidance and therefore, complies with LDP Policy Des 5 a). The analysis demonstrates that there will be minimal or no impact on daylighting to existing gable windows. Daylight to gables and side windows is generally not protected but has been considered due to the building being an original finished gable with a historic open aspect.

Privacy and outlook

The proposed building will be located approximately 6.75m away from the tenement gable at the narrowest point, with the glazed portion of the pavilion building being 6.97m away from one of the two directly facing residential windows. The Caltongate Masterplan supports a much taller landmark building on the site. The pattern of development in the Old Town generally defines a narrower distance between buildings and consequential privacy distances. In this regard, given the immediate historical context, and the scale of the building proposed, this distance is appropriate. The majority of the private and all of the public roof terrace will be screened from the existing tenement by the rooftop building. Furthermore, the new external public steps have been designed to sit off and away from the tenement, further protecting privacy.

Although private views are not protected, immediate outlook of the foreground of what can be seen from within a building must be considered. As a result of the new building, the immediate outlook of the gable will partially be blocked out for two residential windows. However, as this tenement is hard on the boundary of private land, outlook is not protected in this case. The scale, mass and form of the proposed building has been carefully designed to ensure the existing privacy and outlook for much of the tenement is, for the most part, not compromised. However, it should be noted that the Edinburgh Design Guidance does not seek the protection of the privacy of gables of existing housing.

Noise

A Noise Impact Assessment was submitted with the revised scheme. It demonstrates that mitigation measures can ensure that noise levels from the rooftop multi-use area and from mechanical plant will be within acceptable standards for protecting the amenity of nearby residents. A condition to secure their implementation is included.

However, the assessment was not able to demonstrate the noise from vocal outbreak of patrons on the external roof terrace would meet acceptable standards. The terrace will be used for patrons during the daytime and envisaged to operate during similar hours to the main visitor experience. External noises, and in particular, vocals, are extremely difficult to modulate and control. Furthermore, it is suggested by the applicant that the terraces may be used outwith these hours for special events. Although the Noise Impact Assessment states that there will be no amplified music on the external terrace and it is largely screened from the tenement by the pavilion building, this cannot be controlled by the Planning Authority. For this reason, due to the potential for noise disturbance adversely impacting on the amenity of neighbours,

Environmental Protection is not able to support the application. This is considered to be a minor infringement given the urban context, neighbouring property relationships and existing and proposed uses characteristic of a city centre location.

Odour

An odour assessment was submitted which modelled a worst-case scenario, demonstrating that odour would not adversely impact nearby sensitive receptors. The process involves the re-distillation of grain alcohol, so that there will be no milling or fermentation of grains on the premises. All produce will be bottled and warehoused offsite. Therefore, the only significant emission source with potential for the release of odour will be from the still. These odours are normally considered to be less offensive and an odour benchmark of 6 OUE/m³ 1 hour 98%ile is typically used to protect residential amenity. All distilling operations will be conducted inside the still room which will be ventilated using a local exhaust ventilation (LEV) system, located above arch one on East Market Street.

Environmental Protection is satisfied with these conclusions.

Open space

The proposal incorporates an area of public open space in the form of the viewing terrace off Jeffrey Street. The provision of open space, in combination with new uses and activity, will be of benefit to new and existing Old Town users. The improved permeability and enhanced pedestrian environment will improve residential amenity within the Old Town.

Conclusion

The proposal has been designed to minimise any potential negative impact on its neighbour and raises no issues in respect of privacy, outlook and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to potential unknown noise levels from the roof terrace. However, an infringement is justified in this case, given the townscape and wider amenity benefits of a new public terrace.

h) Other material considerations

Sustainability

The applicant has submitted a sustainability statement in support of the application. Part A of the standards is met through the provision of air source heat pump technology. This is proposed for the heating/cooling and domestic hot water generation for the project. The application is a local development so there is no requirement to complete Part B of the form. The application complies with LDP Policy Des 6.

Flooding

No flood risk assessment or surface water management plan was required. Flood Planning has no objections.

Trees

There are two existing trees on the site, which are both Common Rowan. A Tree Survey has been prepared to support the application. The two trees are categorised as 'C' and 'U'. The Survey recommends that both trees are removed due to poor condition and moderate amenity value. In this regard, due to their poor condition, inability to be retained through the proposed building construction and low value as part of the existing streetscape and setting of the proposed building, both trees are proposed to be removed to facilitate the development.

Given the lack of space to provide new trees within the public realm along East Market Street, new trees within planters are proposed as part of the roof terrace planting, managed to a maximum height of 3m. This adds visual interest and enhances biodiversity value on the site, without obscuring the view. This is acceptable.

Local Nature Conservation Site

The site is located within a Local Nature Conservation Site, designated for its Geodiversity value. This Local Geodiversity site is Edinburgh Castle Rock Crag and Tail, Princes Street Gardens and the Grassmarket. LDP Policy Env 15 seeks to protect sites of local nature conservation value. The application would not have an adverse impact on this.

Archaeology

The City Archaeology Officer has commented on the proposals. The listed historic arches were subject to a programme of archaeological recording in 2015 by AOC Archaeology. Given that the proposed scheme will not significantly affect the arches historic fabric, no further historic building recording is deemed to be required based on current information. Accordingly, there are no archaeological constraints upon this application.

i) Any impacts on equalities or human rights are acceptable

The application has been considered and has no apparent impact in terms of equalities or human rights. The applicant will be required to comply with the provisions of the Equality Act 2010 and building regulation standards. The site is accessible for those with mobility issues and creates an environment where public spaces can be used safely. The proposed development will provide good access to public transport, new high-quality public realm and local facilities. The proposed development has been assessed against the LDP which is compatible with the Human Rights Act.

j) representations raise issues to be addressed

Material representations - objections to scheme one

- Impact adversely on the character and appearance of the Old Town Conservation Area. This is addressed in section 3.3c);
- Impact adversely on the character of the C-listed vaults. This is addressed in section 3.3b);
- Impact adversely on the Old and New Towns of Edinburgh World Heritage Site. This is addressed in section 3.3d);
- Objects to the use of the building as another large drinking establishment and distillery in this location. This is addressed in section 3.3a). Whilst a number of uses have been applied for, the application does not propose a sui generis public house use. The only public access to the building (except those who are partaking in an organised tour) will be for those visiting the retail area, those utilising the public terrace during its normal operational hours (10am until 5pm), or those attending special events.
- Objects to the design including height, form, scale and proportions, positioning of buildings and materials and detailing. This is addressed in section 3.3e);
- Concern over the design and function of the external roof top terrace. Scheme two proposes amendments to the design and function of the external roof top terrace. This is addressed in section 3.3e). The purpose of the private terrace is for the exclusive use of Edinburgh Gin customers who opt for an enhanced Edinburgh Gin experience. The public terrace will be accessible during normal operational hours (10am until 5pm);
- Concern over the height of the proposed building rising above the level of the curved retaining wall of Jeffrey Street. This is addressed in section 3.3c) and e);
- Inappropriate material, with specific reference to the white ceramic terracotta cladding. This is addressed in section 3.3e). The colour and finish of the terracotta cladding has been revised in scheme two.
- Object to the removal of the existing wall along Jeffrey Street and its replacement with a higher 1.8m wall. This is addressed in section 3.3e). Scheme two proposes its replacement with a higher railing, which allows visual permeability;
- Adverse impact on the privacy, outlook, security, daylight, odour and noise level to neighbours. This is addressed in section 3.3g);
- The steps are non DDA compliant. This is addressed in section 3.3f). An alternative DDA compliant route for the public to access Jeffrey Street from East Market Street is still provided via the existing footways. Likewise, internal access is provided by a lift. The public steps is supported by the Caltongate Masterplan and reflects the character of the Old Town Conservation Area.
- Objects to the arches joining up into a single development site. The site is identified as a development site for a landmark building in the Caltongate Masterplan;
- The proposed pavement widths will be 1.5m which do not meet Council minimum standards. The Roads Authority raise no objections; and
- There is no clear plan for cleaning and maintaining the steps. Edinburgh Gin will likely maintain the public steps.

- The Statement of Special Interest in the HES listing for the vaults, when the land was ceded to the North British Railway Company in the 19th Century it was on condition that any building on the site 'shall not exceed in height the finished level of the carriageway of Jeffrey Street'. Height of the new building is assessed in section 3.3e). There is no planning restriction on heights other than the guide heights indicated in the Caltongate Masterplan and consideration being given in a supporting Townscape and Visual Impact Assessment. The design of the new building has been informed by a view analysis.
- Non-material representations - objections to scheme one
- The development will lead to increase in vandalism and graffiti. This is not a matter for the Planning Authority;
- Introducing steps is dangerous to pedestrians and could result in serious injury. A condition is included to ensure the details and specification of the steps is agreed by the Planning Authority. Behaviours of pedestrians is not a matter for the Planning Authority;
- Object to the continued practice of planning applications for new licensed premises seeking planning approval on the presumption that an alcohol licence will be automatically granted. Licensing is a separate regime and a license will be required for the operation of the building; and
- Concern over the late-night opening hours. The opening times are confirmed to be 10am until 5pm with the exception of a special event. In any case, a licence for the operation will be required. This is a separate regime to the Planning Authority.
- Material representations - objections to scheme two
- Impact on privacy, security, daylight and noise levels, especially from the rooftop pavilion building, new steps and external terrace. This is addressed in section 3.3g);
- The impact of odour generated from the production of alcohol and the bin store. This is addressed in section 3.3g). It is not necessary to assess the odour impact from a bin store.
- Considers that the public steps are unnecessary and unsafe. This is addressed in section 3.3c) and 3.3f). A condition is included to ensure the details and specification of the steps is agreed by the Planning Authority;
- Impact of the internal and external lighting from the new building, external terrace and public steps into neighbouring properties. A condition has been included which allows the location and details of the lighting to be agreed.
- The wall along Jeffrey Street should not be altered or removed. This is addressed in section 3.3c), 3.3d) and 3.3e);
- Impact of the new building on the view across Waverley Valley. This is addressed in section 3.3c) and 3.3d);
- Insensitive design and inappropriate materials. This is addressed in section 3.3b), 3.3c), 3.3d) and 3.3e);
- Impact on the World Heritage Site. This is addressed in section 3.3d);
- Concern over the operational use of the new roof terrace. This is addressed in section 3.3a). It is a space which is related to the use of the multi-use pavilion building as part of the tour or for a special event. This would require a license.

- Impact of the retail use on existing businesses and public houses selling similar products. This is addressed in section 3.3a); and
- Detailed distilling processes should be submitted detailing all required equipment. Adequate information was submitted to allow assessment of the impacts on odour and noise.
- Non-material representations - objections to scheme two
- Increase risk of graffiti. This is not a matter for the Planning Authority.
- Anti-social behaviour from the sale of alcohol. This is a matter for a separate regime, with the sale of alcohol requiring a license.

CONCLUSION

With reference to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed buildings and Old Town Conservation Area.

The proposed design of the building is based on a strong concept which draws upon the positive characteristics of the surrounding area. The design seeks not to compete with the historic and distinctive built features of the Old Town but rather to complement and enhance them through a positive engagement with the urban morphology of its historic and modern urban setting. The proposal responds to issues of spatial structure, permeability, townscape, architectural expression, heights, vistas, roofscape and materials in accordance with the principles of the Caltongate Masterplan and Old Town Conservation Area Character Appraisal.

The location of a cultural, leisure and entertainment use at this accessible city centre site, accords with LDP Policies Ret 1, Ret 7 and Del 2. The proposed use also complies with the relevant principles of the Caltongate Masterplan.

The proposal has been designed to minimise any potential negative impact on its neighbours and raises no issues in respect of privacy, outlook and odour. It is accepted that the proposal will infringe LDP Policy Des 5a) with respect to unpredicted levels of noise from the roof top terrace. However, this is considered to be a minor infringement given the urban context and neighbouring property relationship. The amended proposal in part mitigates the potential impact through the redesign of the roof terrace and incorporation of new public space. An infringement is justified given the existing context.

There are no identified impacts on equalities or human rights and 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. 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. Prior to occupation, the mitigation measures as specified in Table 6.1: Fixed Plant; and Table 6.1: Building Elements; of the Airshed Noise Impact Assessment, dated 23 October 2019, shall be met.
3. The approved soft landscaping scheme shall be fully implemented within the first planting season of the occupation of the building. Any trees or plants which, within a period of five years from the first planting, die, are removed, or become seriously damaged or diseased, shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
4. The approved hard landscaping scheme shall be fully implemented prior to occupation of the new building or a suitable timescale agreed in writing with the Planning Authority.
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground works is commenced on site. Prior to the commencement of above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.
6. Prior to commencement of works above ground, full details of the proposed external light fittings on the existing and proposed building elevations shall be submitted to and approved in writing by the Planning Authority, and shall be implemented on site, in accordance with the approved details.

7. Prior to commencement of above ground works, the design and specification of the new public steps linking Cranston Street and Jeffrey Street shall be submitted to the Planning Authority for approval.
8. Prior to occupation, the public steps shall be implemented in accordance with the agreed design and specification.
9. A detailed design and specification of the two gates to the roof terrace and perforated metal cladding on the rooftop multi-use building shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full scale sample panel may be required.

Reasons: -

1. To safeguard public safety.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the interests of nature conservation.
4. In order to safeguard visual amenity.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to safeguard visual amenity.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the character of the conservation area.
9. 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. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
5. Noise from new plant must not exceed NR25 within the nearest noise sensitive receptors, with windows slightly open for ventilation.
6. Music and occupational noise within the building must not exceed NR15 within the nearest noise sensitive receptors, with windows slightly open for ventilation.
7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
8. Any proposed signage requires advertisement consent and depending on the location, may require Listed Building Consent.
9. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of carriageway, as necessary, on East Market Street to accommodate a loading bay for the development.
10. Any works affecting an adopted footway or road must be carried out under permit and in accordance with the specifications at no cost to the Council. 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
11. As detailed on the drawings, all doors must not be opened onto an adopted footway, unless emergency doors
12. The applicant must be aware that the proposed development is likely to affect what appears to be street lighting haldo pillar at North West corner of the application site and will have to be relocated at no cost to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

No financial impact has been identified. There is no requirement for a legal agreement.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the planning application on 30 November 2018 and the application was advertised on 7 December 2018, allowing 21 days for comments. However, following submission of an additional supporting document, neighbours were re-notified on 19 December 2018 and the application was re-advertised on 18 January 2019, allowing an additional 21 days for comments. The application also appeared in the Weekly List on 4 December 2018.

The proposals that formed scheme one received 19 letters of objections and two neutral comments. This included comments from the following amenity bodies:

- The Cockburn Association
- The Architectural Heritage Society of Scotland
- Old Town Association
- Old Town Community Council

All the interested parties who previously commented on scheme one and all neighbours within 20m of the site boundary were re-notified on 25 October 2019, with 21 days allowed for comments. Five comments from the public were received in relation to scheme two.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3j).

Background reading/external references

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

Statutory Development

Plan Provision

The application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

20 November 2018

Drawing numbers/Scheme

01-03, 04A-9A, 11A-14A, 15, 16A, 17, 18A-22A, 23-29,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer

E-mail: emma.fitzgerald@edinburgh.gov.uk Tel: 0131 529 3794

Links - Policies

Relevant Policies:

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

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

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

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

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 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 Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 2 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

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

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

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

Appendix 1

**Application for Planning Permission 18/09878/FUL
at Land at East Market Street Edinburgh.
Redevelopment and conversion of existing arches and
change of use to provide sui generis distillery with Class 11
(assembly and leisure) visitor centre, Class 1 (retail), Class 3
(food and drink) and sui generis bar/tasting rooms with
associated works including landscaping, public realm and
means of access. (As Amended).**

Consultations

Historic Environment Scotland - response dated 15/01/2019

Our Advice

The proposal is for the conversion and incorporation of the remaining undeveloped arches along East Market Street into a new distillery and visitor centre. The site, as part of the New Waverley development, has seen two schemes gaining approval. The 2008 scheme (07/01241/FUL) would have seen extensive new-build development and also involved the re-alignment of Cranston Street. This was much reduced in a 2014 scheme (13/03047/FUL) which brought forward a more straight-forward conversion of the arches along with and a new glass fronted building along East Market Street.

The proposals within this application appear broadly to follow the 2014 scheme - the bulk of the new building would sit below the pavement level of Jeffrey Street. The articulation of the new building and its materials is not an exact replication of the 2014 scheme, i.e. the second storey at Jeffrey Street will have a greater footprint and visual presence compared to the more modest structure proposed of 2014. We are nevertheless content that overall these new proposals will not result in a significant impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. It remains a considerable improvement compared to the scheme consented in 2008.

However, we see one area where we consider the proposals would result in a negative impact. The wall running along Jeffery Street would be re-built (it is reported this is because of its condition) and increased in height, from 1.2m to 1.8m, along the length of the roof terrace. This height increase will impact in views from Jeffery Street across to the New Town, as illustrated in the Landscape Design Statement - views from the Old Town into the New Town and crossing the Waverley valley are a critically important component of OUV. This impact would be more pronounced immediately in front of the heightened wall (the eastern pavement). In views from the western pavement we recognise the impact will be much reduced.

We note the Landscape Design Statement mentions other solutions were investigated, although no further commentary is provided on what these were and why they were rejected. If the wall does require re-building then we wonder if using an alternative boundary treatment would be achievable. The lower end of Jeffery Street uses railings and if these were replicated along the full length of the street, up to the tenements, existing views into the New Town should be maintained (even potentially enhanced). Your Council will of course also need to consider the physical impact of such an alteration on the special interest of the arches, which are listed at Category C.

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

Historic Environment Scotland - response dated 07/11/2019

Thank you for your consultation which we received on 25 October 2019. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation</i>
<i>Type</i>		
<i>100018438</i>	<i>Edinburgh World Heritage Site Boundary</i>	<i>World</i>
<i>Heritage Sites</i>		

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

This is a re-consultation for conversion and incorporation of the remaining undeveloped arches along East Market Street into a new distillery and visitor centre. In our initial response, we were content that the proposals, overall, would not result in a significant impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. This remains our position.

However, we did consider that the re-building, accompanied by an increased in height, of the wall along part of Jeffery Street would result in a negative impact. This would have impacted on views from Jefferey Street (the Old Town) across Waverley Valley into the New Town, which are a critical component of OUV. We suggested that a railing could be an alternative boundary treatment and are pleased to see this now being incorporated into the revised design. We also note other changes have been made to the design of the new building.

We welcome the revisions and consider these will help to mitigate impacts of development on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the

proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

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

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

Archaeology - response dated 12/12/2018

The site lies at the centre of the UNESCO World Heritage, lying between the medieval burghs of the Old Town and Canongate established in the early 12th century. The C-listed arches were constructed in the mid-19th century when Market Street was inserted as such not only are the arches regarded as being of historic interest, but the site also occurs within an area of archaeological significance.

Therefore, this application must be considered therefore under Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV 4 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The listed historic vaults (Arches) were subject to a programme of archaeological recording in 2015 by AOC Archaeology. Given that the proposed scheme will not significantly affect the Arches historic fabric, no further historic building is deemed to be required based on current information.

However, these proposals with significant ground-breaking works both potentially internal to the vaults but significantly outside. Such works have the potential for disturbing significant buried remains associated with the development of the Old Town since the medieval period. It is essential therefore that the site is investigated before development in order to fully excavate, record, analysis and report upon any significant remains that may be affected.

It is recommended that the following condition be applied to these consents to secure this programme of archaeological work, based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and 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.

Scottish Water - response dated 18/12/2018

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

Water

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

Foul

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

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

Infrastructure within boundary

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

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

SEPA - response dated 15/01/2019

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

Waste water drainage

The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should provide the City of Edinburgh Council with confirmation from Scottish Water that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided and SEPA should be re-consulted.

Sustainable Drainage System (SUDS)

We advise that developers should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11. We, therefore, refer your authority to our standing advice on SUDS. We would expect that the simple index tool is used.

Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753).

Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and the views of your authority's roads department, and flood prevention unit, should be sought on the SUDS strategy in terms of water quantity and flooding issues.

Regulatory advice for the applicant

Regulatory requirements

We could find no details, in the application, on the distillery process. However, from the information provided, it appears unlikely that this process would require an authorisation under The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012). More details are available on our website [here](#).

There may be medium combustion plant directive implications if an onsite combustion plant (boiler) >1MW is proposed. More details are available on our website [here](#).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.

Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

is more than 4 hectares,

is in excess of 5km, or

includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds, you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

Environmental Protection - response dated 21/11/2019

Environmental Protection cannot support this application and recommends refusal.

The applicant proposes a bespoke gin distillery and visitor centre on a site which incorporates five Category C listed Victorian arches and land in front of the arches. The site is overlooked by residential accommodation on Cranston Street as well as properties on Jeffrey Street.

Environmental Protection has expressed concerns about odour from the proposed distillery affecting nearby residents. An odour assessment (Airshed, November 2018) was submitted which modelled a worst-case scenario, demonstrating that odour would not adversely impact nearby sensitive receptors.

Environmental Protection also raised concerns about noise from the activities at the premises impacting on the amenity of nearby residents.

Specifically, concerns were raised about noise outbreak from associated mechanical plant machinery, the top floor bar/multi-use area, and the external roof terrace. A Noise Impact Assessment was carried out by Airshed and was submitted on 23 October 2019.

The Noise Impact Assessment demonstrates that mitigation measures can ensure that noise levels from the bar/multi-use area and from mechanical plant will be within acceptable standards. However, it was not able to demonstrate the noise from vocal outbreak of patrons on the external roof terrace area would meet acceptable standards. External noises, in particular vocals, are extremely difficult to modulate and control. There are no mitigation measures, beyond fully enclosing the area, which has not been suggested as part of this application. The Edinburgh Gin Design Statement (September 2018, Revision C) notes that, whilst the external terrace is envisaged to operate during similar hours to the main visitor centre, it may be used outwith these hours for special events (e.g. Edinburgh Festival and Christmas). Therefore, there remains a risk of negative impact on the amenity of neighbours. The Noise Impact Assessment states that there will be no amplified music at the external terrace. Planning does not accept conditions which would restrict amplified music at the premises. Therefore, the risk of music being played in the external area and negatively affecting nearby residents remains.

Due to the potential for noise disturbance adversely impacting the amenity of neighbouring noise-sensitive receptors (residents), we cannot support this application and recommend refusal.

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

- 1. Prior to occupation, the mitigation measures as specified in Table 6.1: Fixed Plant; and Table 6.1: Building Elements; of the Airshed Noise Impact Assessment, dated 23 October 2019, shall be met.*
- 2. 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.

Roads Authority - response dated 21/11/2019

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

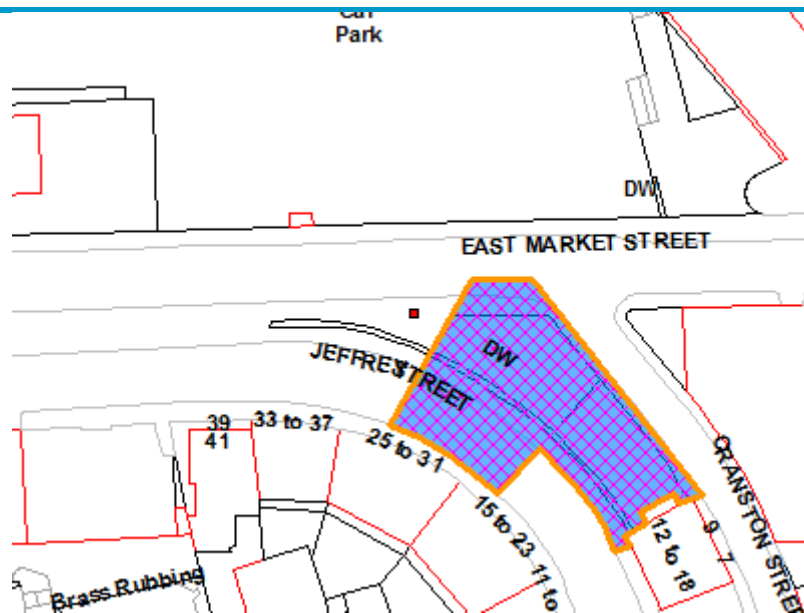
- 1. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of carriageway on East Market Street as loading bay as necessary for the development. The applicant should be aware that traffic order application requires a contribution sum of £2,000 to progress a suitable order to redetermine sections of carriageway as necessary for the development and its approval cannot be guaranteed;*
- 2. The radius of East Market Street/Cranston Street junction will be tightened to promote slower vehicular speeds. This is to be designed and built to the satisfaction and at no cost to the Council;*
- 3. The proposed stepped access linking Jeffrey Street and Cranston Street to be designed and built to the satisfaction and at no cost to the Council. RCC will be required;*
- 4. Existing footway on Jeffrey Street fronting the proposed development to be paved with Caithness to the satisfaction and at no cost to the Council;*
- 5. Doors opening outwards is not acceptable unless emergency doors - doors must not be opened onto adopted footway;*
- 6. The applicant must be aware that the proposed development is likely to affect what appears to be street lighting haldo pillar at North West corner of the application site and will have to be relocated at no cost to the Council;*
- 7. Any adopted footway reinstatement must meet the Council's specification and standard details;*
- 8. The proposed works on adopted footway must be carried out under permit and in accordance with the specifications.*

Note:

- a) In line with the Council's ongoing City Centre Transformation and City Mobility Plan, the proposed area is expected to prioritise active travel, hence any proposed street design should prioritise active travel infrastructure and eliminate provisions likely to compromise the width of the existing footway.*
- b) The proposed development to be accessed on East Market Street by stepped and levelled access and provides for inclusive mobility.*
- c) The proposed development will be serviced by 2 (HGVs) per day*
- d) The applicant to provide 2 secure cycle parking spaces and complies with the Council's standards in Zone 1. Additional 4 visitor cycle spaces to be provided on the site western boundary*

- e) *The applicant proposes zero parking provision and complies with the Council's parking standard for the proposed development in Zone 1.*
- f) *Refuse collection to be undertaken from Cranston Street/East market Street*
- g) *The existing adopted footway (varying in width 1.6m-2.4m) widens to 2m-5m (the private and adopted areas have been delineated by studs)*
- h) *No tram contribution required - 814sqm assembly and leisure in Zone 2 =£0. Other uses considered ancillary to the assembly and leisure. Tram contribution of £50,000 was sought for the planning application 13/03407/ful including 894sqm proposal of this site. The GFA of the current proposed development 814sqm is less than the previous proposal 13/03407/ful planning application (894sqm) for the same site, hence no net tram contribution.*

Location Plan



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END

Development Management Sub Committee

Wednesday 18 December 2019

Application for Listed Building Consent 18/09879/LBC at Land at East Market Street, Edinburgh. Internal and external alterations and ancillary works (as Amended).

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed works will preserve the special architectural and historic interest of the Category C listed building. The proposed conversion will provide a sustainable and complementary re-use of the listed building. The proposal would preserve and enhance the special character and appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal. The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building and the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LEN03, LEN04, CRPOLD,

Report

Application for Listed Building Consent 18/09879/LBC at Land at East Market Street Edinburgh. Internal and external alterations and ancillary works (As Amended).

Recommendations

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

Background

2.1 Site description

The site is approximately 0.13 hectares and is located within the City Centre, adjacent to the East Market Street and Cranston Street junction. To the north, across East Market Street lies the car park associated with Edinburgh Waverley train station, with the City of Edinburgh Council Headquarters lying to the east.

The site is currently vacant and incorporates five category C listed Victorian arches (LB reference: LB49085). To the south of the site lies B listed tenements on Cranston Street (LB reference: LB29192) and B listed tenements on Jeffrey Street (LB reference: LB29189). The tenements on Cranston Street is five storeys and comprises a mix of residential properties at the upper floors and commercial and community facilities at the ground floor of Cranston Street and Jeffrey Street.

To the east on the other side of Cranston Street lies a restaurant and two hotels, which form part of the wider New Waverley development. Within the remaining arches along East Market Street to the west of the site, there are several small retail, restaurant, café and office uses. The Old Town of Edinburgh lies to the south comprising a mix of uses, with retail and cafe uses at street level along Jeffrey Street, the Royal Mile and St Marys Street, with generally residential properties above.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

The site and wider New Waverley area is subject to a detailed and comprehensive planning history comprising circa 50 various permissions relating to two separate and distinct rounds of applications. This includes detailed applications, listed building consents and conservation area consents, and are summarised as follows:-

Masterplan area

October 2006 - The Caltongate Masterplan for the wider Caltongate site was approved. The recent developments by Adagio, Premier Inn Hub and Jeffrey Street Arches form part of the implementation of the masterplan.

Application site

August 2008 - planning permission was granted for the conversion of the listed arches 19-24 and the erection of buildings for use as offices, retail (class 1), restaurant/bar and leisure (class11), access, open space, landscaping and associated works. External alterations and change of use of arches (1-18) for food and drink purposes (class3) and alternative use for retail (class1) and/or business (class 4) purposes. Realignment and alterations to Cranston Street. External alterations to 5a-9 Cranston Street and change of use to residential and offices, and alternative use of ground floor (9 Cranston Street) for retail (class 1), financial and professional service (class 2) and/or business (class4) purposes. (Application reference number: 07/01241/FUL)

August 2008 - Redevelopment and erection of buildings for residential flats, offices, alternative office and/or community facility, and retail (Class 1) use, access and servicing area. Realignment and alterations of Cranston Street (as amended). (Application reference number: 07/01288/FUL)

January 2014 - planning permission and listed building consent was granted for the conversion of all the arches, erection of a pavilion building on this site, accessible from the Jeffrey Street level and the development of three hotels currently in operation comprising Premier Inn, Hub by Premier Inn and the Adagio Aparthotel (application reference 13/03407/FUL and LBC reference 13/03405/LBC). Partly complete, with the exception of the remaining five arches subject of this application.

Main report

3.1 Description of the Proposal

The application proposes the redevelopment and conversion of five existing arches and change of use to provide sui generis distillery with Class 11 (assembly and leisure) visitor centre, Class 1 (retail), Class 3 (food and drink) and sui generis bar/tasting rooms, with associated works including landscaping, public realm and means of access.

The proposals will be very similar in scale to the approved 2014 scheme and will accommodate a variety of uses within a new, two storey structure of approximately 1,275 square metres which includes the conversion of five existing C listed arches, with a smaller pavilion roof top building proposed at the second-floor level.

Scheme two

Several amendments have been made to scheme one during the assessment of the proposals. The main changes relate to:-

- Amendments to the façade details, including the colour and type of materials;
- Amendments to the service arrangements;
- Amendments to the public realm materials along Jeffrey Street and Cranston Street;
- Amendments to the design and function of the roof terrace;
- Replacement of the wall along Jeffrey Street with railings; and
- Reconfiguration of the steps between Cranston Street and Jeffrey Street.

The spaces within Edinburgh Gin's new distillery and visitor centre comprise of four elements; the still house, visitor experience, ancillary accommodation and a roof top pavilion and terrace. The stills would be located within both the double height space of the new building and the second arch, which will be visible through the glazed curtain walling from East Market Street. The existing wooden doors will be removed and the arches opened up. The still backup areas (tanks, plant, stores, etc.) are located within the first arch to facilitate access and deliveries from East Market Street. Although visitors will have access to the still house, the positioning of the main still storage area within the first arch ensures the distillery team have direct access to the backup areas. Segregating the public tour route from the back of house stills avoids any potential health and safety conflicts.

New public realm would be created at street level accessible from East Market Street and at roof level accessible from Jeffrey Street. The proposed development will extend the Old Town material palette of Caithness Stone around the entire building façade along Cranston Street and East Market Street and up to the main entrance. Granite is proposed for the two steps and bench located at the entrance. The transition between the Edinburgh Gin site and the adopted footway is proposed to be delineated by 100mm radius stainless steel marker studs. A new public stair is proposed to link Jeffrey Street and Cranston Street.

The revised roof terrace would create both an external space for use by Edinburgh Gin visitors and space for the public. The primary access to the private roof terrace is from the internal stairs and lift, and primary access to the public roof terrace is proposed from Jeffrey Street. The roof terrace layout creates a variety of spaces for visitors to enjoy views to Calton Hill, North Bridge and the Balmoral Hotel.

The existing Jeffrey Street stone wall borders the roof terrace space. The existing stone wall is proposed to be carefully taken down to street level and rebuilt using railings to a height of 1.8m from Jeffrey Street footway level. The existing wall height is 1.2m. The proposed increase in height is to improve the security of the roof terrace, whilst also retaining visibility through the railings. Each access point has a set of double leaf metal gates which are proposed to be the same height as the Jeffrey Street wall set back from the footway. New stone wall returns are proposed to house the gates.

The application proposes to use dark grey terracotta profiled rain screen cladding and glazed curtain walling for the upper areas of the building, and a random rubble sandstone base course.

Supporting information

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

- Design and Access Statement;
- Landscaping Design Statement;
- Townscape and Visual Impact Assessment;
- Planning Statement;
- Transport Statement;
- Daylight, Sunlight and Privacy Assessment;
- Noise Impact Assessment;
- Odour Impact Assessment; and
- Sustainability S1 Form.

These documents can all 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:

- a) The impact on the special architectural character or historic interest of the listed building, including its setting, is acceptable;
- b) The proposal will preserve or enhance the character and appearance of the Old Town Conservation Area;
- c) Material representations have been addressed.

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Page 6 of the Historic Environment Policy for Scotland 2019 (HEPS) identifies that HEPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment and in relation to listed building consent.

a) The impact on the special architectural character or historic interest of the listed building including its setting

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.

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

Conversion of the five arches

Internally, there are no areas of significant architectural or historic interest within the currently vacant arches. For the most part, the internal form of the arches will remain unaltered, with the stonework and vaulted ceilings remaining exposed. Existing details, such as the high-level stone corbels and cast-iron drainage within each of the arches, are to be retained as a feature. Conservation work is proposed to the existing stonework using a specialist stone consultant. This will involve a stone-by-stone conditions survey of the existing stonework in order to identify any structural issues and any stone replacements.

Four of the five arches will be fully accessible to the public as part of the visitor experience. The design of the new mezzanine, floor plates and supporting structures have been developed so they are independent of the existing stonework, thus minimising any impact. The full volume of arch two is to be left open and exposed. This arch will be visible through the glazed curtain walling along East Market Street. In this regard, the proposals visually open up the arches, significantly enhancing the appearance of the listed structures with minimal intervention. The proposed development will not only bring the arches into sustainable use, but will also benefit from the structural and physical maintenance.

The conversion of the five arches is acceptable and does not diminish their historic interest.

Extension to the arches

HES Managing Change in the Historic Environment: Extensions guidance (Oct 2010) notes that key issues in extending a historic building require that they:-

- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation; and
- must be designed in a high-quality manner using appropriate materials.

The architectural style of the proposed new building is clearly modern but sensitively responds to its context through its form, finish, detailing and materials, complementing the 24 listed arches, their historic setting and their wider regeneration. An assessment of the proposed materials is set out further in Section 3.3b). Although the building will be built over the primary elevation of four arches, it incorporates them, allowing the arches and the Jeffery Street retaining wall to remain visible behind extensive glazed curtain walling on the East Market Street elevation. Their form will be retained and clearly read out-with the building, thus complementing the scale of the arches and character of the street. The new building will extend into the vacant land to the north of the arches to meet the curve of Cranston Street. The new building is appropriately scaled and will relate well to the curved geometry of the street and will not diminish the robust overall character of the arches. The proposed building will be smaller in scale than that the two previously approved schemes.

The extension to the arches is a positive addition, preserving and enhancing their historic integrity and setting.

a) Conclusion

The proposal represents both an innovative and viable re-use of the listed building and the development of a new public attraction. 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 or setting. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

b) The impact on the character and appearance of the Old Town Conservation Area

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

The site is currently an underutilised gap site within the Old Town Conservation Area. The Character Appraisal sets out the key elements that contribute to the special historic and architectural character of the area. For new development, it encourages good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions and design of traditional buildings in the area. The essential characteristics of the Old Town Conservation Area are assessed below:

Plan form and building line

The proposed building continues the plan width of the tenement gable, the curve of Cranston Street and Jeffrey Street and extends this to meet East Market Street. This reflects the historic spatial pattern, creating a strong relationship between the different levels of Jeffrey Street and East Market Street. The proposed development will also provide a continuous hard urban edge directly abutting the footway of Cranston Street and Market Street, reflective of the character of the Old Town.

The topography of the Old Town creates a natural setting for the surviving original medieval street pattern and plan form of lang riggs and closes running off the spine of the Royal Mile. These tightly packed narrow closes make the Old Town highly permeable. The application proposes a new pedestrian access from Jeffrey Street to Cranston Street in the form of new public steps, adding to the permeability of the area and the opportunities for wayfinding. This is positive, reflecting the dense network of closes and wynds, characteristic of the Old Town Conservation Area and a proposal which is supported by the Caltongate Masterplan.

The combination of a new pedestrian access, strong building line and resolution of topography will result in a form which strengthens the spatial pattern of the Old Town.

Skyline and views

The wealth of important landmark buildings, including the Castle, the spires, towers and domes on the Old Town ridge and Arthur's Seat dominate a distinctive historic skyline, not just from the conservation area boundaries, but also in many more distant views and approaches to the city. The application is supported by a Townscape and Visual Impact Assessment, which includes a study area which is relatively compact due to the constrained nature of the site within the valley between the Old Town and Calton Hill. The proposed development will not impact on the historic skyline.

The proposed form and height of the building would allow views to be retained towards the Old Town and its characteristic layering of buildings. As well as views towards the Old Town, the character appraisal also identifies views from the Old Town towards the New Town, including the view towards St Andrews House as a key vista/panorama. This was also identified as an opportunity in the Caltongate Masterplan. The roof of the new building will form a new public space extending from Jeffrey Street, designed to facilitate an enhanced experience of the view.

Materials

The Old Town is characteristic of a limited palette of natural materials, mainly stone and slate. This provides a sense of unity. Dark grey horizontal profiled terracotta rain screen is proposed, which is neutral in appearance. This reflects the dark grey of the Scots slates, sitting comfortably alongside the surrounding stone context. The design of the façade also incorporates a random rubble sandstone base course to mirror the stone of the existing Jeffrey Street wall. This base course would form a continuation of this wall, forming a plinth wrapping around the base of the building, integrating the building into its Old Town context. Caithness Stone is proposed along the footways, which is also supported. The balance between traditional and contemporary high-quality building and public realm materials will enhance the Conservation Area. A condition is included which requires further details on the specification of the proposed materials.

Boundary treatment

Boundaries maintain the character and quality of the spaces in the Old Town, providing enclosure and definition to many pedestrian links, whilst also restricting views out of the spaces. The replacement of the existing stonewall along Jeffrey Street with taller metal railings is a positive form of enclosure along this street that contributes positively to the character of the area, whilst preserving and enhancing views north towards Calton Hill and St Andrews House.

Land use

The site was previously used as a storage facility for the Council, and thus, a negative use with an inactive frontage in an increasingly vibrant area. A breadth of facilities and attractions establish the Old Town as a cultural, leisure, entertainment and tourism centre of national importance. It is important in order to ensure a productive balance is maintained between the interests of residents, business, institutions and visitors. The continued existence of a creative mix of uses is an essential element in maintaining active streets and a vibrant town centre. In this regard, the proposed land use is in-keeping with the character of the conservation area, further enhanced by the re-use of the historic arches for the visiting public.

b) Conclusion

In summary, with reference to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposal does not impact adversely and significantly on key views and townscape character. It is considered that the proposed development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with a contemporary high-quality building designed to respond to its historic and modern urban environment. The proposal successfully responds to issues of spatial structure, permeability, townscape, architectural expression, heights, vistas, roofscape and materials in accordance with the principles of the Caltongate Masterplan. In this regard, the special character and appearance of the Old Town Conservation Area will be preserved and enhanced.

c) Material representations

- Concerned that the proposals are contrary to the Statement of Special Interest in the HES listing for these vaults, which states that when the land was ceded to the North British Railway Company in the 19th century it was on condition that any building on the site does not exceed in height the finished level of the carriageway of Jeffrey Street. Height of the new building is assessed in section 3.3e). There is no planning restriction on heights other than the guide heights indicated in the Caltongate Masterplan and consideration being given in a supporting Townscape and Visual Impact Assessment. The design of the new building has been informed by a view analysis.
- Adverse impact on the character of the listed buildings - Assessed in section 3.3a)
- Adverse impact on the character and appearance of the conservation area - Assessed in section 3.3b)

CONCLUSION

The proposed works will preserve the special architectural and historic interest of the Category C listed building. The proposed conversion will provide a sustainable and complementary re-use of the listed building. The proposal would preserve and enhance the special character and appearance of the Old Town Conservation Area and is consistent with the relevant character appraisal. The proposals are therefore acceptable and comply with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion. The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building and the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground works is commenced on site. Prior to the commencement of above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.
2. A schedule of stone repairs shall be submitted to and approved in writing by the Planning Authority before work commences on site.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There is no financial impact.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 7 December 2018, allowing 21 days for comments. However, following submission of an additional supporting document, the application was re-advertised on 18 January 2019, allowing an additional 21 days for comments. The application also appeared in the Weekly List on 15 January 2019.

The proposals that formed scheme one received one letter of objection from the Architectural Heritage Society of Scotland. They were re-notified on scheme two on 25 October 2019, with 21 days allowed for comments. No additional comments received.

The comments received were considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3c).

Background reading/external references

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

Statutory Development

Plan Provision

The application site is shown to be within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

14 November 2018

Drawing numbers/Scheme

01-03, 04A-9A, 11A-14A, 15, 16A, 17, 18A-22A, 23-29,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer

E-mail:emma.fitzgerald@edinburgh.gov.uk Tel: 0131 529 3794

Links - Policies

Relevant Policies:

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.

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 Listed Building Consent 18/09879/LBC At Land At, East Market Street, Edinburgh Internal and external alterations and ancillary works (As Amended).

Consultations

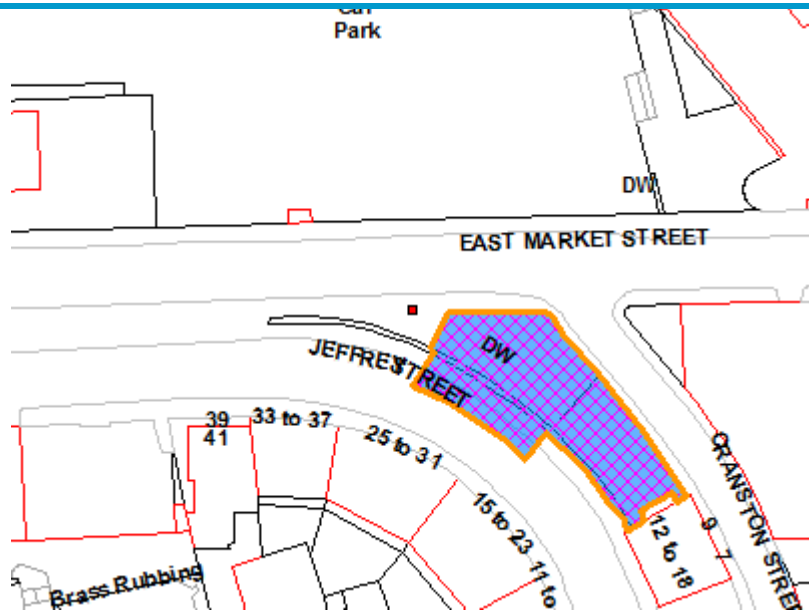
Archaeology - response dated 12/12/2018

The site lies at the centre of the UNESCO World Heritage, lying between the medieval burghs of the Old Town and Canongate established in the early 12th century. The C-listed arches were constructed in the mid-19th century when Market Street was inserted as such not only are the arches regarded as being of historic interest, but the site also occurs within an area of archaeological significance.

Therefore, this application must be considered therefore under Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV 4 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The listed historic vaults (Arches) were subject to a programme of archaeological recording in 2015 by AOC Archaeology. Given that the proposed scheme will not significantly affect the Arches historic fabric, no further historic building is deemed to be required based on current information. Accordingly it has been concluded that there are no archaeological constraints upon this listed building consent application.

Location Plan



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END

Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/00945/FUL
at Jury's Inn, 43 Jeffrey Street, Edinburgh.
Erect new 131 bed boutique hotel, 101 bed extension to
existing Jury's Inn hotel, two residential blocks containing
31 flats and retail units. Convert two lower floors of existing
category C listed tenement building to new hotel entrance
and lounge. Create public space with pedestrian links into
the site from existing closes, including new access ramp.
(As amended to 125 bed boutique hotel and 100 bed
extension to existing Jury's Inn hotel.)**

Item number

Report number

Wards

B11 - City Centre

Summary

This proposal will deliver a mixed use development which will complement the existing area. The design of the buildings, spaces and routes will create a positive townscape, well-suited to this particular site and the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of adjacent listed buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. The proposals are sustainable and there are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEMP10, LHOU01, LHOU02, LHOU04, LHOU06, LHOU07, LRET01, LRET11, LEN04, LEN03, LEN06, LEN01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN12, LEN16, LTRA02, LTRA03, LTRA04, LDEL01, LEN21, NSG, NSLBCA, NSGD02, NSESBB, CRPOLD,

Report

**Application for Planning Permission 19/00945/FUL
At Jury's Inn, 43 Jeffrey Street, Edinburgh
Erect new 131 bed boutique hotel, 101 bed extension to
existing Jury's Inn hotel, two residential blocks containing
31 flats and retail units. Convert two lower floors of existing
category C listed tenement building to new hotel entrance
and lounge. Create public space with pedestrian links into
the site from existing closes, including new access ramp.
(As amended to 125 bed boutique hotel and 100 bed
extension to existing Jury's Inn hotel.)**

Recommendations

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

Background

2.1 Site description

The application relates to a vacant site to the rear of Jury's Inn Hotel, measuring 0.337 hectares. The site, known as "The Tannery Site", between Jeffrey Street and High Street is bounded by North Gray's Close to the west and Chalmer's Close to the east. The site extends beyond Chalmer's Close to incorporate a strip of land between the rear of Jury's Inn and north of Trinity Apse.

Jury's Inn occupies a seven-storey, Brutalist style, concrete building dating from the 1970s.

The site contains a category C listed, five-storey, sandstone tenement at 55-61 Jeffrey Street (LB reference 29191, listed on 13 August 1987).

There are several listed buildings on the periphery of the site:

- Trinity College Church Apse on Chalmers Close (category A listed and scheduled ancient monument, LB reference 27547, listed 14 December 1970);
- Old St Paul's Church at 63 Jeffrey Street, to the west of North Gray's Close (category B listed, LB reference 27212, listed 14 December 1970);
- the ruin of Bishop Sydserf's House at 2 North Gray's Close and 125 High Street (category B listed, LB reference 29443, listed 25 April 1989);

- Carrubers Close Mission at 63-67 High Street (category B listed, LB reference 29036, listed on 13 August 1987) and
- category B listed tenements at 107-119 High Street (LB reference 29039, listed on 13 August 1987), 123 High Street (LB reference 29040, listed on 9 September 1988), 127 and 129 High Street (LB reference 29043, listed on 9 September 1988) and 133 and 135 High Street and 4 Carruber's Close (LB reference 29044, listed on 11 January 1989).

The surrounding area is mixed use in character, typically with commercial and retail uses at ground floor level with the upper levels in predominantly residential use.

Vehicular access to the site is via a pend off Jeffrey Street through the Jury's Inn building and there is a second pend through the tenement at 55-61 Jeffrey Street, although this is currently boarded off.

The application site falls within the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

Jury's Inn 43 Jeffrey Street

27 November 1997 - planning permission granted for change of use from office to hotel (application reference 97/01557/FUL).

24 August 2007 - planning permission granted to erect flatted residential, 66-bedroom hotel extension and mixed commercial use (application reference 02/03306/FUL).

17 June 2008 - planning permission granted for amendment to planning permission reference 02/03306/FUL to provide 126-bedroom extension to existing hotel, rather than approved 66-bedroom extension, deletion of 34 flats and car parking and changes to elevational treatments of entire new build development (application reference 07/03931/FUL).

19 August 2010 - planning permission granted for variation to planning permission reference 07/03931/FUL to increase number of bedrooms in hotel extension to 139 and modifications to building footprint, elevations and roof form (application reference 07/03931/VARY). Some groundworks for this permission have been implemented, so the consent is live.

17 January 2014 - planning permission granted to erect 101-bedroom student residence with management suite and retail unit on ground floor ((application reference 10/02401/FUL).

55-61 Jeffrey Street

5 December 2002 - listed building consent granted for external and internal alterations, including new pend access (application reference 02/03312/LBC).

17 January 2014 - listed building consent granted to erect new internal partitions at ground and first floor levels to create management suite for student residences, form five-bedroom student cluster flat on first floor and convert one rear window to form doorway (application reference 10/02401/LBC).

Current application for listed building consent (reference 19/00946/LBC) under consideration for alterations to nos. 55-61 Jeffrey Street associated with the erection of a new adjoining hotel affecting the lower two floors (as amended).

Main report

3.1 Description of the Proposal

The Jury's Inn Hotel and tenement within the site will be retained.

Scheme 2

The application is for the demolition of remnants of boundary walls of the site and erection of a new 125-bedroom boutique hotel (floor area 4976 square metres), a 100-bedroom extension to the existing Jurys Inn hotel (floor area 3582 square metres), two residential blocks containing a total of 31 flats, and five retail/workshop units with a total floor area of 348 square metres. The building forms are traditional geometric forms with mainly duo-pitch roofs. External alterations are proposed to the tenement at 55-61 Jeffrey Street.

New Hotel

The proposed new boutique hotel is a north-south aligned, seven-storey and attic building, to the rear of the tenement at 55-61 Jeffrey Street. The building will join the tenement's rear elevation at ground and first floor levels. The front half of the proposed structure features a low-profile roof, incorporating dormer windows on the front and side elevations. An ancillary restaurant and bar are located at ground floor level and the kitchen is also located on this floor. The basement houses staff facilities, a cycle store, refuse and storage areas and a boiler room. The hotel reception and lounge will be located at ground and first floor level within the existing tenement at 55-61 Jeffrey Street.

Hotel Extension

The proposed extension to the rear of the existing Jury's Inn is an east-west aligned, broadly T-shaped, eight-storey structure featuring gable ends on the front elevation facing Jeffrey Street and advanced bays on the west elevation. A retail/workshop unit is incorporated at ground floor level and the basement contains the kitchen, staff changing facilities, stores and refuse areas.

Residential Blocks

The proposed residential flats are arranged in separate blocks of six and seven storeys. The blocks adjoin at third to sixth floor levels to form a pend leading eastwards into Chalmer's Close. There are cycle stores and utility areas at ground floor level and a retail/workshop unit at this level in the southern block facing Chalmer's Close.

The layout facilitates pedestrian movement, with a new public space to the southern section of the site. The new hotel, hotel extension and residential blocks all address this space.

The materials palette comprises predominantly natural sandstone-clad elevations with rubble sandstone-bases and natural slate roofs. There are sections of white render above the stone bases on some elevations and limited sections of coloured render. Areas of flat or shallow-pitch roof will be zinc-clad (with standing-seams on the sloping sections) and the balconies on the residential blocks will have metal balustrades. The commercial and residential windows will be aluminium-framed.

55-61 Jeffrey Street

The annexation of the new hotel extension to this category C listed tenement involves alterations to the rear elevation as follows:-

- the removal of two windows, stonework below and part of the stone pier between at first floor level;
- the removal of one window, stonework below and one side pier and the formation of a doorway from an existing window at basement level.

Public Realm

A comprehensive, hard-landscaped, public realm scheme, with limited areas of soft landscaping is proposed in the spaces between the buildings, with pedestrian links into and through the site using the existing closes. New public amenity spaces will be created, some in the form of raised decks on top of new retail units, accessed via steps linking with North Gray's, Paisley and Chalmer's Closes. The hard landscaping materials comprise Caithness flagstone paving, clay brick paving and granite setts with timber and granite seating. A detailed planting scheme, including rain gardens, is included. The public spaces within the site will remain open, except from 10pm until 7am.

The proposed public realm scheme is partly accessible in terms of non-stepped access and includes a new access ramp to the north side of Trinity Apse, behind the existing hotel building. This ramp will be surfaced in Caithness flag paving with a stainless steel handrail.

Access for service vehicles and accessible car parking spaces will be via the existing pend through the Jury's Inn hotel into Chalmer's Close. Service areas accessed off the pend are within the main hotel building. A new refuse store for the residential units will be located to the rear of the existing building.

No general staff, customer or residential parking is proposed. The existing car park off Chalmer's Close to the rear of the main hotel building will be replaced with a new paved area, incorporating two accessible car parking spaces and one motor cycle parking space. Cycle parking will be provided as follows:-

- 10 spaces for the hotel extension within a covered secure store behind the new access ramp;
- 13 spaces in a store within the basement of the new hotel;

- 18 spaces in a store within the ground floor of the residential block attached to the hotel extension; and
- 44 spaces in a store within the ground floor of the other residential block.

A small electricity sub-station will be erected on the rear of the existing hotel just beyond the end through 55-61 Jeffrey Street.

Scheme 1

The original scheme proposed a new 131-bedroom boutique hotel (floor area 4737 square metres), a 101-bedroom extension to the existing Jury's Inn Hotel (floor area 3653 square metres), two residential blocks containing a total of 31 flats, and four retail/workshop units with a total floor area of 336 square metres. The plan form of the hotel extension was more irregular, and the hotel extension had a rectangular plan form. A second access ramp was located to the south of the hotel extension and a general cycle store was proposed to the rear of the existing hotel for staff, guests and visitors. No cycle parking was proposed for the residential blocks. The existing car parking area to the rear of the hotel was retained with the addition of the aforementioned cycle store.

Supporting Documents

The following information was submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Landscape Design Statement;
- Visual Impact Assessment including verified views;
- Archaeological Report;
- Tree Report;
- Noise Impact Assessment;
- Daylight Assessment;
- Transport Statement;
- Ecological Appraisal;
- Bat Survey;
- Drainage Strategy;
- Energy Statement;
- BREEM Pre-Assessment;
- Geotechnical Study;
- Ground Investigation Report and
- Fire Strategy.

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

An associated application for listed building has been submitted for external and internal alterations to the tenement at 55-61 Jeffrey Street (application reference 19/00946/LBC).

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed buildings;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the design is acceptable and contributes towards a sense of place;
- f) the proposals have an adverse impact on significant archaeological remains;
- g) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- h) the level of affordable housing provision is acceptable;
- i) the proposals have a detrimental impact on road safety or infrastructure;
- j) the proposals have an adverse impact on trees or biodiversity;
- k) any impacts on equalities or human rights are acceptable and
- l) public comments have been addressed.

a) Principle

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP).

LDP Policy Emp 10 permits hotel development in the city centre where it may be required to form part of mixed use schemes, if necessary to maintain city centre diversity and vitality. Given the major tourism role of the Old Town and the accessibility of this site via sustainable means of transport, hotel development is acceptable in principle in this location. The hotel use will contribute positively to the range of uses proposed on site and within the vicinity and the total number of bedrooms proposed is not excessive. There is a current need for additional hotel bedrooms in Edinburgh and this city centre location is appropriate for a development of this scale in terms of surrounding density.

Policy Hou 1: Housing Development gives priority to the delivery of the housing land supply, including in the City Centre. Housing is appropriate in principle on this former brownfield site which is surrounded by mixed uses, including residential. Residential use will contribute to maintaining a balance between the permanent and transient populations of the Old Town.

Local Development Plan Policy Ret 1 supports retail use within the City Centre. The proposed retail units are integrated within the various elements of the development and located at ground level to create active frontages which contribute to the vitality of the area.

The proposed Class 3 uses are ancillary to the hotel uses, although the criteria of LDP Policy Ret 11: Food and Drink Establishments has been considered in the assessment of these uses. The proposed café/restaurants and bars in this busy city centre location, where there are many existing such establishments, will not cause any significant disruption for residents.

In summary, the type and balance of uses within this development will achieve an appropriate balance between the competing priorities of promoting the economic potential of the Old Town, whilst making it an attractive place to live.

The development is therefore acceptable in principle. A condition has been applied to ensure the provision of the residential units.

b) Character and Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- "• Identify the historic assets that might be affected;*
- Define the setting of each historic asset and*
- Assess the impact of any new development on this".*

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

Character of 55-61 Jeffrey Street

This is a category C listed, five-storey, Scots Baronial style tenement by Robert Hamilton Paterson, dating from 1889. The building has been significantly altered by the formation of a wide, double-height pend through its east side. The proposed new hotel will adjoin the tenement at ground and first floor level on its rear elevation and this connection will not be visible from Jeffrey Street. The fenestration pattern on the rear elevation is irregular and the architectural character of this elevation is informal. The existing pattern of openings at the affected levels is not significant, so the proposed alterations to these window and door openings will have no adverse effect on historic or architectural character.

Setting of Listed Buildings

The setting of the listed buildings on the site and adjoining is currently dominated by the existing Jury's Hotel building with an overgrown brownfield site cleared of structures to the north. The 1849 Ordnance Survey map shows that, by the mid 1900s, the site was occupied by dense, north-south aligned tenements with narrow closes running north-south between the buildings. The northern section of this pattern had been eradicated by 1876 as shown on the Ordnance Survey map of that year, as part of the City Improvement Act of 1867, which included the creation of Jeffrey Street. By the mid 20th century, historic photographs show that the vacant part of the site and some of the surviving tenements had been replaced with industrial buildings, including those of the Tannery, notably a large, east-west aligned block to the immediate west of Trinity Apse. There was a large Baronial style tenement fronting Jeffrey Street and a prominent north extension to Trinity Apse.

Trinity Apse

Trinity Apse is the most significant listed building adjoining the site, located on the east side of Chalmer's Close and to the rear of the existing Jury's Inn hotel. The Apse, which is currently vacant, is a category A listed structure by John Lessels, dating from 1872, incorporating parts of Trinity College Church by John Halkerston, dating from 1460-1531 and demolished in 1848. Lessel's church included an extension to the north added in 1872-77 but this addition was demolished in 1964 and the north arcade was filled in with squared and snecked sandstone. The Chalmer's Close elevation, which faces into the site, comprises a single, tall pointed gable with a pointed loop-traceried window and cusped oculus above.

In order to increase the accessibility of the site, in particular to the new residential and retail uses in the centre of the development, an access ramp is proposed in the area to the north of the Apse, connecting Chalmer's Close with the higher central levels of the site. Only stepped access exists at present and the proposed location for the ramp is the most appropriate in terms of effective accessibility and allowing the remainder of the site to be developed at an appropriate density, without key open spaces being dominated by an access ramp.

The proposed ramp is set off the Apse north wall by one metre and is finished in high quality materials, laid in granite cubes with whinstone clad walls and a simple stainless steel handrail. The ramp will visually obscure the lower sections of the blind arches, although this visual intrusion is not significant, given that the arches will remain clearly legible and are not in their original open form. The setting of the Apse on this side is already severely compromised by the proximity and unbroken mass of the Brutalist Jury's Inn building and its car parking and the new access ramp will have no significant impact on this setting. The gap between the ramp and Apse will be planted with a native species hedge and ferns to ensure that it does not become a litter trap.

The proposed hotel extension and residential blocks on the west side of Chalmers Close are higher than Trinity Apse, but of a height compatible with the former historic tenements that once sat in this location. These formed the characteristic dense urban grain that typified the setting of ecclesiastical buildings in this particular part of the Old Town. A wide pend will be formed through the new residential blocks, its east end forming a focused, framed view of the west elevation of the Apse. The proposed development will therefore enhance the setting of Trinity Apse by recreating a sense of its historic setting with the addition of intriguing views.

Old St Paul's Church, 55-61 Jeffrey Street, Bishop Sydserf's House, Carrubers Close Mission and High Street Tenements

The proposed development will enhance the setting of the surrounding listed buildings on High Street and the Closes by restoring the essence of the historic setting, which is currently "missing", through the erection of new built structures of appropriate height, scale, density, alignment, detailing and materials.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposals are acceptable and in compliance with LDP Policies Env 4 and Env 3.

c) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The essential character of the conservation area is summarised in the Old Town Conservation Area Character Appraisal as follows:

- *" the survival of the little altered medieval 'herringbone' street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile;*
- *its 16th and 17th century merchants' and nobles' houses;*
- *important early public buildings such as the Canongate Tolbooth and St Giles Cathedral;*
- *the quality and massing of stonework and*
- *the density and height of its picturesque multi-storey buildings."*

The proposed mixed use development is in keeping with the mixed use character of the Old Town Conservation area, which includes hotels, residential and commercial uses.

The existing brick and stone remnants of former walls and structures on the site are not statutorily listed and are not of intrinsic historic or architectural merit. These structures will be recorded as part of the conditioned archaeological investigation.

The proposed development continues the dense urban grain of the Old Town, whilst increasing pedestrian permeability through the continuation of the existing historic closes. The opportunity has been taken to partly restore the original pattern of north-south interconnecting closes between the High Street and Jeffrey Street. The proposed hotel extension includes a significant east-west oriented section. However, this reflects the fact that not all buildings in the spaces between the Old Town closes are north-south aligned, including Trinity Apse which sits to the immediate east of the site.

In terms of form and detailing, the proposed architecture is a modern re-interpretation of the basic tenemental form of domestic buildings of the Old Town, with their traditional proportions, gables and dormers. The composition produces a sequence of buildings which respect the north-south rising topography of the site. The ratio of height to width, predominantly duo-pitch roofs with north-south running valleys and rhythm of domestic scale, vertically aligned window openings compliment the characteristic traditional built forms of the Old Town without rendering the new architecture indistinguishable from historic architecture. The mansard roof at the north end of the new hotel is atypical of the majority of roof forms in the Old Town, but will not be a prominent feature of the overall composition, sitting at a relatively low height alongside higher, end-on gables.

The proposed materials palette is appropriate in this context. The predominant use of natural sandstone for the elevations, slate as the main roofing material, along with limited areas of render and zinc reinforce the traditional building materials of the conservation area. Aluminium window and door frames are proposed and limited areas of metal cladding. This is an appropriate modern material which works successfully alongside traditional materials and has been used in recent developments within the Old Town. A condition has been applied to ensure that the materials specifications, including render colours, are acceptable.

The accompanying public realm scheme proposes a comprehensive, predominantly hard-landscaped scheme which is in keeping with the generally austere public spaces of the Old Town and will be executed in a suitable range of high-quality surface materials, including Caithness flag paving in the closes, continuing the predominant material used in recent public close improvement programmes. The integration of limited areas of soft landscaping will reference the pockets of small green spaces off the lower sections of the High Street/Canongate as well as Patrick Geddes's garden initiatives within the Old Town and subtly enhance the new public realm whilst contributing to a sustainable development.

The landscaping scheme draws heavily on the historic industrial use of the site as a tannery. Processes within the Tannery included dyeing pools in which hides would be dipped in various colours and tones and hung up to dry. The proposals incorporate a series of rectilinear terraces stepping down from south to north, surfaced in brick paving in subtle shades of warm browns and tans to represent the dyeing pools. Squares of darker blue-coloured paviors bricks represent the Tannery pools of shallow water. Screens and partitions within and around the courtyard spaces will be inspired by historic images of hides hanging in a tannery.

Verified views of the proposed development have been produced from four important vantage points on Calton Hill, Waterloo Place, the roof of Waverley Mall and North Bridge. These demonstrate that the new buildings will have an impact on these views, but this impact will be positive or neutral, rather than negative.

From Calton Hill, only the roofscape and end-on gables are visible. The height of the new development is lower than that of the buildings on High Street, but higher than the existing Jury's Inn hotel. This will add a 'missing' layer of architecture between the existing Jury's Hotel building and tenements on High Street. This added layer is at an appropriate middle level and the articulated roofscape adds visual interest to the current scene which is dominated by the unbroken horizontal roof line of the existing hotel. The mansard roof of the proposed new hotel is inconspicuous from this viewpoint. The view from Waterloo Place is similar, although the mansard roof section is more prominent. The incorporation of face-on chimneys in the central section of this building adds necessary vertical elements to break up the horizontal mass, similar to the effect of the wallhead chimney on the tenement at 55-61 Jeffrey Street.

The views in which the proposed development has the most significant impact are from the roof of Waverley Mall and North Bridge due to the inclusion of the Salisbury Crags in these views. From the roof of Waverley Mall, the green area at the base of the Crags will be concealed by the roof ridge and end-on gables of the proposed hotel extension.

However, this will have no detrimental impact on the essence of this view which is defined by the rocky mass and distinctive skyline of the Craggs. The ridge line of the new building is punctuated with a chimney to add visual interest to the skyline. The Craggs are also visible from the viewpoint on North Bridge, although their presence is muted, lying relatively low above the existing buildings and partly behind a long chimney range. The new development will result in the loss of a small section of this view of the Craggs, but this is not significant given the secondary nature of the view. It is also part of a sequence of views where the Craggs will remain visible.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no unacceptable adverse impacts on the setting of the conservation area. The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

From the elevated views of Calton Hill, Waterloo Place and the roof of Waverley Mall within the New Town, only the new roofscape will be visible and the proposed development will appear commensurate with the size and scale of the existing buildings and will have no detrimental impact on the skyline, allowing the High Street ridge to remain legible. A "missing" middle layer of townscape will be restored enhancing views of the Old Town's characteristic townscape from these key New Town vantage points.

Whilst the proposed development is a modern intervention in the historic Old Town, the height, scale, massing, proportions, materials and detailing of the new buildings will produce an architecturally muted development that will have no adverse impact on extensive views from within the site and across the site, from close and distant viewpoints within both the Old and New Towns.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

e) Design and Sense of Place

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions, including the spaces between buildings, positioning of the buildings on site and materials and detailing.

The Edinburgh Urban Design Panel was consulted at the pre-application stage and its full report is contained within Appendix 1. The Panel welcomed the principle of redevelopment proposals for this long-standing gap site and was generally supportive of the proposed uses, although questioned whether a housing-led, rather than hotel-led approach had been considered. The Panel acknowledged that an element of residential use was to be provided and welcomed the inclusion of some commercial and retail floor space. Concern was expressed that the original design approach did not reinforce the 'herringbone' pattern of development characteristic of the conservation area and felt that the configuration of the open space in the south-eastern part of the site with a series of ramps in the original scheme was disruptive to the prevailing urban grain. The Panel considered the general volume of development proposed broadly appropriate, subject to a number of caveats, including the break up of the proposed massing, particularly at roof level, and stepping down in scale to follow the topography. The Panel supported the concept of buildings with solid bases and lighter detail to the upper floors and the potential for some offsetting with the facade design. The formation of enhanced pedestrian links via the existing closes was welcomed and the intention to provide a fully accessible route through the site and it was suggested that more intense development and smaller areas of public space may be more appropriate to the character of the Old Town location.

The Panel's concerns have been addressed through the pre-application process and within the application. The design concept of the proposed development draws upon the positive characteristics of the site and surrounding area, creating a new and reinforcing the existing sense of place. The range and balance of uses proposed complement and support the existing tourist and residential uses characteristic of the Old Town and will add to the vitality of the area. The inclusion of retail and café/restaurant uses at street level will add life to the new public spaces which will reinstate and reinforce pedestrian links within and through the site.

The importance of the development's setting within the townscape and roofscape of the Old Town has been recognised in the design and key views from the north and west have been considered in the proposed heights, roof forms, verticality of the elevations and articulation at all levels. The massing and layering of the development has been revised to ensure that the new buildings will complement the Old Town townscape. The result is a coherent and integrated design in terms of both close up and distant views.

Public Realm and Open Space

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle and LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole.

The proposed development opens up the site to the public, creating an intriguing tapestry of spaces that result from the tight-knit and sloping urban grid. These spaces reflect the medieval character and grain where individuals are drawn down dark, narrow closes and vennels, into bright, secluded and sheltered courtyards. A shadow analysis has been carried out which demonstrates that the central courtyard terraces are in sunlight for much of the day. Pedestrians will be attracted to enter and use the site as a secure amenity area and connecting route between the High Street and Jeffrey Street. In terms of security, there will be controlled access for residents and workers between 10pm and 7am but all the existing closes will remain open to the public. A condition has been applied to ensure that these hours of closure are not extended. Whilst there is no fully accessible through route, the proposed access ramp will allow wheelchair users to access the new uses on the site and some of the new public spaces.

The design of the public realm scheme draws on the site's location off the densely-populated High Street, its historic use as a tannery and former routes through the site. Its form is also governed by the practical functions of hard-landscaped spaces, drainage, levels, light and access. A number of significant elements within the adjacent closes and vennels will be retained, including the stone wall elevations of North Gray's Close and the steps and drainage channels.

The proposed hard landscape palette is simple and high quality, comprising natural sandstone, granite and whinstone with areas of clay bricks. These materials will reinforce the character of this particular part of the Old Town character and are arranged to emphasise the hierarchy of public spaces and key routes across the site and link into the material palette beyond.

The proposed soft landscaping is limited, partly due to the relative darkness of the site, making planting difficult to establish, but also the result of the overall design approach which is influenced by the austere public realm of the Old Town. However, the proposed level and specification of the planting scheme is designed to pay tribute to the fact that this site may have been included in Patrick Geddes's garden initiatives scheme and the colour, change, shelter and wildlife that soft landscaping will bring to the site will acknowledge Geddes's aspiration to improving the local environment through the provision of garden spaces in the Old Town.

Overall, the design of the development is based on a strong concept which draws upon the positive characteristics of the surrounding area and creates a sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 7 and Des 8.

f) Archaeological Remains

The site lies within an area of considerable archaeological significance, within the heart of the medieval Old Town on a site formerly occupied by the extensive 19th century tannery.

The results of a previous programme of archaeological excavations, carried out in relation to conditions attached to planning application reference 07/03931/FUL, demonstrated that areas of well-preserved medieval and post-medieval archaeology had survived across the site, principally within two large areas beneath the industrial 19th century tannery. Across the area subject to this application there was a deep sequence of 13-14th century deposits (boundary walls, cobble surfaces, terracing etc) sealed below 15th century midden layers, in turn sealed by the remains of 17th century tenements.

Although most of this site was excavated in 2008, a linear stretch of broadly five metres wide running north-south along North Gray's Close was unable to be excavated at that time. This area is known to contain significant archaeological remains, in particular, the frontages of the 17th century buildings identified in 2008 and also associated, earlier, medieval remains.

The proposals will require further archaeological works in areas not covered by the earlier application, principally to the rear of the current hotel and adjacent to Trinity Apse. Appropriate archaeological mitigation will be required in these areas to record, excavate and analyse any significant remains uncovered.

Subsequent site clearance has also uncovered upstanding remains associated with the site's earlier tannery and tenements.

The proposed ground breaking works could reveal important evidence regarding earlier buildings on the site and its development, so a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing. This condition also requires that provision is made for public/community engagement (for example, site open days, viewing points and temporary interpretation boards), given that the site has the potential for unearthing important archaeological remains.

g) Residential Amenity

The nearest residential properties are on the upper floors of 55-61 Jeffrey Street and High Street tenements to the south. Environmental Protection has raised concerns regarding noise from the proposed hotel affecting the existing residential properties on Jeffrey Street, including the combined effect of plant on the existing and proposed hotel, and also noise from the proposed retail units affecting the new residences.

The Noise Impact Assessment (NIA) submitted has been revised in response to these concerns and concludes that the NR 25 standard can be achieved in the existing residential properties if suitable noise attenuation measures are put into place. The plant serving the new hotel and proposed hotel extension will be located at roof level to minimise the potential for noise disturbance to nearby residents.

The revised NIA demonstrates that the NR15 standard will be met in terms of noise from the retail units attached to the new residential blocks.

Whilst the existing residences are currently subject to noise and disruption due to their location in this busy city centre/tourist area, a condition has been applied requiring further details of the proposed plant, extract and glazing specifications (for both the hotel and residential uses) to ensure that acceptable noise and odour levels are achieved within this context.

The geo-technical study submitted identified potential sources of soil contamination and ground gases from the site's former industrial use and recommends a phase of intrusive investigation. Accordingly, a condition has been applied to ensure that a site contamination investigation is carried out and any necessary mitigation measures are put in place prior to construction works commencing.

The internal floor area of each proposed flat ranges from 54-62 square metres for the one-bedroom flats and 68 square metres for the two-bedroom flats which complies with the minimum standards as set out in the Edinburgh Design Guidance. The particular mix of one and two-bedroom flats is appropriate in this dense urban context and the majority of flats are dual aspect. Each flat will be provided with a small balcony which contributes to an adequate level of amenity in these constrained circumstances. The flats will also have access to the new public space at the heart of the development.

In terms of daylight, sunlight and privacy, a detailed daylight, sunlight and privacy statement has been prepared by the applicant.

Existing Residences

The application site is in close proximity to a number of existing residential properties on Jeffrey Street, High Street, Carrubers Close and Chalmer's Close.

A total of 188 windows were assessed as part of the daylighting assessment. A vertical sky calculation (VSC) was carried out to assess how the new building will affect the available daylight to each window surrounding the new buildings.

Vertical Sky Component Results

- 65% (123) of the windows achieved a VSC of more than 27% (or 80% of the existing VSC value).
- Further Analysis of Vertical Sky Component Failures (35% (65) of the windows)
- 43% (28) of the failed windows were commercial buildings;
- 12% (8) of the failed windows were bathroom/toilet windows which are not protected under the Edinburgh Design Guidance; and
- 3% (2) of the failed windows were windows on the gable of one of the High Street tenements;

An average daylight factor (ADF) check was carried out on 29% (19) of the failed windows:

- 10% (2) of these windows achieved the required ADF but 89% (17) of these failed to achieve a satisfactory ADF; and
- ADF calculations were not carried out on 12% (8) of the windows as the report author does not have layouts for these rooms.

A degree of reduction in daylighting is an inevitable consequence of a development on a cleared site with a compact urban grain and windows in close proximity to existing windows. The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. In the Old Town, buildings are situated closely together, similar to the proposed development. In general, the reduced daylighting levels meet the requirements of the Edinburgh Design Guidance, although a relatively low percentage do not. This infringement of guidance is not significant enough to merit refusal of planning permission, given the unique historic context of the Old Town and the wider benefits achieved through an appropriate townscape.

In summary, the study shows that 65% of the windows tested achieved a VCS value within the permitted tolerances as set out in the Edinburgh Design Guidance. Also, the rooms lit by the majority of the failed protected windows failed to achieve adequate ADF levels. Daylighting to these windows will be reduced by the development.

Proposed Residences

The daylighting assessment concluded the following:

- a total of 76 rooms within the new residential building were subject to assessment and all were checked against the "no sky line" method;
- 62 of these rooms passed the "no sky line" check;
- 14 rooms failed the "no sky line" check, so further average daylight (ADF) calculations were carried out for each room; and
- 9 of the 14 rooms passed, leaving 5 failures.

In summary, 71 of the 76 new rooms passed and will achieve satisfactory daylighting levels, in accordance with the Edinburgh Design Guidance. This minor infringement is accepted due to the constraint of the existing site.

Sunlight

The daylighting assessment includes a solar study carried out to the specifications set out in the Edinburgh Design Guidance, that is, hour by hour sunpath diagrams at the spring equinox. This shows that the southern part of the site on which the new public space will be located receives limited sunlight throughout the day at this time of year. Areas of the public space will receive sunlight from late morning till early afternoon.

As the site lies to the north of the existing buildings on High Street, overshadowing is inevitable. The proposed buildings' layout and location of the new space is well considered in terms of allowing good sunlight penetration into the space. This level of sunlight is acceptable given that the new buildings and public realm will restore an important part of urban grain and built form to a site in the Old Town which has suffered detriment to its character from extensive clearance.

Overlooking/Privacy

No windows in the proposed new hotel and residential blocks directly face the windows of neighbouring residences. The closest windows in the new hotel extension to windows on the rear elevation of residences on the High Street are over 20 metres away. This distance is acceptable, given the tight urban context of the site.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

h) Affordable Housing

LDP Policy Hou 6 - Affordable Housing states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite. Whenever practical, the affordable housing should be integrated with the market housing.

The Council expects the 25% affordable housing contribution to be delivered on site and in a manner that is well-integrated. It is only in exceptional circumstances, where the Council is satisfied that the affordable housing cannot be viably delivered on site, that alternative proposals are considered.

The applicant engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution. The properties in this application are of a size that would meet space standard requirements without being excessively large for an RSL to afford to purchase. However, the high cost of the units meant that a viability assessment was required.

The applicant has submitted build costs for this application, which have been independently verified for accuracy. This analysis identified that the average build cost per unit was markedly higher than the typical affordable housing build cost that an RSL would be able to finance. Whilst the land value is not high for a city centre location, the site has a number of constraints that increase the build cost. It is steeply sloping, which requires piling to stabilise the ground, and this has a significant cost. It is also enclosed, surrounded by listed buildings, with a single access point on Jeffrey Street.

The build cost of the properties is not financially viable for RSLs without a considerable additional subsidy of over £60,000 per unit, compared to the average commuted sums subsidy required for onsite provision of under £5,000 per home. All RSLs operate within the same financial parameters, and so the financial implications would be the same regardless of which RSL partner was chosen.

Also, the design is for 31 flats, split over two stairwells, containing 9 and 22 units. Based on the expected 25% onsite affordable housing contribution (7 affordable homes), this would mean that an RSL would not have the full majority in either stair unless additional units were purchased and this has additional subsidy implications, pushing the amount of additional subsidy that would be required to over £500,000 for under 10 homes. Use of commuted sums to subsidise onsite affordable housing is a consideration, but the amount required for a relatively small number of unit's means that value for money would not be achieved.

For a property to be considered as viable for Golden Share, it cannot exceed a market value of £268,000 to achieve the £214,000 maximum purchase price for Golden Share housing. Golden Share properties have sales value restricted to 80% of market value in perpetuity. Given the anticipated sales prices of £285,000 for the smallest property, there are no units close to this price range, therefore these homes are not suitable as Golden Share.

Over nine out of every ten applications have affordable housing delivered onsite. Affordable Housing guidance, which was last updated in February 2019 and approved by Planning Committee, sets out that if options for onsite delivery have been explored but are not viable, then, as a last resort, a commuted sum payment can be agreed in lieu of onsite affordable housing.

The District Valuer was appointed to calculate the commuted sum that would be sought and recommends that the appropriate commuted sum should be £48,226 per unit, or £373,752 in total for 7.75 units. The applicant has accepted this valuation and has agreed to make an offsite affordable housing contribution as a commuted sum, secured by a Section 75 Legal Agreement.

i) Road Safety and Infrastructure

The development will not generate any significant additional traffic, being within easy walking distance of major public transport links, including the national rail network. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

In terms of pedestrian safety, the Transport Statement concludes that the main existing pedestrian routes to the site are safe and this is a reasonable conclusion, given that there is an existing signalled crossing on Market Street if approaching from Waverley Station or the north in general. If approaching from the north side of Jeffrey Street, there are waiting restrictions on the south side which will ensure that pedestrians will not be required to cross between parked vehicles to access the development. Also, visibility is good on both East Market Street and Jeffrey Street in the vicinity of potential crossing points. Dropped kerbs will be installed at the existing and new accesses to the site.

No general car parking spaces are proposed, with the exception of two accessible spaces and one motorcycle space, which complies with the Council's 2017 parking standards in Zone 1. Secure cycle parking will be provided at the levels specified by the parking standards and a condition has been applied to ensure that the storage area to the rear of the existing hotel is of appropriate specification.

Services arrangements will remain as existing, that is, using the pend through the existing Jury's Inn hotel. The applicant states that the additional hotel rooms will be serviced from the existing HGV delivery schedule and anticipates only a modest increase in the number of deliveries per day (approximately five additional) to the retail units due to their scale and nature. These deliveries will be light vans and medium goods vehicles, rather than HGVs.

A financial contribution of £589,837 is required towards the tram infrastructure, comprising the total of individual sums for the proposed new hotel, hotel extension, residential units and retail units. This sum will be secured through a legal agreement.

In order to be compliant with equalities legislation, the proposed access ramp should be two metres wide. However, the proposed ramp at approximately one and a half metres wide is appropriate in this particular location where the setting of a listed building needs to be protected. The ramp width is adequate for functionality.

The applicant has been in discussion with Waste Services and intends to use the hotel's contractor to move domestic waste to the street for Council collection. An informative has been added to ensure that adequate provision is made for the storage and separation of waste and access for the safe uplift of waste.

In terms of education infrastructure, the size and type of housing proposed is not expected to generate any additional school pupils, so no financial contribution is required.

The site is not within a flood risk area at risk from flooding. The provision of rain gardens within the public realm will contribute to the attenuation of run-off water and Flood Planning has no objections to the proposals.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure.

j) Trees and Biodiversity

There are no significant trees within the site and only one neighbouring tree - a Category C young Sycamore located within the yard space to the rear of Bailey Fife's Close. This tree is separated from the site by a retaining wall and is above the level of the site. In these circumstances, it is unlikely that the tree roots extend into the site, so the construction works should not affect this tree.

The bat survey found no bats and did not identify any other matters regarding species protection which would preclude development of this site. An informative has been added regarding the adoption of enhancement measures within the landscape design to encourage biodiversity and support the aims and objectives of the Edinburgh Biodiversity Action Plan 2019-21.

k) Equalities and Human Rights

The scheme provides reasonable accessible access to all uses within the development and there are internal lifts to access all floors within each building. There is no wheelchair compliant through-route from the High Street to Jeffrey Street but this would be difficult to achieve without losing a significant part of the public realm to an extensive ramp. The proposed degree of accessibility represents an improvement and is acceptable in this sensitive historic environment where a dense pattern of buildings is characteristic. The new ramp creates a barrier-free route from Jeffrey Street to the new public space.

l) Public Comments

Scheme 1

Old Town Community Council

- the scale of the proposed hotel development is excessive and will have a detrimental impact on residents and local businesses - this has been addressed in sections 3.3 a) and g);
- the housing element will be used as holiday apartments - the application has been determined as submitted and any future use of residences as holiday lets would be subject to further planning permission;
- the proposed new hotel is of particularly poor and unsympathetic architectural design and out of keeping in the World Heritage Site - this has been addressed in sections 3.3 b), c), d) and e);
- the new public realm space will be very small and dark - this has been addressed in sections 3.3 b), c), d) and e);
- the development will create another destination for oversized service vehicles and huge tour coaches ill-adapted to the Old Town - this has been addressed in sections 3.3 e).

Other Material Objections

Land Use

- the overprovision of hotels in this area - this has been addressed in section 3.3 a);
- the erection of an electricity sub-station - the proposed sub-station is small and will be discretely located on the rear of the existing hotel at low level;

Built Heritage

- the creation of two large slappings in the rear wall of the listed tenement - this has been addressed in section 3.3 b);
- the development does not reflect character of the Old Town tenements - this has been addressed in section 3.3 c);
- the impact on the World Heritage Site is deleterious - this has been addressed in section 3.3 d);

Design

- the design is inappropriate in terms of scale, massing, appearance and poor quality materials - this has been addressed in sections 3.3 b), c), d) and e);
- the topography of the site is not respected - this has been addressed in sections 3.3 c), d) and e);
- there is limited green space and soft landscaping - this has been addressed in section e);

Amenity

- loss of daylighting, sunlight and privacy for neighbouring residence - this has been addressed in section 3.3 g);
- lack of daylight for the new flats - this has been addressed in section 3.3 g);
- the development will generate noise and odours - this has been addressed in section 3.3 g);
- the ground may be toxic from the former Tannery - this has been addressed in section 3.3 g);
- non-wheelchair compliant routes and public spaces - this has been addressed in sections 3.3 e) and k);
- small and dark public spaces and lack of east-west and north-south openings between buildings - this has been addressed in section 3.3 e);

Traffic

- the development will cause increased traffic numbers and congestion - this has been addressed in section 3.3 i).

Support Comments

- the positive development of an empty plot with housing and amenities.

Non-Material Objections

- The objections on the grounds of the public space remaining in private ownership, disruption from construction work, contractors' parking, vermin, increased fire risk, impact on property values and security are non-material in planning terms.

Scheme 2

- the overall treatment of elevations remains somewhat simplistic and the lacks detailing - this has been addressed in sections 3.3 c) and e);
- the revised proposals for the re-paving of North Gray's Close and other close entrances are welcomed.

Conclusion

This proposal will deliver a mixed use development which will complement the existing area. The design of the buildings, spaces and routes will create a positive townscape, well-suited to this particular site and the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of adjacent listed buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. The proposals are sustainable and there are no identified impacts on equalities or human rights and 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

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 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. A detailed programme for public/community engagement shall be included (for example, site open days, viewing points and temporary interpretation boards).

3. Prior to the occupation of the hotel extension or new hotel within this site, whichever is the sooner, the 31 residential units located within the site shall be substantially completed.

4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground works is commenced on site. Prior to the commencement of above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.

5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

6. Details of the proposed plant and extract equipment for the development hereby approved, including associated noise levels and any screening, shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied. The approved plant and equipment shall be installed and operational prior to the associated uses being taken up.

7. Details of the cycle storage to the east of the access ramp hereby approved shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

8. Before any part of the development is brought into use, the cycle parking as shown on the approved plans shall be completed and available for use.

9. Details of the proposed gates and railings, including locations, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

10. All gated access to external spaces shall remain open to the public outwith 22:00-07:00 hours, unless suitable alternative arrangements are agreed in writing with the Planning Authority.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the entire development is delivered on site.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to ensure that the level of off-street parking is adequate.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In the interest of occupants and public safety given the specific issues of antisocial behaviour in this area.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to a tram contribution of £589,837. The sum will be indexed as appropriate and the use period will be 10 years from date of payment.

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

2. Consent shall not be issued until a suitable legal agreement requiring a financial contribution of £373,752 (i.e. £48,226 per unit, for 7.75 units) payable to the City of Edinburgh Council, has been concluded to ensure that affordable housing is provided in accordance with Council policy.

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

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

4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

6. In order for The City of Edinburgh Council to provide a recycling and waste collection service to new developments or converted properties (e.g. a conversion of a house into flats), the information outlined in The City of Edinburgh Council's document, "New and Revised Domestic Property Developments Waste and Recycling: Instructions for Architects and Developers, May 2019" must be fully considered before submitting plans to the Waste and Cleansing Service in order to obtain the required agreement for the proposed waste management strategy.

The detailed specification would be finalised at a meeting between the developer/architect and the Council's Waste and Cleansing Service which must be contacted at the earliest possible stage, initially using the email address: wasteplanning@edinburgh.gov.uk.

7. The applicant should provide written confirmation that Scottish Water accepts the proposed discharge rate to the combined system at the proposed flow rate and should note that any risk of blockage will lie with the owner/occupier of the site.

8. The application should consider the use of sensitive lighting, installation of artificial structures for bats, such as bat tubes and bricks and the use of native planting species with the landscaping scheme. The adoption of these enhancement measures would be in accordance with LDP policy Des 3 and the Edinburgh Design Guidance and would support the aims and objectives of the Edinburgh Biodiversity Action Plan 2019-21.

- 9. The applicant will be required to design and upgrade the existing footway on south side of Jeffrey Street fronting the proposed development to Caithness paving per planning application drawing number 23(Hardworks Plan) to the satisfaction and at no cost to the Council. The design and construction specification of the footway upgrade shall be submitted for the Council's locality approval.
- The applicant shall provide a continuous footway on all vehicular access on south side of Jeffrey Street footway to provide pedestrian priority.
- All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/footpaths, accesses, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The

applicant is recommended to contact the Council's waste management team to agree details.

- The applicant should note that the Council will not accept maintenance responsibility for underground water storage/ attenuation.
- A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
- In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), computer monitor capable of displaying timetables of local public transport at the reception area of the proposed hotel.
- The applicant should be advised that as the development is located in Zones 1 to 8, the proposed residential unit will be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013 for properties being constructed on a narrow 'gap' site which makes provision of on-site parking either impractical or undesirable. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build).
- Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
- The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
- 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
- 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;
- The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application. As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 31 October 2018. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

A public consultation event was held on 27 November 2018 at the Carlton Hotel. The event was publicised on 18 October through a notice and location plan sent on 18 October to the Old Town Community Council and City Centre Neighbourhood Partnership, notice to the local MPs and MSPs on 18 October, an advertisement in the Edinburgh Evening News and notice in the Central Library on 14 November and leaflets to all addresses in the block between Jeffrey Street, High Street and North Bridge.

8.2 Publicity summary of representations and Community Council comments

Scheme 1

The application was advertised on 15 March 2019. A total of 15 representations were received, comprising 12 objections (including from the Old Town Community Council, Old Town Association and Architectural Heritage Society of Scotland), one general comment from the Cockburn Association and two comments in support of the application.

Scheme 2

The application was re-advertised on 6 September. One general comment was received from the Cockburn Association.

Scheme 3

The final scheme was not re-advertised as the amendments to Scheme 2 are relatively minor, involving subtle changes to the roof profile in limited areas, minor changes to the landscape design and the demarcation of cycle parking stores and accessible parking bays.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the City Centre, Edinburgh World Heritage Site and Old Town Conservation Area as defined by the Edinburgh Local Development Plan (LDP).

Date registered

7 March 2019

Drawing numbers/Scheme

01,02,04B-22B,23A-25B,26,27B-29B,30,31A,32,33,34A+35-39,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

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

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

LDP Policy Hou 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 Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

NSESBB Non-statutory guidelines Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

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 19/00945/FUL
At Jury's Inn, 43 Jeffrey Street, Edinburgh
Erect new 131 bed boutique hotel, 101 bed extension to
existing Jurys Inn hotel, two residential blocks containing 31
flats and retail units. Convert two lower floors of existing
category C listed tenement building to new hotel entrance
and lounge. Create public space with pedestrian links into
the site from existing closes, including new access ramp.
(As amended to 125 bed boutique hotel and 100 bed
extension to existing Jurys Inn hotel.)**

Consultations

Historic Environment Scotland - Scheme 1

This development concerns the Tannery site, a long vacant area within the Old Town Conservation Area and Old and New Towns of Edinburgh World Heritage site. It is bounded by the High Street and Jeffrey Street to south and north and by North Gray's Close and Chalmer's Close to the west and east. It is surrounded by a variety of buildings, many of which are listed, including the A listed Trinity College Apse and a Baronial tenement on Jeffrey Street (part of the site).

We have been consulted on this planning permission application due to the impact the development may have on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site, and also the impact the development may have on the Category A listed former Trinity College Apse and its setting.

World Heritage Site

We consider the development has the potential to impact adversely on the World Heritage Site. Of all the elements that make up the character of the Old Town Conservation Area and the OUV of the World Heritage Site, the 'dramatic topography' and 'medieval fishbone street pattern of narrow closes leading of the raised spine formed by the High Street' are arguably the most distinctive.

Topography

The site falls sharply from the High Street ridge down to the Waverley Valley (later reconstructed with Jeffrey Street). Its location makes it extremely visible in an arc of views across the Waverley valley from the north.

Following pre-application discussions we note a welcome reduction in the scale of proposed buildings within the site, but we still consider that the higher development on the High Street should remain legible, with development on the site 'falling' down the slope to meet the buildings on Jeffrey Street.

Some views of the proposed development will show development rising behind the adversely horizontal roofscape of the Jury's Inn hotel. In some longer views, say from Calton Hill and Regent Road, this development is successfully absorbed into the townscape backdrop and within the ridge development of the High Street. However, the views from North Bridge and Waverley Mall show the new development more distinctly, in the latter case interfering with the silhouette of the Crags behind. Whilst the use of an 'interesting' roofscape of pitched roofs and a turret behind the Jury's Inn hotel is welcomed, the loss of views to the Crags behind could usefully be addressed.

Pattern of closes

Alongside the topography a key element of the OUV of the World Heritage Site is the 'medieval fishbone street pattern of narrow closes leading off the spine formed by the High Street'. On this site the distinct pattern of north-south interconnecting closes between the High Street and Jeffrey Street has been partly lost by the dereliction of the site over a long period, although, either side, North Gray's Close and Chalmers Close remain in everyday use.

However, the pattern of closes is so distinctive a starting point, that it is a real disappointment that this development has not emphasised or attempted to restore the pattern throughout the site. The least successful element of the proposals is the extension to the Jury's Inn hotel, which follows an earlier consent without taking the opportunity to revisit it. The proposed east-west configured extension offers no recognition of the historic close pattern. We would recommend that this element of the scheme could be reconsidered, perhaps with the rear of the existing hotel extended in 'fingers' of development with wings based on the north-south close alignment. Additional links through the hotel (or recognition of former closes) would also be welcome.

Having said this, the intention to open up historic links through the site by reinstating truncated closes from the High Street is most welcome. Many of the existing closes were truncated with the dereliction of the tannery site. We note there is a desire to reopen these links, but in our pre-application discussions there was no assurances that the various ownership and access provisions would be agreed. We hope that they can be, and would suggest, as before, that an additional link is taken through to the centre of the site from North Gray's Close to give more life and animation to this important (but underused and rundown) existing route from the High Street to Jeffrey Street. Animation of the site will also be assisted by the provision of retail units within the site.

Another positive element is the proposed use of natural high-quality materials for the public realm within the Landscape Management Plan by Harrison Stevens. This includes Caithness stone slabs and honored Caithness stone and sandstone and clay paving. We initially had concerns with the form of the access route through the site, but the provision of paved terraces and retail units suggests the space may be more animated than originally envisaged. It is not clear whether the public realm works will include improvements to the adjoining closes (Chalmers and North Gray's), but this would certainly be a positive development.

Architecture

Another element of the OUV of the WHS is the distinctive architecture of the Old Town, with particular mention given to the Baronial style introduced in the Old Town in the latter nineteenth century. We note that the development has been designed to utilise pitched roofs, (unfortunately not with traditional raised skewes) and a turret. These elements are welcome in addressing the varied roofscapes, a key component of the Old Town's topography, and absent in the Jury's Inn hotel, a building widely condemned for its adverse impact on the conservation area.

Taking this further, a concern with the quality of architectural design and use of materials, appears within the World Heritage Site Management Plan. Without commenting too far on this element, e.g. use of glazed balconies, we consider that improvements/further refinement to the design may be welcome, perhaps taking reference from previously successful infill projects within the Old Town.

Restoration of Bishop Sydsenf's house

Although not part of the current proposals we are aware the applicants have been in discussion with adjacent owners. With this in mind we would welcome any moves to repair and restore the C16th Bishop Sydsenf's house on North Gray's Close, a ruin on the Buildings at Risk Register. Agreed access to enable works to take place would be particularly useful.

Intangible elements

Another, more intangible, element of the OUV of the World Heritage site is the use of the site and how it contributes to the areas 'livability'. This element is described as being at the core of the OUV within the WHS Management Plan. The retention of a residential population within the Old Town has been an aspiration since Patrick Geddes's pioneering work in the late C19th, and we note that earlier proposals intended residential housing for this site. We therefore welcome the provision of 31 flats on the site, but note the scheme mainly involves the extension of one hotel and the provision of another. Such a use will necessarily have some impact on the 'livability' of the area.

Having said this, we welcome the proposed opening of closes and the introduction of retail units and terraces within the central 'courtyard' of the scheme. This is a positive move that should allow more pedestrian footfall, through-routes and animation to a site which has been derelict and inaccessible for some time.

Setting of the A-listed Trinity College Apse

The Trinity College Apse is a fascinating medieval survival, consisting of a reconstructed portion of the apse of the C15th College Kirk, demolished in 1848 for the expansion of Waverley Station. It was reconstructed to serve as an annex to the new church facing Jeffrey Street, built by John Lessels in 1872-7 (and itself demolished in 1964).

The Apse was rebuilt facing Chalmers Close, a typical (if slightly wider than usual) Old Town Close. Originally, developments on a close would not have been intended to have wide forecourts or expansive settings. Nevertheless, the current setting of the Apse has,

over the years become more open with the demolition of buildings on the Tannery site. We consider that the apse, which is to face a seven-storey building, should have been made more of an asset within the development by, for example, forming an open vista to it from the internal 'courtyard' or through a larger pend.

The proposals also involve the erection of a wheelchair compliant access ramp onto (or against) the northern facade of the Apse. The northern wall of the Apse contains two blocked arched openings that formally opened into the demolished church. The Category A listed apse is an open unencumbered space with, due to its significance, very real constraints on any alterations or constructions within it. The three other facades would also have restrictions on any external alterations.

In order to allow the beneficial reuse of the Apse, which is currently vacant, we would suggest that an area of ground adjacent to the north façade could be retained free of development. Even a couple of metres may allow scope for the removal of the arch infills and the fitting of additions in their place. The fitting of services like toilets and kitchens in these spaces could allow the apse's important interior to remain unencumbered.

Conclusion

We consider there is an adverse impact on both the OUV of the World Heritage site and also the setting of the A-listed Trinity Apse, but, on balance, these impacts are not so significant as to justify objection. This view is partly based on extant consents and is balanced against the real potential of the site to be opened up by the proposals.

Whilst we have not objected, we see many areas of the scheme that could be refined:

- With the layout of the scheme we would strongly recommend that before consent is granted the agreements and detail of the re-opened closes is agreed. We would suggest an additional link from North Gray's Close could be made through the hotel scheme, and that the Jury's Inn extension is redesigned to reflect better the historic north-south alignment of closes and buildings.
- An opportunity could be taken to allow a sight line from the centre of the site to the nationally important Trinity College Apse, either through a gap in development or through a larger pend. In addition, the safeguarding of space to the north elevation of the apse would be useful in assisting the building's beneficial reuse.
- The development could be redesigned to reduce the impact of views on the Craggs from Waverley Mall. Further detail on the architecture and detailing of the new-build elements and extent of public realm would also be useful.

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

Historic Environment Scotland - Scheme 2

The proposals now introduce several revisions from the first scheme, and, also provides a series of accurate viewpoints to enable an enhanced assessment of potential impacts.

World Heritage Site

In our last letter we noted that the 'dramatic topography' and 'medieval fishbone street pattern of narrow closes leading of the raised spine formed by the High Street' are arguably the most distinctive elements of the OUV of the World Heritage Site concerned. These are also important elements within the Old Town Conservation Area.

Topography

The site falls sharply from the High Street ridge down to the Waverley Valley (later reconstructed with Jeffrey Street). Its location makes it extremely visible in an arc of views across the Waverley valley from the north. We note the Townscape and Visual Impact Assessment and series of selected viewpoints. We consider that the recent revisions better address the topography of this section of the Old Town, with development being seen to rise to a visible High Street ridge from Jeffrey Street. The use of a traditional pitched slate roofscape will also help absorb the development within the site and soften the aggressive horizontality of the Jury's Inn hotel. Revisions have also lessened the specific impact of the development in views from North Bridge and Waverley Mall, including improvements to the silhouette of the Crag behind.

Pattern of closes

Despite the dereliction and clearance of the site we believe there is the opportunity to restore the historically distinct pattern of north-south interconnecting closes between the High Street and Jeffrey Street, between the flanking closes of North Gray's Close and Chalmers Close which remain in everyday use.

In our last letter we suggested that the (previously approved) design of the proposed Jury's Inn hotel extension be revisited to better reflect the north-south close alignment. We welcome the revisions which have reduced the bulk of the east-west extension, and consider it now reflects better the historic north-south alignment of closes and buildings. As before, additional links through the hotel (or recognition of former closes) would also be welcome.

We previously commented on the Landscape Management Plan by Harrison Stevens. We consider the landscaping and opening-up of historic links through the site is the most welcome element of the proposals. The linking-up of truncated closes off the High Street with the centre of the site is a major benefit, and we welcome the revisions that propose an additional link from North Gray's Close, suggested in our previous letter. This will help animate this underused and lengthy close.

Despite the reduction in accessible ground we consider the animation of the site will also be assisted by the introduction of retail units and terraces within the central 'courtyard' of the scheme.

We welcome the palette of high-quality materials including Caithness granite setts, flags and blocks within the site. We now warmly welcome the proposals to repave North Gray's Close and Chalmers Close (and Jeffrey Street) in Caithness granite slabs - in addition to the High Street closes.

As before, we would seek assurances that the various ownership and access provisions (mainly from the High Street) are agreed beforehand.

Our previous comments on the architecture and the intangible elements of the OUV of the World Heritage site would still apply, but are secondary to the above.

Setting of the A-listed Trinity College Apse

As before, the Trinity College Apse is a fascinating medieval survival, consisting of a reconstructed portion of the apse of the C15th College Kirk, demolished in 1848 for the expansion of Waverley Station and reconstructed as an annex to a now-lost church in the 1870s. Although developments on an Old Town close would not have been intended to have a wide forecourt or expansive setting, the current open setting of the Apse has, over the years, been enhanced by the demolition of buildings on the Tannery site.

In our last letter we asked whether the setting of the church could be enhanced by providing an open vista from the heart of the development - either by a gap in development or a pend. We note that the revisions now show a larger pend has been provided which should provide a visual link to the building from the central area of the site.

Previously we asked if the wheelchair compliant access ramp against the northern façade of the Apse could be moved further north to allow space and scope for the two blocked arched openings of the Apse to be opened-up and extended - to assist with the very real constraints on any alterations or adaptation within it. We welcome the revised drawings that allow a 1m strip of ground on the apse's north elevation.

Conclusion

The revisions now address a number of our concerns noted in April, including;

- Re-planning of Jury's Inn extension to emphasise the north-south close structure;*
- Additional entry to site from North Gray's Close;*
- Repaving of adjacent closes in high-quality materials;*
- Gap on north side of Trinity Apse to aid reuse of the A listed building;*
- Improved setting and visual link from site to Trinity Apse through pend; and*
- Refinement of the architectural approach.*

We consider there is now a neutral impact on the OUV of the World Heritage site and setting of the A-listed Trinity Apse, with any concerns regarding the built form outweighed by the real potential of the long-derelict site to be opened-up and the welcome improvements to landscaping and public realm.

We have the following unresolved concerns which could be addressed;

- *We would strongly recommend that before consent is granted the agreements and detail of the re-opened closes off the High Street is agreed by condition.*
- *Restoration of Bishop Sydserf's house. Although not part of the current proposals we are aware the applicants have been in discussion with its owners. As before, we would welcome any moves to repair and restore the ruinous C16th building on North Gray's Close. It has been on the Buildings at Risk Register since 1992, has decayed recently, and access is stated as an issue in its potential reuse. Agreed access to enable works to take place would be particularly useful as once the development is complete access to the building will be very complicated.*

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

Old Town Community Council - Scheme 1

Over development:

Whilst we are pleased that some new residential accommodation, and indeed some of it "affordable" is included in this proposal, we still consider this to be serious over development. The token number of homes is dwarfed by the additional number of hotel guests flooding the Old Town.

Cramming another huge hotel and an extension to an existing huge hotel, into this small and cramped in the heart of the Old Town is unacceptable to the remaining genuine residents and local businesses.

We are also concerned that the token housing element will in fact immediately be used as holiday apartments. It should be a stipulation that all new housing in the Old Town should have restricted titles.

To continue to allow this level of over development in the Old Town is very short sighted. It devalues rather than enhances the very place it serves. Edinburgh should do as other WHS do, and force developments to go and regenerate deprived areas of the City, e.g. Granton or Niddrie.

Traffic:

This development would create yet another destination for oversized service vehicles and huge tour coaches ill adapted to the Old Town. As it is, those servicing the existing Jury's Inn already choke up Jeffrey Street to an unacceptable degree. This will be more crucial in future as the long awaited City Traffic Management Plan will certainly funnel more traffic through the remaining thoroughfares, of which this will be one.

Design:

The proposed new hotel is of particularly poor and unsympathetic architectural design, All those angles, stepped surfaces and little balconies looks like Benidorm rather than Edinburgh World Heritage Site. It is obnoxious for the developer even to pretend that it is of any quality.

If this development were really to 'maintaining and enhance the value of the WHS', then as a condition of allowing this development then the appalling eyesore that is the frontage of Jury's Inn should be re-faced with something altogether more sympathetic, as has been done with other 60's monstrosities.

Public Realm:

We are concerned that the proposed new 'Public Space' which will be very small and dark will as is the fashion, remain private land. A space is only really public if there can be no restrictions and that it is accessible at all times to all members of the public. We need to be sure that for example, homeless people, people with dogs etc cannot be excluded. Otherwise this 'public space' serves only as a statutory 'fire assembly area'

For these reasons we strongly object to this proposed development.

Edinburgh World Heritage Trust - Scheme 1

Judgements around impact on the Outstanding Universal Value of the World Heritage Site in relation to this application have been based on the documentation provided with the planning application, such as the Views and Visual Appraisal. Recent cases have illustrated the benefit of producing verifiable photomontages of proposals for city block scale development in sensitive locations, in line with Landscape Institute guidance. The photomontages provided with this application were not especially clear illustrations, meaning it is difficult for us to come to a confident conclusion on the overall impact of the proposals on Outstanding Universal Value.

The key elements of the Outstanding Universal Value of the World Heritage Site that these proposals touch on are topography, the pattern of the Old Town and the Waverley Valley, and consequently the city's skyline.

In terms of topography, the site falls from the south to the north. Buildings in the Old Town traditionally respected the topography out of practicality (other than in the instances of the grand urban viaducts, such as the South Bridge/North Bridge and George IV Bridge), with buildings stepping down with the land.

The proposals adopt an approach which seeks to break up their mass and to some extent step down with the land. This approach has been successful in other Old Town developments, such as the University's postgraduate accommodation on the north side of the Holyrood Road. Our view is that the proposals appear to have a neutral impact on this element of Outstanding Universal Value.

A respect of topography helped shape the pattern of building in the Old Town, with narrow closes running north and south from the High Street/Lawnmarket between tenements and back lands.

Many of these spaces were later adapted by Patrick Geddes in line with his concept of 'conservative surgery' to create a more liveable city, with small gardens and courtyards as breathing spaces in the urban fabric. This move continued through the 20th Century and these spaces are now an important part of the Old Town, such as Trunk's Close, Wardrop's Court, Dunbar's Close Garden and Chessels Court. The proposals seek to reinstate closes and replicate this pattern on the site, which we regard as having a positive impact on Outstanding Universal Value.

The site faces out on the Waverley Valley, although it sits behind the Jury's Inn hotel (Michael Laird and Partners, 1963), a large concrete building which detracts from the authenticity and integrity of the urban fabric. We are somewhat disappointed that the opportunity has not been taken to revisit the main building of the Jury's Inn, and encourage the applicant to grasp the longer term opportunity for the sensitive improvement of the building. Given the screening effect of the Jury's Inn building, and that the proposals appear to work with the pattern of building in the Old Town, we consider the proposals unlikely to have any significant effect on the Waverley Valley or the skyline.

There is also a question of how this site relates to the intangible cultural heritage of the Old Town, and its potential to support the fragile communities that are central to maintaining a living historic city centre.

While the inclusion of 31 residential units in the development must be seen as a positive step, there is a wider strategic question for the city around land use in the Old Town, and whether it prioritises hotel beds or residential units in the context of a living World Heritage Site.

As noted above, without clearer visual information, it is not possible for us to give a clear overall view on the impact of the proposals on Outstanding Universal Value, although they appear to be pointing in the right direction.

Edinburgh World Heritage Trust - Scheme 2

Further to our letter of 19th June 2019, I write to acknowledge the further clarifications of the proposals, in the form of the townscape and visual impact assessment and accompanying images. They are helpful in understanding potential impacts and we are grateful to the applicants for producing these. We hope that this will set the standard for further developments at this scale in the World Heritage Site.

The images confirm that judgements around the impact on the Outstanding Universal Value in the letter of 19th June:

- the proposals are neutral in relation to topography;*
- the proposals can be considered positive in relation to the pattern of building in the Old Town; and*
- the proposals are unlikely to have any significant effect on the Waverley Valley or Skyline.*

Consequently, our view is that the proposals have a neutral impact on the Outstanding Universal Value of the World Heritage Site.

In relation to the skyline, the images show a variety of roof pitches in the area, although the earlier roof and 19th century interpretations of these tended to have steeper pitches than those proposed. Likewise, gable ends tended to include windows, whereas the proposals feature blank gables ends. These are possibly more in the realm of conservation area considerations. We would suggest that these matters, while not substantive in terms of overall impact, might be addressed through conditions.

We would gain note that without adequate policy tools relating to the intangible cultural heritage of the Old Town, in particular the fragility of its communities, it is not possible to offer clear advice on impacts on the aspect of OUV.

Archaeology - Schemes 1 and 2

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL and LBC applications for the development of a new 131 bed boutique hotel, a 101 bed extension to the existing Jury's Inn hotel, two residential blocks containing 31 flats and retail units and also the conversion of lower two floors of existing Grade C listed 19th century tenement building to new hotel entrance, creation of public space with pedestrian links into and through the site from existing Closes, including non-stepped link from Jeffrey Street to High Street, wheelchair accessible from Jeffrey Street to the top of the site.

The site occupies the eastern side of the historic North Gray's Close formerly occupied by an extensive 19th century Tannery. Situated at the heart of the medieval Old Town the area is of considerable archaeological importance as was born out by the programme of archaeological excavations carried out principally in 2008 by Headland Archaeology in relation to conditions attached to planning application 07/03931/FUL. The results demonstrated that areas of well-preserved medieval and post-medieval archaeology had survived across the site principally within two large areas (A and B) beneath the industrial 19th century tannery. Across the area subject to this application (AREA B) a deep sequence of 13-14th century deposits (boundary walls, cobble surfaces, terracing etc) sealed below 15th century midden layers in turn sealed by the remains of 17th century tenements. The later in particular contained a significant quantity of artefacts including rare examples in Scotland of Spanish Majolica tiles, with the excavations published in 2016 by the Society of Antiquaries of Scotland (SAIR 58; <https://doi.org/10.9750/issn.1773-3808.2014.58>)

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 ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although most of this site was excavated in 2008, a linear stretch of broadly 5m wide running north-south along North Gray's Close was unable to be excavated at the time. This area is known to contain significant archaeological remains, in particular, the frontages of the 17th century buildings identified 2008 and also associated, earlier, medieval remains. As was discussed at the time, this area was to be finally excavated prior to development commencing on site when engineering solutions could be deployed

to ensure deep working immediately adjacent to North Gray's Close in order to record the 'upstanding' buried remains of these buildings and early deposits.

It is essential therefore this area is fully excavated. In addition, the proposals will require works in areas not covered by earlier application, principally to the rear of the current Hotel and adjacent to Trinity Apse. Appropriate archaeological mitigation will be required in these areas to record, excavate and analysis any significant remains uncovered.

Lastly subsequent site clearance has uncovered upstanding remains associated with the site's earlier Tannery and tenements. It is essential that these remains are recorded in detail as part of the overall programme of archaeological work

Interpretation and Public Engagement

In addition, the site has the potential for unearthing important archaeological remains. Accordingly, it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.

It is recommended that 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, historic building recording, reporting and analysis, publication, interpretation and public engagement) 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 - Schemes 1 and 2

Environmental Protection cannot support this application and recommends refusal.

The applicant proposes an extension to the existing Jury's Inn, a new hotel, retail units and two residential blocks in the gap site to the rear of 43 Jeffrey Street, bounded by the Royal Mile, Chalmer's Close, and North Gray's Close.

Environmental Protection raised concerns about noise negatively impacting the amenity of the proposed residents. Specifically, concerns were raised about noise outbreak from new and existing mechanical plant, the bar area in the new hotel, and the retail units structurally attached to the proposed residences.

A Noise Impact Assessment was carried out by RMP and was submitted on 8 November 2019 (ref R-6647D-ML-RGM).

The Noise Impact Assessment demonstrates that mitigation measures can ensure that noise levels from the new hotel's bar and from the retail units will be within acceptable standards.

However, it was not able to demonstrate that the cumulative noise levels from proposed and existing mechanical plant would meet acceptable standards, and therefore would negatively affect the amenity of the new residents.

The Planning Officer has suggested a condition which reads:

"Details of the proposed plant and extract equipment for the development hereby approved, including associated noise levels and any screening, shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied".

This condition does not consider mitigation of the existing mechanical plant, which the RMP report has demonstrated would breach acceptable levels in the new residential properties. It also does not consider the cumulative impact of existing and new mechanical plant noise levels. The mechanical unit which gives greatest cause for concern falls outwith the control of the developers and therefore mitigation could not be sought via planning condition.

Due to the potential for noise disturbance from mechanical plant adversely impacting the amenity of proposed noise-sensitive receptors we cannot support this application and recommend refusal.

However, should the Committee be minded to grant, as well as the above suggested condition from the Planning Officer, we would recommend the following additional conditions be attached:

- 1. Prior to occupation, the mitigation measures as specified in Table 5.9 and 5.10 of the RMP Noise Impact Assessment (8 November 2019; ref R-6647D-ML-RGM) shall be met.*
- 2. Details of mitigation to existing plant and extract equipment under the control of the developer shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied.*
- 3. Prior to the commencement of construction works on site:
 - a. A site survey (including intrusive investigation where necessary) must be carried out to establish 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.

Communities and Families - Scheme 1

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

The Planning service has advised that the proposal contains 10 flats which have more than one bedroom. Using the pupil generation rates set out in the Supplementary Guidance, the development of 10 flats is not expected to generate at least one additional pupil.

Roads Authority - Schemes 1 and 2

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 £589,837 (based on 125 bed new hotel, 100 bed hotel extension, 31 residential unit and 348sqm retail use in Zone 3) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. The applicant will be required to design and upgrade the existing footway on south side of Jeffrey Street fronting the proposed development to Caithness paving per planning application drawing number 23(Hardworks Plan) to the satisfaction and at no cost to the Council (see Note b);*
- 3. Applicant to provide continuous footway on all vehicular access on south side of Jeffrey Street footway to provide pedestrian priority;*
- 4. DDA compliant 2m wide ramped access to be provided adjacent the Trinity Apse to enable disabled access to the proposed residential and retail unit from Jeffrey Street via Chalmer's Close for inclusive mobility and built to adoptable standards;*
- 5. North Gray's Close and internal footway layout to be to be improved per planning application plan number 23.*
- 6. Applicant required to provide 13 cycle spaces for the new 125-bed hotel, 10 spaces for the 100-bed hotel extension, 2 cycle spaces for the retail unit and 60 cycle spaces for the 31 residential unit. All complies with the minimum cycle parking requirement for the proposed development.*
- 7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/footpaths, accesses, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), computer monitor capable of displaying timetables of local public transport at the reception area of the proposed hotel;

11. The applicant should be advised that as the development is located in Zones 1 to 8, the proposed residential unit will be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013 for properties being constructed on a narrow 'gap' site which makes provision of on-site parking either impractical or undesirable. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);

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

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

14. 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

15. 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;

16. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

a) A transport statement as been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments;

b) The applicant will be required to submit design and construction specification of footway upgrade for the Council's locality approval;

c) Total Tram Contribution in Zone 2 = £589,837.29

4976sqm New Hotel 125 bed = £286,429

3582sqm Hotel Extension 100 bed = £222,429

31 Residential units per two blocks = £60,714.29

348sqm Retail unit = £20,265

d) The proposed development is predicted to generate a two-way people trip of 255 and 350 for morning and evening peak hour periods respectively and with sustainable transport (walking, cycling, public transport) constituting significant share of the trips;

- e) Zero parking is proposed for the development and complies with the Council's parking standards;
- f) Coach Parking - existing bus stop on Jeffrey street allows for coach drop off and uplift but cannot be left unattended. Bus stop service frequency is 2 per hour (Lothian bus service 6);
- g) The applicant to utilise existing loading bay on south side of Jeffrey Street for refuse and service arrangement for the proposed hotel, retail and residential elements. The proposed development is predicted to generate one additional HGV service per day on Jeffrey Street (average of 10 HGVs per day for both existing and proposed). Transport expects service by HGVs to be more than what is predicted. The applicant has management plan for refuse and service arrangement on Jeffrey Street and it is considered that any increase in service can be accommodated.
- h) The transport statement states that a significant share of the predicted trips is by walking and public transport from Market Street onto Jeffrey Street and this could benefit from improved crossing on Market Street/East Market Street/ Jeffrey Street junction. At the time of the application, there is no costed crossing improvement scheme on Jeffrey Street for which transport could reasonably ask for financial contribution.

SEPA - Scheme 2

We have no objection to the planning application, please note the advice on air quality provided below.

1. Air Quality

1.1 This is a fairly large development, close to the central Air Quality Management Area (AQMA).

1.2 From a review of the transport statement, however, it appears that the proposed development will generate approximately 15 and 20 two-way car trips in the AM and PM weekday peak hours respectively from all land uses.

1.3 The low vehicle trips are estimated due to the central location of the development. The majority of people are expected to travel via public transport or active travel. Occupants of the residential development will not be permitted to apply for Residents Parking Permits. The residential elements of the proposals will become car-free as a result. Due to the low vehicle trips likely to be generated and also the good practice mitigation built in to the proposals, such as a travel plan outlining and promoting sustainable travel options and no additional parking, we consider that, in this case, an air quality impact assessment is not required.

1.4 The local authority, however, may wish to request an assessment if there are concerns about the existing air quality in the proposed area.

SEPA - Scheme 2

SEPA responded to consultation on this planning application on the 27 March 2019.

We had no objection to the planning application but we did raise concerns about air quality. It appears that none of the additional information on which we have been

consulted addresses air quality, and, therefore, we have no further comments to make at this stage.

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

Scottish Water - Scheme 1

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

Water

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*
- Existing waste water network within immediate vicinity of site. Due to the size of proposed development further network assessment may be required. The developer is strongly encouraged to contact Scottish Water and complete a Pre-Development Enquiry (PDE) form which can be found at <https://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application>.*

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

Infrastructure within boundary

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

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

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

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

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

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

Scottish Water - Scheme 2

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

Water

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

Foul

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

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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

Flood Planning

This application can be determined with no further comment from our department and with the following condition applied:

Written confirmation should be provided from Scottish Water confirming they accept the proposed discharge rate to the combined system at the proposed flow rate.

Edinburgh Urban Design Panel – Pre-application stage

1. Recommendations

The Panel welcomed the opportunity to discuss the proposal and the aspiration to bring forward redevelopment proposals for this long standing gap site within the Old Town Conservation Area and Edinburgh World Heritage Site

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

- The balance of land uses;*
- The layout and siting of development to reinforce the character of the historic urban grain and context;*
- Consider the proposed scale, massing, layout and roofscape of the development within the existing historic townscape, key views and site topography;*
- Explore opportunities with respect to achieving double frontages with the premises on the High Street*
- Create appropriate routes and spaces through the site which will be safe, accessible for all, well used and in character with the historic context;*
- Explore servicing arrangements particularly for the residential and commercial elements;*
- Develop proposals for the refurbishment of the existing hotel which will not erode its existing architectural quality; and*
- An integrated approach to sustainability.*

2. Planning Context

The site comprises vacant land and an existing hotel between Jeffrey Street to the north and the High Street to the south, North Gray's Close and Chalmers Close in Edinburgh's Old Town. Several listed buildings and structures lie within immediate proximity to the site. The topography across the site rises steeply from south to north, towards the High Street.

The site is located in the Edinburgh World Heritage Site, the Old Town Conservation Area. The site is defined as city centre and urban area in the adopted Edinburgh Local Development Plan (LDP).

The Jurys Inn hotel, to the northern edge of the site, was developed during the late 1960's following a major fire in 1955. The main part of the site, lying to the south of the hotel comprises vacant overgrown land which with existing pedestrian links maintained across the site via the North Gray's and Chalmer's Closes. Historically the site was also crossed by Baillie Fyfes and Paisley Close's.

The site has a long planning history with previous permissions for a hotel and student accommodation. The permission from 2007 was enacted with a pend access formed into the site from Jeffrey Street and archaeological investigation undertaken. Whilst other

historic permissions have now lapsed, a live permission remains in respect of the hotel use.

The proposal considered by the Panel comprises an extension to the rear of the existing hotel on Jeffrey Street (101 rooms), a new hotel (130 rooms) to the western part of the site, residential flats to the east (31 units to include 1,2 and 3 beds) and three commercial retail units.

No declarations of interest were noted.

The report should be read in conjunction with the pre-meeting papers. The 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 of the proposals at a later stage.

3. Panel Comments

Proposed Uses

The Panel welcomed the proposal for the redevelopment of a long-standing empty site within the Old Town Conservation Area and World Heritage Site.

In respect of the hotel uses, the Panel noted that the existing hotel and development site is now in the ownership of the applicant. The existing hotel is now operating at high capacity, with the operator keen to explore both the refurbishment of the building and develop an alternative hotel brand on the site. A boutique 4-star hotel is envisaged and this would be contemporary in its design approach.

The Panel enquired whether a housing led approach had been considered for the site rather than a hotel, particularly with the provision of housing versus hotels and student accommodation in the Old Town being a significant issue. The Panel noted that an approach with this land use and mix would need to be carefully presented, as well as fully tested during the forthcoming public consultation process. However, the Panel did note that discussions were taking place between the applicant and the Scottish Federation of Housing Associations with more residential units now proposed than that which was previously consented.

The Panel welcomed as part of the development some commercial retail floor space, which could help generate activity at ground floor.

The Panel enquired as to whether double fronted retail units could be created with existing premises fronting the High Street, thus aiding the integration of the development with the Royal Mile. They also queried whether any of these units were in Council ownership, which may help facilitate such an aspiration. The Panel noted the intention on the part of the applicant that further discussions would take place with adjacent property owners as part of the wider consultation process.

The Panel were generally encouraged by the proposal to re-use and re-establish the closes through the site and the introduction of new public open spaces. The Panel noted these could form routes through the site and may serve as destinations in their own right and help alleviate pressure created by tourist footfall elsewhere along the Royal Mile.

Urban Design and Architectural Response

The Panel expressed concern regarding the design approach. The Panel noted that the proposal does not reinforce the historic 'herringbone' pattern of development characteristic of the conservation area.

The Panel commented that in terms of historical development, buildings would generally have responded to the presence of the closes and were keen to see fingers of development to produce a layout with a stronger north-south emphasis and use this opportunity to re-establish the historic urban grain in this part of the Old Town.

In view of this, the Panel suggested that the proposals be reconsidered in particular the hotel extension wing could perhaps be re-designed to respond more closely to the prevailing north south urban grain, rather than being placed on an east-west alignment.

Notwithstanding other concerns regarding the nature of the proposed open space to the south eastern part of the site, the Panel felt that the configuration of this space was disruptive to the prevailing urban grain and area could be more intensively developed. Although the Panel noted that this area was intended to maximise daylight to this part of the development, they did observe that the recently completed Royal Mile apartment scheme to the south west would now compromise daylighting levels in this location.

The Panel noted that whilst some initial townscape visualisations had been prepared, careful consideration would need to be given to the impact and appearance of the proposals in distant views, particularly the Outstanding Universal Values (OUV) of the World Heritage Site. In relation to this, the Panel remarked that the treatment of the roofscape and the upper floors will be critical given the site's location.

The Panel considered that the general volume of development identified could be broadly appropriate, however, this was subject to a number of caveats and further detailed design development. Firstly, the Panel would support the break-up of the proposed massing, particularly to add interest to the roofscape, and secondly, the massing should also seek to respond to the characteristic layering and topography of the site and its context, with a stepping down in the scale of development to follow the topography. On the basis of the information presented, the Panel felt there may be opportunities to explore a slightly greater level of development immediately behind the existing hotel and in the south eastern part of the site. The Panel also considered that some of the elements of the scheme could be slightly taller if carefully articulated at rooftop level.

The Panel enquired to the approach and rationale for the proposed façade treatment, including staggered approach to the facades. The Panel remarked that buildings with a solid base and lighter detail to the upper floors may be preferable to blocks of mono-appearance. However, they supported the potential for some offsetting within the façade design, which could enhance both the articulation of built form and aid oblique views.

The Panel noted that the architecture is not developed at this stage. The Panel noted that the Old Town is defined by a theme of verticality particularly through features such as chimneys, gables, wallhead dormers and roof pitch. An architectural response could therefore pay due cognisance to such characteristics.

The Panel enquired to the aspirations for the refurbishment of the existing hotel. No detail was presented in relation to this aspect. The Panel noted that the existing hotel, although not listed, represents a clear architecture of its time and therefore an appropriate and sympathetic response to any refurbishment proposals will be required. Consideration should be given to replacement fenestration and an enhanced treatment on Jeffrey Street.

The Panel commented that the monolithic form and roofscape of the existing building respond poorly to the character of the conservation area and outstanding universal values of the World Heritage Site. The opportunity should therefore be taken to address these issues and enhance this roof scape. The Panel noted that the proposed hotel extension to the rear should not seek to emulate the monolithic form of the existing building.

Servicing

The Panel enquired to the proposed servicing arrangements for the development, noting the constrained nature of the site and that Jeffrey Street is already busy with service traffic. The Panel noted that the new hotel development would likely be serviced through the arrangements to the existing hotel. However, servicing arrangements for residential and commercial elements appeared less clear. It was suggested that these could be serviced via the existing closes but the Panel noted this could be problematic given the level changes and restricted vehicular access. The Panel noted that a clear servicing strategy for the entire site needs to come forward as part of the application.

The Panel also noted the importance of an integrated design approach for plant equipment, particularly if placed on the roof, given the visibility of the site from key views.

Connectivity and Accessibility

The Panel welcomed the formation of enhanced pedestrian links via the existing closes and the desire to reinstate as many of the historic routes across the site as possible, in order to maximise permeability.

The Panel welcomed the intention of the applicants to provide a fully accessible route through the site to connect Jeffrey Street with the High Street, in order to meet the requirements of Equalities legislation. However, the Panel did remark that the ramped route, as presented within the public space, appear contrived and engineering and therefore other design approaches should be explored. The Panel suggested that these aspects of the proposals might be further discussed with Access Groups, who could also provide a better steer an accessibility within the design of public realm.

Public Realm

The Panel were encouraged by the design response to re-use closes and develop new public spaces across the site.

The Panel expressed concern that the principal area of public space identified towards the centre of the site was dominated by a series of ramps and seemed to be based around engineering requirements. In turn, this raised questions to how the space would be used and whether it would reinforce a sense of place.

The Panel noted that conventional public space or a square might be problematic because of the topography of the site, but all noted this could also present opportunities in terms of layering and introducing a playfulness to the design approach. However, there was not overall consensus amongst the Panel to the design approach for public realm within the site. Some members of the Panel did not feel that a new space based around an enclosed square would be well used, particularly given recent experience of other similar development schemes within the Old Town, e.g. Advocates Close. There were also concerns that active public realm may be incompatible with hotel and residential use.

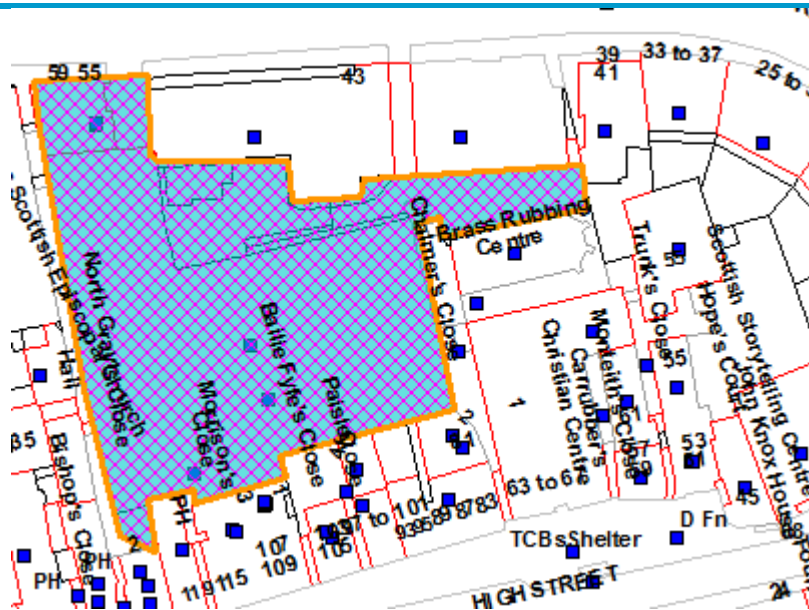
Whilst recognising that some 'breathing space' will be required between the buildings, it was considered by some Panel members that more intense development and smaller areas of public space may be more appropriate to the character of the Old Town location. Others considered that a small square or garden could be interesting in this location, if detailed correctly. Open space requirements for the proposed residential uses must also be given due consideration.

The Panel also observed that the management of the open spaces within the scheme will be critical. Lighting will also affect the way in which the area is perceived at night and should be upgraded to a high standard. Paving should feature the use of high quality, natural materials appropriate to the World Heritage Site. The Panel suggested that a landscape architect be engaged in the development of detailed design proposals for the public realm.

Sustainability

The Panel advocated innovative solutions in relation to sustainable energy at this stage of the design process, including the use of ground source heat pump technologies, to promote a low level development.

Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

**Application for Listed Building Consent 19/00946/LBC
at Jury's Inn 43 Jeffrey Street, Edinburgh.
Alterations to nos. 55-61 Jeffrey Street associated with the
erection of a new adjoining hotel affecting the lower two
floors (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, NSG, NSLBCA, CRPOLD,

Report

Application for Listed Building Consent 19/00946/LBC at Jury's Inn 43 Jeffrey Street, Edinburgh. Alterations to nos. 55-61 Jeffrey Street associated with the erection of a new adjoining hotel affecting the lower two floors (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to a category C listed, five-storey, sandstone tenement on the south side of Jeffrey Street (LB reference 29191, listed on 13 August 1987).

The building sits to the west of the Jury's Inn Hotel and north of a vacant site to the rear of the hotel, known as "The Tannery Site". North Gray's Close runs along the west side of the tenement.

The lower two floors contain office accommodation and there are six residential flats on the three floors above.

The application site falls within the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

5 December 2002 - listed building consent granted for external and internal alterations, including new pend access (application reference 02/03312/LBC). Consent implemented.

Current application for planning permission (reference 19/00945/FUL) under consideration to erect new 131 bed boutique hotel, 101 bed extension to existing Jurys Inn Hotel, two residential blocks containing 31 flats and retail units. Convert two lower floors of existing category C listed tenement building to new hotel entrance and lounge. Create public space with pedestrian links into the site from existing closes, including new access ramp. (As amended to 125 bed boutique hotel and 100 bed extension to existing Jurys Inn hotel.)

Main report

3.1 Description of the Proposal

The application is for external and internal alterations associated with the annexation of a new seven storey and attic hotel extension to the rear of this category C listed tenement at the lowest two levels as follows:

- remove two first floor windows, the stonework below and part of the stone pier between;
- remove one basement window, the stonework below and one side pier and form a doorway from an existing window at basement level;
- install a new internal stair between ground and first floor level, involving removing a section of the first floor;
- erect internal partitions with double doors at the ground floor entrance forming a lobby.

The proposed access ramp to the north of Trinity Apse does not require listed building consent as this structure is not attached to the category A listed church in the associated application for planning permission, as amended (application reference 19/00945/FUL).

Scheme 1

The original scheme proposed the infilling of two rear windows due to the position of the west hotel wall.

Supporting Documents

The following information was submitted in support of the application: -

- Archaeological Report.

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

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

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

3.3 Assessment

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

- a) the proposals preserve the character of the listed building and
- b) the proposals preserve or enhance the character or appearance of the conservation area.

a) Character of Listed Building

Nos. 55-61 Jeffrey Street is a category C listed, five-storey, Scots Baronial style tenement by Robert Hamilton Paterson, dating from 1889. The building has been significantly altered by the formation of a wide, double-height pend through its east side.

The building is of local historic and architectural significance due to its architectural style, which is typical of later Victorian tenements in the Old Town, many of which are situated on streets formed as part of the City Improvement Act of 1867. The rear elevation of these tenements is usually informal, and the rear fenestration pattern is often irregular, particularly at the lower levels, as is the case with 55-61 Jeffrey Street.

The proposed external alterations are acceptable, as no significant architectural composition will be affected, and the degree of fabric loss is not extensive.

Internally, there are no significant architectural spaces or features, so the proposed new stair and entrance lobby are acceptable.

The proposals will preserve the character of the listed building without any serious detriment, in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) Character and Appearance of Conservation Area

The essential character of the conservation area is summarised in the Old Town Conservation Area Character Appraisal as follows: -

- the survival of the little altered medieval 'herringbone' street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile;
- its 16th and 17th century merchants' and nobles' houses;
- important early public buildings such as the Canongate Tolbooth and St Giles Cathedral;
- the quality and massing of stonework and
- the density and height of its picturesque multi-storey buildings.

The section of the proposed new hotel that is attached to the listed tenement at 55-61 Jeffrey Street is at low level to the rear and will not be conspicuous from any of the main public viewpoints. The connection of these two structures will have no detrimental impact on the essential character of this section of the Old Town which is typified by a dense urban grain comprising high tenements with north-south interconnecting closes between.

The proposals therefore preserve the character and appearance of the conservation area, in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Conclusion

The alterations are minor and have no significant impact on the architectural composition or significant fabric.

The proposals have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest it possesses and are acceptable.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. Details of the junctions of the new hotel with the stonework of this listed building shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons: -

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

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 within the City Centre, Edinburgh World Heritage Site and Old Town Conservation Area as defined by the Edinburgh Local Development Plan (LDP).

Date registered

26 February 2019

Drawing numbers/Scheme

01 + 02A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

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 Listed Building Consent 19/00946/LBC at Jury's Inn 43 Jeffrey Street, Edinburgh. Alterations to nos. 55-61 Jeffrey Street associated with the erection of a new adjoining hotel affecting the lower two floors (as amended).

Consultations

Historic Environment Scotland

We would have no locus to comment to the proposed works to the Category C listed tenement on Jeffrey Street.

However, we did contact your Council to note that the proposals also involved the erection of a wheelchair compliant access ramp onto (or against) the northern façade of the Trinity College Apse, a Category A listed medieval building reconstructed in 1872-7 to serve as an annex to a new church facing Jeffrey Street (itself demolished in 1964).

The northern wall of the Apse contains two blocked arched openings that formally opened into the demolished church. The Category A listed apse is an open unencumbered space with, due to its significance, very real constraints on any alterations or constructions within it. The three other facades would also have restrictions on any external alterations.

In order to allow the beneficial reuse of the Apse we would suggest that an area of ground adjacent to the north façade could be retained free of development. Even a couple of metres may allow scope for the removal of the arch infills and the fitting of additions in their place. The fitting of e.g. services like toilets and kitchens in these spaces could allow the apse's interior to remain unencumbered.

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.

Archaeology - response dated 01/04/2019

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL and LBC applications for the development of a new 131 bed boutique hotel, a 101 bed extension to the existing Jurys Inn hotel, two residential blocks containing 31 flats and retail units and also the conversion of lower two floors of existing Grade C listed 19th century tenement building to new hotel entrance, creation of public space with pedestrian links into and through the

site from existing Closes, including non-stepped link from Jeffrey Street to High Street, wheelchair accessible from Jeffrey Street to the top of the site.

The site occupies the eastern side of the historic North Gray's Close formerly occupied by an extensive 19th century Tannery. Situated at the heart of the medieval Old Town the area is of considerable archaeological importance as was born out by the programme of archaeological excavations carried out principally in 2008 by Headland Archaeology in relation to conditions attached to planning application 07/03931/FUL. The results demonstrated that areas of well-preserved medieval and post-medieval archaeology had survived across the site principally within two large areas (A & B) beneath the industrial 19th century tannery. Across the area subject to this application (AREA B) a deep sequence of 13-14th century deposits (boundary walls, cobble surfaces, terracing etc) sealed below 15th century midden layers in turn sealed by the remains of 17th century tenements. The later in particular contained a significant quantity of artefacts including rare examples in Scotland of Spanish Majolica tiles, with the excavations published in 2016 by the Society of Antiquaries of Scotland (SAIR 58; <https://doi.org/10.9750/issn.1773-3808.2014.58>)

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 ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although most of this site was excavated in 2008, a linear stretch of broadly 5m wide running north-south along North Gray's Close was unable to be excavated at the time. This area is known to contain significant archaeological remains, in particular, the frontages of the 17th century buildings identified 2008 and also associated, earlier, medieval remains. As was discussed at the time, this area was to be finally excavated prior to development commencing on site when engineering solutions could be deployed to ensure deep working immediately adjacent to North Gray's Close in order to record the 'upstanding' buried remains of these buildings and early deposits.

It is essential therefore this area is fully excavated. In addition, the proposals will require works in areas not covered by earlier application, principally to the rear of the current Hotel and adjacent to Trinity Apse. Appropriate archaeological mitigation will be required in these areas to record, excavate and analysis any significant remains uncovered.

Lastly subsequent site clearance has uncovered upstanding remains associated with the site's earlier Tannery and tenements. It is essential that these remains are recorded in detail as part of the overall programme of archaeological work

Interpretation & Public Engagement

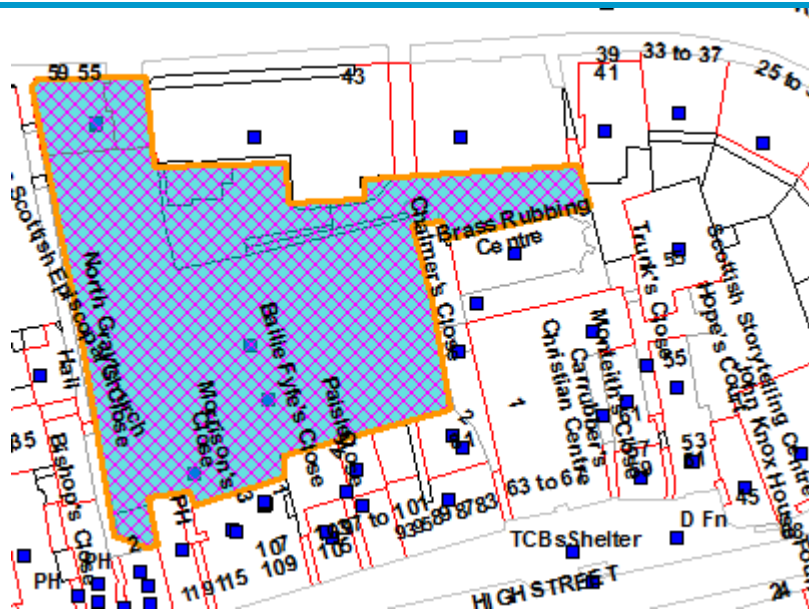
In addition, the site has the potential for unearthing important archaeological remains. Accordingly, it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.

It is recommended that 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, historic building recording, reporting and analysis, publication, interpretation & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Location Plan



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Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/02623/FUL
at 189 Morrison Street Edinburgh, EH3 8DN
Redevelopment of site comprising hotels, offices, retail,
leisure, public houses, restaurants, car parking and
associated works.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The development is appropriate in terms of design, scale and materials. The proposals are a well considered modern development that will establish a sense of place on a site that has failed to contribute to the central heart of Haymarket. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN09, LTRA02, NSG, NSGD02, NSLBCA, CRPNEW, CRPWEN, LEMP01, LEMP10, LTRA01, LTRA04, LTRA03,

Report

Application for Planning Permission 19/02623/FUL at 189 Morrison Street, Edinburgh, EH3 8DN Redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.

Recommendations

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

Background

2.1 Site description

The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares. There are railway tunnels that run under the site at its northern end in an east-west direction.

The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. The properties from 266 Morrison Street onwards and around to West Maitland Street are category C(s) listed and were listed on 14.12.1970 (LB Ref: 47727).

To the north-west is Clifton Terrace with two storey properties rising to four storeys at the corner of Grosvenor Street. The uses are mixed commercial. Grosvenor Street is characterised by three storey Georgian properties with attic accommodation. 1-25 and 2-24 Grosvenor Street are category B listed buildings, listed on 10.12.1964 (LB Ref: 28977 and 28978).

To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction, listed on 09.02.1993 (LB Ref: 26926). Haymarket railway station sits further to the west and is A-listed, listed on 27.10.1964 (LB Ref: 26901). Properties on Dalry Road are predominantly commercial with two storey residential use on the upper levels; these form part of the Dalry colonies.

To the south are wholly residential properties in the Dalry colonies, which are category B-listed; and the four storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing. The Dalry Colonies are also designated as a separate conservation area.

Morrison Link, to the east, is solely occupied by a five storey hotel.

The site is not within but is immediately adjacent to both the West End Conservation Area, the boundary of which runs along the north side of Morrison Street, and the New Town Conservation Area, which has its boundary along the north side of Haymarket Terrace. Likewise, the site abuts the World Heritage Site, along Morrison Street, but does not lie within the site.

This application site is located within the Dalry Conservation Area.

2.2 Site History

5 November 2003 - Planning Permission was refused by the DQ Sub-Committee, contrary to officer recommendation, for the clearance of the existing car park and ancillary buildings to form a comprehensive redevelopment comprising retail, office, leisure, licensed premises, car parking and replacement public conveniences incorporating re-grading the site to adjacent street levels (application number: 02/03210/FUL).

The development consisted of a seven-storey office development over the site, with a major public arcade running west to east through the building.

The reasons for refusal related to:

- no positive contribution to the mixed-use character of the surrounding area by failing to provide cultural or public uses;
- broad composition and detailed design is not of an appropriate quality and distinction;
- not create new public spaces and points of interest;
- did not relate to the established character of the surrounding area and
- did not address transportation infrastructure issues.

11 August 2004 - An application was recommended for approval at the Development Management Sub Committee for a comprehensive redevelopment comprising: retail, office, leisure, licensed premises, car parking and replacement public conveniences, proposals incorporate re-grading of the site to adjacent street levels. The application was referred to the Scottish Ministers and was subject to a Public Inquiry (application number: 04/00681/FUL).

31 July 2006 - Scottish Ministers granted planning permission following a Public Inquiry for the above development. (P-PP-75-96-LA-84).

27 August 2008 - An application was recommended for approval at the DM Sub-Committee for the demolition of existing buildings and structures, re-grading of the existing car park and a comprehensive redevelopment comprising hotels, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 07/03848/FUL).

The application was called in by Scottish Ministers to consider the merits and impacts of the proposed development on the prominent gateway to the city centre, and on the city's skyline.

27 October 2009 - Scottish Ministers refused planning permission for the above development following a Public Inquiry.

The reasons for refusal related to:

- the 5-star landmark hotel failed to respect the grain and scale of the surrounding townscape and
- the 5-star landmark hotel would not enhance the City's skyline and would not preserve the setting of the World Heritage Site or prominent listed buildings.

28 March 2011 - Planning permission was granted for the demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 10/02373/FUL).

7 December 2015 - Planning permission granted for amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4) (application number: 14/03230/FUL).

31 May 2016- Listed building consent granted for alterations to existing boundary wall and associated erection of handrails (application number: 16/01733/LBC).

31 May 2016- Listed building consent granted for alterations to existing boundary wall and associated erection of handrails. (application number: 16/01733/LBC).

02 May 2019 -Planning permission granted subject to the conclusion of a legal agreement for Amendment to the detailed Planning Permission 10/02373/FUL to include revised car park layout, design amendments to H1, H2, H3, H4 AND H5, revised vehicular access arrangement, materials and hard and soft landscaping proposals (application number: 16/01510/FUL).

02 May 2019- Planning permission granted subject to the conclusion of a legal agreement for Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 and H5 as amended) (application number: 18/00715/FUL).

04 July 2019- Non material variation approved for the alteration to building H1 (now referred to as B1) to alter the fenestration and external detailing of the building (application number: 18/00715/VARY).

Main report

3.1 Description of the Proposal

The application seeks permission for a mixed-use scheme for the "Comprehensive redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.

The proposal will create 365 sq.m Gross Floorspace of Class 7 (Hotel) Use, 52,445 sq.m Gross Floorspace of Class 4 (Business) Use, and 560 sq.m of Gross Floorspace for Class 11 (Leisure) Use. The proposal will also create approximately seven retail units measuring 350 sq.m each.

The development comprises five buildings referred to as Buildings B1, B2, B3, B4, B5 and an atrium located between B4 and B5.

Building 1 (B1)

Located on the corner of Dalry Road and Morrison Street, nearest to Haymarket Station. This building contains offices on the upper levels and retail units on the ground floor. A small south facing terrace is proposed in front of the retail units. The building will be eight storeys in height and reach a maximum height of 95m AOD, dropping down to 88.2m AOD.

Building 2 (B2)

Located on the southwest edge of the site north of the Dalry Colonies. This building would comprise of a hotel and retail usage. At six storeys, the maximum height of the building is 77.8m AOD. The building has a stepped drop down to 65.45m AOD on the southern boundary.

Building 3 (B3)

Located on the southeast corner of the site. This building would contain an apart-hotel and retail. A service yard to the south of this building and B2 will provide access and serving for the hotel and adjacent retail uses. At eight storeys, the maximum height of the building measures approximately 85m AOD.

Building 4 (B4)

Located north B3 along Morrison Link. The building proposes eight storeys containing offices on the upper levels and retail units on the ground floor. At maximum height the proposed building will reach 96.25 metres AOD.

Building 5 (B5)

Located at the northeast corner of the site, at the junction of Morrison Street and Morrison Link. The eight storeys will contain offices on the upper levels and retail units on the ground floor. At maximum height the proposed building will reach 95.25 metres AOD.

Atrium

An atrium will be located between building 4 and 5 creating a shared office entrance and amenity spaces.

New public square

The public open space will be located to the centre of the site and measure approximately 2,594 sq.m. A further two forecourts measuring 883sq.m and 1,059 sq.m will be located at the Morrison Street entrance and the Dalry Road entrance. In total public amenity space accounts for 36% of the overall site area.

The space will contain hard and soft landscaping elements including paving, a series of green areas, street furniture and public lighting. The public realm will have two main routes running from the south eastern corner of the site from Morrison Link towards Dalry Road, and a route running from the corner of Morrison Street and Morrison Link south west towards Dalry Road. Formal and informal break out spaces have been created through the formation of a platformed areas.

Basement

Providing parking for 55 cars and 688 bicycles together with plant. The basement would be under building 4 and 5 with direct access from Morrison Link.

Supporting Documents

The applicant has submitted the following information in support of the application; this information is available to view on the Planning and Building Standards Online Services.

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- View cones of Protected Views
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Statement;
- Waste management information;
- Ground investigations/Site investigations;
- Flooding risk and drainage information;
- •Noise/air quality information;
- Detailed hard and soft landscape plan and planting schedule;

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

Determining Issues

- a) the principle of development is acceptable in this principle in terms of meeting the Council's objectives for this central location
- b) the proposal will not have an adverse effect on the City's skyline;
- c) the proposed design, scale, layout and materials are acceptable;
- d) the proposal will not have an adverse impact upon the setting of neighbouring listed buildings, or the character and appearance of adjacent conservation areas and of the UNESCO World Heritage Site;
- e) the proposal does not raise any issues relating to neighbouring amenity;
- f) the proposal is acceptable in terms of transport, traffic or road safety;
- g) the proposed development will not adversely impact upon air quality;
- h) the proposed development will not result in increased flood risk;
- i) there are any other material considerations;
- j) the proposal meets sustainability criteria;
- k) there are any impacts on equalities or human rights and
- l) issues raised in material representations have been addressed.

a) Principle

Whilst the application must be considered on its own merit, the principle of the development of this site was established when the consented masterplan application was determined. A live permission is in place, with works having commenced on site.

The site is a brownfield site that falls within the Urban Area of the Local Development Plan (LDP). Proposals in the urban area must accord with the relevant policies of the LDP and non-statutory guidance.

LDP Policy EMP 1 'Office Development' supports high quality office development located in the City Centre. The policy recognises the important role of the financial sector and other office based businesses in providing jobs and contributing to economic growth. The city centre is a prime location for office development, due to its proximity to other office, service and transport hubs. The proposal fully complies with LDP Policy Emp 1 through its creation of high-quality office development in this city centre location.

The proposal complies with LDP Policy Emp 10 'Hotel Development' which supports hotel development in the city centre where developments may be required to form part of mixed-use schemes, maintaining city centre diversity and vitality. This policy aims to support Edinburgh's tourism sector.

Other considerations

The Haymarket Urban Design Framework (HUDF) states that proposals should establish strategic pedestrian connections towards Fountainbridge; establish local connections; and contribute to the creation of a sequence of spaces. The HUDF also requires proposals to contribute to the definition and refinement of the Haymarket space and to establish edges that complement the existing townscape.

Policies in the Local Development Plan support the principle of the proposed mix use development of the brownfield site. The scheme meets the objectives of the HUDF, as further considered in the design section below, and the principle is therefore acceptable.

b) Height, Scale and City Skyline

LDP Policy Des 4 Development 'Design- Impact on Setting' requires new development to demonstrate that it will have a positive impact on its surroundings. This includes the potential impact upon the character of the wider townscape and landscape, along with the impact upon existing views. The policy has regards to height and form, scale and proportions, the position of buildings, and proposed materials and detailing.

The surrounding area is not characterised by any prevailing building height. To the south, the Dalry Colonies sit at two storeys, to the north along Morrison Street, the properties rise to three storeys. Four and five storey developments occupy the south east of the site, along Morrison Link and Morrison Circle.

The proposal provides for development ranging from six to eight storeys. It will have regard to the height of its neighbouring buildings and will introduce a significant development on the corner site. In addition, the development intends to create a positive gateway development to the area and its height will contribute to achieving this. The previous schemes on the site have been consistent in establishing large scale buildings on this site with a strong focus on a commercial core. This scheme retains the previously agreed approach to the overall development of this site.

The hotel building B2 has been designed to step down as it approaches the western boundary, effectively addressing the sensitivity of its boundary relationship with the Dalry Colonies. The massing and relationship to the Dalry Colonies was previously agreed as part of the previous proposals on the site. This scheme has respected this position.

LDP Policy Des 11 'Tall Buildings- Skyline and Key Views' states that planning permission will only be granted for a development which rises above the prevailing building height in the surrounding area where: -

- a) a landmark is created that enhances the skyline and surrounding townscape and is justified by the proposed use;
- b) the scale of the building is appropriate in its context;
- c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area, or the landscape setting of the city.

Following a decision by Scottish Ministers in May 2009 on the site, a study was commissioned to review the proposed development of the site. This identified height thresholds above which any development could impact on strategic protected views across the city. This was then embedded within the Haymarket Urban Design Framework February 2009.

Each of the views has been assessed and considered in the context of this work and the base threshold of 91.7 metres.

Buildings B4 and B5 exceed this 91.7 threshold, rising to 96.250 metres at their maximum height through the formation of the stair core with a vertical emphasis. These largest buildings have a varying height, with sections increasing to 95 metres for elements of the main accommodation. The infringement in height has been fully tested and assessed on the impact on the skyline and important keyviews of those buildings.

A series of viewpoints from around the city were agreed to establish the impact of the proposals upon the skyline; including a long view from Corstorphine Hill. Following assessment of these views, it is concluded that the development will sit against a backdrop of existing buildings and will not detract from the key skyline features such as St Mary's Cathedral, Edinburgh Castle or the Pentland Hills. As such, the impact of the proposals on the distant views into and from the World Heritage Site are set within the existing development context and will not detract from any important skyline features.

In terms of local views, a series of views within the locality were submitted, with an additional two views west along Morrison Crescent and north from Dalry Place prepared in support of the proposals.

Grosvenor Street to the north of the site falls within the World Heritage Site. The view along this street looks directly across to the site. However, it is considered that the proposal represents an improved vista. The views now submitted establish that there is no altered impact from that of the previous consented schemes on the site. As such, the assessment of the view cones confirms the proposals will sit comfortably in the context of the surrounding townscape.

It is therefore concluded that the proposal will not be to the detriment of the skyline or key views. The approach to massing and the use of materials to articulate the storeys are successful in reducing the overall massing of the building. The facades are horizontally expressed, resulting in a less imposing building, particularly on key corners. As a result, the proposal will not represent an incongruous addition to the site or its locality.

Overall, the proposed height, scale and massing is acceptable in this location, in compliance with LDP Policy Des 4 and the Edinburgh Design Guidance. The proposal also complies with LDP Policy Des 11 and will not adversely affect the city's skyline.

c) Design, Layout and Materials

LDP Policy Des 1 'Design Quality and Context' supports new development where it is demonstrated that the proposal will create or contribute towards a sense of place and reflects the positive characteristics of the surrounding area.

The Haymarket Urban Design Framework (HUDF) states that proposals should: -

- Define a southern edge of Haymarket space;
- Reinforce the south west edge of the Haymarket space to create an entrance to Dalry Road;
- Retain important character forming 'fragment' buildings and features: railway station, Ryrie's public house and Hearts War Memorial;
- Respond to the prominent building edges to the north of Haymarket and ensure that the potential redevelopment site at Haymarket House contributes to the definition of space;
- Establish edges that complement the existing townscape and defines the route from Haymarket to the Exchange along Morrison Street; and
- Promote edges that make provision for street level activity.

Layout

The site layout and position of buildings is significantly influenced by the presence of the railway tunnels which sit below B1 and a section of B5.

The key change to this application to that of the previously consented scheme is the positioning of the buildings on the Morrison Link edge of the site, which allows a strong focus on a central area of public space. This will provide a public realm at the heart of the development. This layout effectively utilises any voids between the buildings through the creation of informal public space and break out areas for use by the office workers, as well as local residents. Previously proposals included vehicle access into these areas. This scheme removes vehicular access through the site and allows the free flow of pedestrian movement and activation of the spaces. The positioning of buildings B1 and B2 are previously consented.

The layout provides an edge to the site, with the proposed facades creating entrance gateways when approaching the area, thereby creating a new sense of place. Street level activity is maximised, with all the proposed buildings incorporating retail uses on the ground floor.

The proposed layout meets the objectives of the HUDF, along with LDP Policies Des 1 and Des 4.

Policy Des 7 'Layout Design' seeks to ensure that new development, through its layout of buildings, streets, paths and open spaces will direct pedestrian flow and create safe and convenient connections to other networks. The layout should encourage walking and cycling and promote public transport.

LDP Policy Des 8 'Public Realm and Landscape Design' states planning permission will only be granted for development where all external spaces and features including streets, footpaths, civic spaces, green spaces boundary treatments and public art are design as an integral part of the scheme.

The site is located adjacent to a primary transport hub in the city centre and therefore connectivity has informed the layout of the site. The public realm will have two main routes going through the development, one running from the south eastern corner of the site from Morrison Link towards Dalry Road, and a route running from the corner of Morrison Street and Morrison Link towards Dalry Road. These two pedestrian routes, in conjunction with the pavements around the site, allows pedestrian flow between Haymarket Station and Fountainbridge, as well as towards the Lothian Road area.

The permeability of the site ensures connections through overlooked public spaces and footpaths. The public spaces and the pedestrian routes through the development will be overlooked by the offices, hotel and retail functions. The development will also provide further overlooking onto the existing pedestrian footway around the site. This will encourage pedestrian usage and active travel, achieving both the objectives of HUDF and complying with LDP Policy Des 7.

The proposal sets to achieve a high quality public space containing hard and soft landscaping elements including paving, a series of green areas, street furniture and public lighting.

The space has been designed to maximise pedestrian use and integration, with raised platforms, steps and green areas creating formal and informal break out spaces. This results in a public space that acts as a destination as well as an attractive and safe route connecting to the wider network.

A condition is recommended to ensure approved landscaping works are properly established on site.

The key spaces are activated through the use of retail and restaurants at ground floor level to ensure a vibrant core and welcoming public route through the site. The positioning of building B1 is unaltered from the previous permission although further consideration has been given to activation at the junction of Morrison Street and Dalry Road. This has been achieved through internal reconfiguration to provide office space at these levels.

The scheme achieves the outcomes of the HUDF through positive interaction with the edges of the site and complies with LDP Policy Des 7. The proposed public realm complies with LDP Policy Des 8.

Architectural Detailing and Materials

The surrounding built context is urban in character with a mix of building materials, palates and styles. There is a mix of commercial and residential buildings with Georgian and Victorian tenements constructed of stone with pitched, slated roofs.

The proposal is a strikingly contemporary development which uses high quality metal framed glazed facades. The scheme will utilise differing arrangements of solid infill panels and assorted glass on each of its buildings to provide distinction between vertical and horizontal elements, to reduce massing and to protect privacy dependent on the use and location of the building. The previous scheme was amended to revise the material expression of building B1 and this was accepted as a non material amendment to the approved scheme. This amendment retained the key principles of the design but allowed further refinement following advancement of the design of the proposals. As part of this assessment key viewpoints were analysed.

Large glass panels will form the facades directed northwards towards the public square, Morrison Street and Morrison Link ensuring maximum light and overlooking of the street. A greater degree of solidity and small panels of glass are proposed to the southern elevations which overlook the neighbouring residential properties. Ground floor retail frontages will have a mix of solid and folding glazed frontages to allow active functions.

The Haymarket junction and Morrison Street form the entry point to the city's financial district where there is a concentration of modern office development and the proposals continue this. The design expression for the development of this establishes a modern quarter within this area of the city through a quality development which maximises the sense of place. It is the correct design response to establish a modern development whilst respecting the adjacent historic context.

The proposal is a strikingly modern development that will contrast positively with surrounding positive architecture. The proposal complies with LDP Policies Des1 and Des 4 as it will create a sense of place and visually connect the area to the adjacent financial district and wider townscape.

Urban Design Panel

The proposal was presented at pre application stage to the Urban Design Panel in January 2019. The Panel was supportive overall of the scheme and the site's potential to create a positive and high-quality addition to the city's public realm. The initial analysis of pedestrian flows and the opportunity to create direct links from Haymarket Station and the reduction in on-site parking provision in recognition of Haymarket's excellent public transport and sustainable travel links was welcomed. The final proposal has addressed these issues.

Design Conclusion

The proposed design, scale, layout, and materials proposal are acceptable within the context of the site and its locality. The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The proposals comply with all relevant design policies within the LDP. In addition the proposal is in accordance with the Edinburgh Design Guidance and achieves the outcomes of the EUDF.

d) Historic Environment

Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

Historic Environment Policy Scotland (HEPS) Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

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

A number of Category A, B and C Listed Buildings lie within proximity to the site.

Category A

Within the immediate area there is one property that is recognised to be of national significance, the Victorian Haymarket station. The primary vista of the station from West Maitland Street will be unaffected by the proposals.

Category B

There are a large number of regionally important buildings in the Haymarket area. These include the Dalry colonies, Grosvenor Street, West Maitland Street and Ryrie's Bar. The rear of the proposed hotel, Building B2, will be stepped in order to reduce the massing alongside the colonies. In terms of Grosvenor Street, the setting of the buildings will be preserved due to the size of the Haymarket space that separates them from the application site. The properties on West Maitland Street will be largely unaffected by the proposals.

Category C

The Hearts War Memorial, the Haymarket Inn and the residential properties 252-270 Morrison Street are recognised as locally important. The war memorial will be unaffected by the proposals given the sense of space that surrounds it. It is the properties on Morrison Street that are likely to be the most affected due to the development of a site which has previously always been open. However, the proposals will provide a greater degree of definition to Morrison Street and the impact will be acceptable.

Historic Environment Scotland was consulted on the proposals and commented that the Category A Listed Building, Haymarket Station, will not be significantly impacted.

The proposals will not impact upon the historical character of the surrounding Category B and C Listed Buildings.

Conservation Areas

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

The edge of the New Town Conservation Area runs adjacent to the site Haymarket Terrace and West Maitland Street. The West End Conservation Area, runs along Morrison Street.

LDP Policy Env 6 'Conservation Areas' seeks to preserve or enhance the character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal, in this instance being the West End Conservation Area (WECA) and New Town Conservation Area (NTCA) appraisals.

The West End Conservation Area Character Appraisal states that the area is characterised by mixed, residential commercial buildings with the Georgian and Victorian tenements being mainly four-six storeys, constructed of stone with pitched, slated roofs. In the central section of the conservation area, there is a major modern financial section consisting of modern offices, which spills over the conservation area to the south.

It is important that where there are development opportunities lying adjacent to the conservation area boundary, the design of new buildings should reflect the scale, massing and materials of the conservation area. Development opportunities both within and adjacent to the conservation area must respect views out of and into the conservation area.

The WECA is characterised by a wide mix of uses within buildings of differing scales, which is consistent with the proposals. The Haymarket junction and Morrison Street form the entry point to the city's financial district (situated within WECA) where there is a concentration of modern office development and the proposals are a continuation of this. The creation of a south side to Morrison Street enhances the appearance of the southern boundary of the WECA over the present vacant site.

The New Town Conservation Area Character Appraisal states that the uniform character of the New Town is built up on the application of the standards for tenemental form, streets and public realm that were accepted and applied for over one hundred and fifty years. The grid layouts, defined by perimeter blocks, were designed with a concern both for buildings and the public realm and the relationship between built form, streets and open spaces.

While there are a considerable number of prominent buildings and focal points in the area, the sloping topography means that punctuation above the skyline is limited. The New Town can also be viewed from above at locations such as the Castle and Calton Hill showing uniformity in design and materials. This makes the roofscape and skyline very sensitive to any modern intrusion rising above the tenemental heights.

An important characteristic of the NTCA is its regulated skyline with limited protrusions breaking through. However, as identified previously, the proposals will only have a limited impact upon the skyline. A readily identifiable feature of the NTCA, acknowledged in the character appraisal, is the designed relationships between buildings, streets and open spaces. It has been demonstrated within this report that the proposals actively encourage these relationships.

The conservation area is characterised by traditional stone buildings. As such, the architectural contrast of the modern glass and metal clad buildings will sit positively in its surrounds, preserving the appearance and character of the neighbouring traditional buildings.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area. The proposals will therefore not only preserve but also enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

UNESCO World Heritage Site

The site lies outside, but adjacent to the UNESCO Edinburgh World Heritage Site (WHS), which ends at Morrison Street.

Accordingly, an assessment has been undertaken in relation to the impact of the proposed development upon the neighbouring UNESCO World Heritage Site.

LDP Policy Env 1 'World Heritage Sites' aims to protect the setting of the World Heritage Site. The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the UNESCO's List of World Heritage Sites in December 1995, representing international recognition that the site is of outstanding value. Townscape is identified as a key element of the WHS's Outstanding Universal Value.

The proposal promotes a relationship with the WHS by anchoring the new streets with areas of public realm and orienting the main entrances of the flanking buildings around these spaces. The impact of the proposals on the views into and from the WHS will be minimal and will not detract from any important skyline features.

HES were consulted on the proposal and commented that the scale and massing of the development reflects the scale and massing of the previously consented scheme. Whilst, in HES's view, the proposals could impact on the immediate setting of this part of the WHS, it was considered that this impact would not be significant, or that it would have a detrimental effect, on the Site's Statement of Outstanding Universal Value.

Given the above, the proposal is in compliance with LDP Policies Env 1, Env 3 and Env 6.

e) Neighbouring Amenity

LDP Policy Des 5 'Amenity' supports proposals that have no adverse impact on neighbouring developments.

Noise

A Noise Impact Assessment was submitted as part of the application. The site is located within the city centre, which already has an established mix of street level activities and associated noise. However, conditions have been recommended to ensure that the proposed development will not result in unsatisfactory noise disturbance to neighbouring residential properties.

Representations from neighbouring residents and Environmental Protection have raised issues about noise from delivery activities within the service yard as a potential issue to the neighbouring residential colonies to the south.

In light of this, acoustic measures are proposed to mitigate the noise impact from vehicles using the facility, including a 3.5 metres acoustic barrier proposed along the southern boundary. A condition is attached requiring detailed specification of the proposed barrier to be submitted and approved by the planning authority.

A management plan will be required to reduce noise disturbance from delivery activities including loading/unloading, trolleys and vehicles reversing to minimise the potential disruption. A condition is recommended restricting the hours of deliveries and collections, including waste collections, to and from the main service yard between the hours of 07:00- 22:00 Monday to Saturday and 10:00-17:00 on Sundays.

Neighbours on the southern boundaries have raised concern with regards to plant machinery upon the roof of buildings B2/B3. A condition is therefore recommended in order to safeguard the amenity of neighbouring residents and other occupiers.

Neighbours have raised concern with regards to potential noise from neighbouring Class 3 uses or licensed premises. The layout of the development has positioned these premises away from boundaries which face residential properties. Windows and entrances to the Class 3 premises will be into the centre of the development to avoid disturbance to any neighbouring residents.

Subject to the conditions recommended, the proposed development will not have an unacceptable impact upon neighbouring amenity.

Daylight and Sunlight

The impact of the proposals upon the levels of daylight entering surrounding neighbouring properties has been assessed. A Daylight and Sunlight Analysis report was submitted which considered the potential impact upon residential properties in proximity to the site.

The most impacted properties are four properties situated on Morrison Street, along the northern boundary of the site. These first and second storey south facing windows will see a varying degree of reduction in daylight. Whilst assumptions are made on property layouts, these rooms are made up of bedrooms, living rooms, kitchens and bathrooms.

However, the level of daylight currently enjoyed in these rooms is due to the site being vacant. Due to their proximity to proposed development, these properties would inevitably see a reduction in daylight if any significant development is erected upon the site.

In addition, the assessment drew comparison between the consented proposal and the proposed development. Whilst the reduction in daylight associated with the proposed development is slightly higher in comparison with the previously consented scheme, this increase is not significant and is acceptable. Given the urban context of the site, these potential reductions are not unreasonable given the wider benefits of regenerating the site.

In terms of sunlight, the assessment found that the majority of the properties would see a minor change in the sunlight that is BRE compliant, whilst some properties would see an improvement in sunlight to that of previously consented proposals. As such, the proposal will not result in harmful overshadowing onto neighbouring properties.

Privacy

Concerns have been raised by residents along the southern boundary with regards to potential overlooking and a loss of privacy as a result of the hotel development B2.

In order to address this, the design of the B2 incorporates a step down in height as the building approaches the southern boundary, thereby pulling the hotel windows off the boundary. There is no direct overlooking between window to window. Furthermore, the southern facade was designed with smaller windows than that proposed elsewhere in the development, in order to reduce overlooking and protect neighbouring privacy.

The proposal complies with Edinburgh Design Guidance and will not result in a detrimental loss of privacy to neighbours.

Overall, it is concluded that the proposal will not cause a significant adverse impact upon the amenity of neighbouring properties. Whilst some properties will see a reduction in availability of daylight, a reduction would inevitably occur with any substantial development on the site. When compared to that of the consented scheme, the additional impact is not significant enough to warrant a refusal of the scheme.

f) Traffic, Road Safety and Active Travel

Policy Tra 1 'Location of Major Travel Generating Development' states planning permission for major development which would generate significant travel demand will be permitted on suitable sites in the City Centre.

A Transport Statement was submitted as part of the proposal. This was assessed and accepted by the Roads Authority. It is concluded that the development will not generate significant traffic, being located adjacent to one of the city's railway stations, connecting the site to the local and national rail network. The site is also well served by the bus network. An informative is attached recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

Parking

Policy Tra 2 'Private Car Parking' requires that parking provision does not exceed the parking levels as set out in the Parking Standards, with lower levels pursued. Tra 4 'Design of Off-Street Car and Cycling Parking' states that car parking should be located at basement level where it would not be at the expense of an active frontage onto a public street or public space.

A total of 55 car parking spaces are proposed within the basement level of the site, below blocks B4 and B5. There will be no surface level parking. Car parking is accessed from the east of the site, from the Morrison Link. Out of these 55 spaces, 3 bays will be accessible with ramped access.

The Roads Authority has commented that three electric vehicle charging outlets are required for this development including dedicated parking spaces with charging facilities, ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

In terms of motorcycle parking spaces, five spaces are proposed. This falls short of the minimum requirement but is acceptable given the location of the site and its proximity to public transport links.

These arrangements are in compliance with LDP Policies Tra 2 and Tra 4.

Policy Tra 3 'Private Cycle Parking' requires proposed cycle parking and storage provision to comply with the Council's standards. Policy Tra 4 seeks to promote high quality cycle parking that is designed in accordance with the Council guidance.

Bike stores will be located on the corner of Morrison St and Morrison Link, as well as on Dalry Road. The applicant proposes 688 cycle spaces which exceeds the minimum requirements.

Cycle parking arrangements are acceptable and in compliance with Tra 3 and Tra 4.

Site Access and Servicing

Servicing of the buildings will be achieved 'on street', with laybys/drop offs proposed on Morrison Street and Morrison Link. These laybys will allow small to medium deliveries to office buildings, B1, B4 and B5 which have street access adjacent to these facilities.

These laybys will enable taxi drop off, in addition to coach drop offs serving the hotels. Waste collection will also be from these access points.

The proposal also includes a service yard to the south side of the hotel blocks B2 and B3, with access from Morrison Link.

The above arrangements are acceptable.

Developer Contributions

The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365 bed hotel in Zone 1) to the Edinburgh Tram in line with the finalised 'Developer Contributions for Infrastructure Delivery' Supplementary Guidance.

In addition, the applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary
- c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of four car club vehicles in the area;

Active Travel

The proposal provides safe, convenient routes for pedestrians to walk from Haymarket Station, through the development towards the financial sector at Fountainbridge, or towards the city centre, promoting active travel through the area.

The applicant is required to design and build single stage pedestrian and cycle crossings on Dalry Road and Morrison Street, secured via a Section 75 legal agreement.

Road Safety

Subject to securing the contributions and infrastructure above, there are no road safety issues that arise from the proposed development.

Roads Authority Conclusion

The proposal complies with LDP Policies Tra1, Tra2, Tra 3 and Tra 4. The development will promote active travel and public transport options in the area, and the parking arrangements are acceptable. The Roads Authority raises no objection to the proposal.

g) Air Quality

LDP Policy Env 22 'Pollution and Air, Water and Soil Quality' aims to ensure that development will not result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise adverse impacts.

An Air Quality Impact Assessment was submitted as part of the application. The site falls within a designated Air Quality Management Area and mitigation is required to ameliorate the impact of the development on air quality in the area.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the LDP to mitigate adverse effects on air quality.

Concerns were raised with regards to a localised area on Morrison Street being adversely impacted by a slight/moderate increase in pollutants because of the proposed development. Environmental Protection acknowledges that this increase would occur as a result of development regardless of height. In response, the applicants have designed the façade on Morrison Street with breaks to allow air circulation.

The development has been designed to mitigate operational impacts through the provision of cycling spaces and limited car parking which is best practice. The proposed number of parking spaces is acceptable, and the site is well served by public transport.

A Green Travel Plan should be produced to incorporate the following measures to help further mitigate traffic related air quality impacts: -

- Keep car parking levels to a minimum;
- Car Club facilities (Electric and /or low emission vehicles);
- Provision of electric vehicle charging facilities;
- Public Transport incentives for residents;
- Improved cycle and pedestrian facilities; and
- Taxi specific rapid electric charging points in the service area.

SEPA has raised no objection to the proposal in relation to its impact upon air quality. Overall, the impact on air quality is acceptable.

h) Flood Risk and Surface Water Management

Policy Env 21 'Flood Prevention' states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impede the flow of flood water or be prejudicial to existing or planned flood defence systems.

A condition is recommended that a maintenance schedule for the SUDs infrastructure be submitted for approval by the local authority.

The proposal will not result in increased flood risk. SEPA do not object to the proposal.

i) Other Material Considerations

Archaeology

The site is identified as being of archaeological significance primarily due to its Victorian Railway heritage but also for its potential for containing earlier medieval remains.

A condition was attached to the previous planning permission requiring the undertaking of a phased programme of archaeological work. Phase 1 was carried out by CFA Archaeology and recording the remains of the Victorian Railway goods yard was completed in 2014. However, the Phase 2 fieldwork and reporting started by CFA has still to be fully completed.

Accordingly, a condition is attached recommending that a programme of archaeological work is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.

Waste

Waste storage provision is proposed internally, with access to refuse vehicles located within the service area to the south of the site. This will include provision for residual and segregated recycling bins. Waste Services was consulted on the proposed development and the information submitted raised no objections.

Sustainability

The applicant submitted a sustainability statement in support of the application. The proposal accords with LDP Policy Des 6 'Sustainable Buildings'.

j) Equalities

There are no impacts relating to equalities.

k) Issues raised in representations

The application attracted 53 comments which consisted of 52 objections and 1 neutral comment.

Material objections

- height of buildings; addressed in Section 3.3b
- mass and scale of building; addressed in Section 3.3b
- buildings will be overbearing on neighbouring properties; addressed in Section 3.3b
- visual impact on cityscape; addressed in Section 3.3b
- adverse impact on castle and St Marys spires; addressed in Section 3.3b
- poor quality design; addressed in Section 3.3c
- modern architecture not appropriate; addressed in Section 3.3c
- relocation of crossing do not suit pedestrians; addressed in Section 3.3f
- width of pathway on Morrison Street/ Morrison Link not being widened; addressed in Section 3.3f
- loading bays on Morrison St and Morrison Link not required if service bay to the south, interrupting footway and cycle way; addressed in Section 3.3f
- pavements not wide enough; addressed in Section 3.3f
- inclusion of wheelie ramp; suggested a 1 in 20 gradient as alternative; addressed in Section 3.3f
- unnecessary loading bay on Morrison street; addressed in Section 3.3f
- suggested alternative uses such a good interchange hub; addressed in Section 3.3a
- glass not appropriate material; addressed in Section 3.3c
- design not in keeping with west ends architecture; addressed in Section 3.3d
- impact upon UNESCO World Heritage Site; addressed in Section 3.3d
- impact upon conservation area; addressed in Section 3.3d
- impact on daylight and amenity; addressed in Section 3.3e
- loss of privacy for neighbouring colonies; addressed in Section 3.3e
- potential noise from plant on rooftop of hotel; addressed in Section 3.3e
- insufficient detail on cycle facilities and cycle routes; addressed in Section 3.3f
- concern raised with regards to appearance of screening on southern side of service yard; addressed in Section 3.3e
- concern raised about potential noise disturbance from service yard; addressed in Section 3.3e
- concern raised about quality of public realm and proposals being aspirational; addressed in Section 3.3c
- not enough space to allow trees to grow; addressed in Section 3.3c

- potential noise from neighbouring bars and cafes; addressed in Section 3.3e
- concern raised over location of substations; addressed in Section 3.3e
- lack of information of maintenance; addressed in Section 3.3c
- potential pollution from service yard; addressed in Section 3.3g
- inconsistent viewpoints photomontages, documents being unavailable and wrongly numbered; issue addressed and additional time allowed for response.
- lack and quality of CGI's; addressed in Section 3.3b
- lack of detail of cycle parking; addressed in Section 3.3f
- cycle network does not connect to inner square and is not easily accessible to all footway users because of steps; addressed in Section 3.3f
- level of parking; addressed in Section 3.3f
- request that site is used for new homes; use of site for mixed use commercial was established in Masterplan for area.
- requires more active frontages; addressed in Section 3.3c

Non- Material objections

- request for condition that rooftop is not accessible to staff or visitors; not controlled through planning legislation.
- request for a public toilet in public space; not part of proposal and not controlled through planning legislation.
- lack of clarity if there will be a rooftop bar on the hotel; not part of proposal.
- request for parking permits; not controlled through planning legislation.
- potential glare of glass resulting in hazard to pedestrians and drivers; not controlled through planning legislation.
- suggestion that proposal is put on hold until outcome of City Transformation consultation to identify a better use.

Support

- accessible ground level uses;
- ensuring bus stops are not disturbed welcomed;
- access and connectivity of the site;
- promotion of active travel;
- creation of public space;
- development is long overdue;
- level of cycle bike provision welcomed;
- use of brownfield site welcomed.

West End Community Council

WECC is generally supportive of this latest approach to the development of the last major city centre gap site and made the following comments:-

WECC welcome the proposal to make the site pedestrian and cyclist friendly, with good permeability. However, concerns were raised with regards to the control of vehicle access for servicing and maintenance purposes in the main concourse (e.g. avoiding early morning rush hour pedestrian traffic) and in particular for the service yard beside the Dalry Colonies.

Support the retention of the hotels design with its consideration of resident amenity, with concern raised with regards to overlooking and greening. To address the issue over light pollution, WECC suggested measures for the hotel bedroom windows such as automatic lighting control/blinds.

WECC acknowledged that the central triangular public space would contribute to Edinburgh's flow of green spaces in the City Centre, although the triangular shape is not in keeping, and comment that tree and plant choices will need careful consideration. It was recommended extending tree specimen provision to include the Morrison Street edge.

Objections were raised with regards to the following matters:-

- Building design, height and materials: loss of use of stone to reflect the tradition of locality;
- Extensive use of glass to be inappropriate;
- The opportunity to reflect the railway history of the site has also been lost;
- The new height of block B1 on Morrison Street;
- Concern proposed seating but is not user-friendly and specified materials not preferable;
- Request for art work to be included;
- Request that paving materials provide interest, to include the use of railway-related materials such as cast iron for handrails and litter bins;
- Point raised with regards to condition relating to the original sale of the land and requirement to replace the the public toilets now demolished at the corner of Morrison Street;
- Request that if permission is granted, conditions should be placed to ensure use to be free provision to be adequate to cope with events such as football matches, concerts etc;
- Concern raised with regards to overshadowing;
- Concern raised with regards to submission of viewpoints and availability on planning portal;
- Concern raised about impact of B1;
- Concern raised in relation to Views 3, 4, 7 etc and overwhelming effect on the Dalry Road streetscape and the Hearts War Memorial.

Gorgie and Dalry Community Council

Comments were received in relation to:-

- Concerns that there is no provision within this scheme for dedicated / identifiable cycle routes;

- Concern that cycling routes around the site, such as on Dalry Road, but these lanes are shared with buses, and involve crossing the tram lines when cycling into the city, which is unsafe and has caused accidents;
- Cyclists would therefore choose to cycle through this proposal, as it offers a safe, direct route from Dalry Road to Morrison Street and the CBD causing affect pedestrian safety;
- Concerns over the height of Block B1, which has a roof datum level of +95.000;
- Height difference between B1 and the Dalry Colonies, Ryrie's and the buildings along Haymarket Terrace and at the corner with Morrison Street.

Conclusion

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The development is appropriate in terms of design, scale and materials. The proposals are a well considered modern development that will establish a sense of place on a site that has failed to contribute to the central heart of Haymarket. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to commencement of work on each building, 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. Thereafter sample panels of the materials are to be erected and maintained on site as agreed by the Council.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development..
3. 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) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

4. Details including the exact location, materials (mass and density) and design of the proposed 3.5m high acoustic barrier on the southern side of the site shall be submitted and approved by the Planning Authority.
5. The acoustic barrier adjacent to the main service yard should be erected prior to the operation of the service and maintained effectively thereafter
6. Hours of deliveries and collections, including waste collections, to and from the main service yard shall be restricted to between the hours of 07:00- 22: 00 Monday to Saturday and 10:00-17:00 on Sundays
7. The hotel and class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises as agreed by the Council, as planning authority.
8. Prior to the commencement of development details of the proposed plant and plant enclosure on the roof of B2/B3 shall be submitted for approval by the local authority. This may include the submission of noise acoustic analysis.
- 9.

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.
10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to ensure the approved landscaping works are properly established on site.
3. In order to protect the archaeological significance of the site.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the Head of Planning to consider this/these matter/s in detail.
10. In order to enable the Head of Planning to consider this/these matter/s in detail

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

These matters are:

The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);

The applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;

The applicant to design and build single stage pedestrian and cycle crossing on Dalry Road to the satisfaction and at no cost to the Council (see Note c);

The applicant to design and build pedestrian and cycle crossing on Morrison Street to the satisfaction and at no cost to the Council;

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

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

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

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/cycle tracks, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification

Details of measures to restrict parking and waiting on the shared footway/boulevard area are required. This shall be submitted to the Head of Planning for approval in writing prior to the opening of the Development

The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist.

The proposed layby on Morrison Link is subject to detailed design and approval by the Council's Locality (footway width should not to be reduced to less than 2.5m wide on strategic street P3-footways ESDG); the applicant should explore the possibility of providing the layby to the immediate south of the proposed access to the underground car park on Morrison Link

Continuous footway crossing will be required on the proposed access to the underground parking to provide pedestrian priority.

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of secure cycle parking, shower or locker facilities, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport.

The applicant should note that new Street names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Access to the development underground car park will be via Morrison Link left in only vehicle access to reduce peak hour congestion due to right turn vehicle accessing the underground car park.

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

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

Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.

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;

TRAMS - Important Note:

The proposed site is adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;

- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

6. Environmental Protection Informatives

A Green Travel Plan should be produced to incorporate the following measures to help further mitigate traffic related air quality impacts: -

- Keep car parking levels to a minimum;
- Car Club facilities (Electric and /or low emission vehicles);
- Provision of electric vehicle charging facilities;
- Public Transport incentives for residents;
- Improved cycle and pedestrian facilities; and
- Taxi specific rapid electric charging points in the service area.

The applicant must provide plans showing the location of the charging points and power outputs of each charger. The installation of wall mounted chargers in a basement is a very cost-effective method.

Environmental Protection recommend that 7Kw (type 2 sockets) charging provision are installed for all spaces with a number rapid 50Kw electric vehicle charging points installed to charge taxis and service vehicles. The site will be well served by taxis due to the proposed use. Electrification of Edinburgh taxis is growing as is the demand for rapid (50KW) electric vehicle chargers. Information on chargers is detailed in the Edinburgh Design Standards Technical Information Design Standards.

Environmental Protection also advise the applicant that any energy centres must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. Environmental Protection would support the introduction of other renewable energy systems especially intelligent power systems that would work along with the electric vehicle infrastructure.

Details should be submitted to the local authority on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), again Environmental Protection will not support biomass and if a large gas-powered energy centre is required then secondary abatement technology will need to be incorporated to ensure NOx emissions are minimised

7. Network Rail Informatives

There must be no additional loading/surcharge on Haymarket Tunnels (including sidewalls) by the proposed development. All proposed works above/adjacent the tunnels must be subject to further discussions and agreement with Network Rail.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to Haymarket Tunnels 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.

8. Scottish Water Informatives

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

Infrastructure within boundary According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

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

Financial impact

4.1 The financial impact has been assessed as follows:

This planning application is subject to a Section 75 Legal Agreement.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 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

There has been 53 letters of representation received in relation to the proposal. These include 52 objections and one neutral representation.

Background reading/external references

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

Statutory Development Plan Provision	The Adopted Edinburgh Local Development Plan
Date registered	5 June 2019
Drawing numbers/Scheme	1-32, Scheme 1

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

Contact: Sonia Macdonald, Planning Officer
 E-mail: Sonia.Macdonald@edinburgh.gov.uk Tel: 0131 529 4279

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 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 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 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 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.

Relevant Non-Statutory Guidelines

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

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

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

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

Appendix 1

Application for Planning Permission 19/02623/FUL at 189 Morrison Street, Edinburgh, EH3 8DN. Redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.

Consultations

Edinburgh Urban Design Panel - January 2019

1 Recommendations

The Panel welcomed the opportunity to comment on revised proposals for this strategically important site in the city's west end and to review the emerging site layout through a physical scale model. Due to the existing consent, changes to the height mass and scale of the buildings were not discussed at length. It was also clarified that extensive basement parking will not feature in the revised scheme and that waste and servicing will be achieved on-street.

Overall, the Panel strongly supported the introduction of a central area of public realm within the scheme.

However, the Panel felt that further steps should be taken to integrate the proposals with the context of the World Heritage Site to the north, the character and activity of adjoining streets and the wider walking and cycling network.

In particular the Panel supported:

*the site's potential to create a positive and high quality addition to the city's public realm and appropriate events use;
the initial analysis of pedestrian flows and opportunity to create direct links from Haymarket Station; and
the reduction in on-site parking provision in recognition of Haymarket's excellent public transport and sustainable travel links.*

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

*the need to address views from the World Heritage Site, in particular from Grosvenor Street and those experienced from Haymarket Terrace upon arrival to the city from the west;
the activation and articulation of prominent corners onto Haymarket junction and Morrison Street and Morrison Link; and
the integration with wider walking and cycling networks, including link to the southeast from Fountainbridge.*

2 Planning Context

The proposal seeks to deliver c.650,000 sq. ft. of office, hotel and retail/leisure space - in line with the existing consent (10/02373/FUL), whilst creating a destination public space and taking account of below ground rail tunnels.

The Panel previously reviewed the Haymarket Urban Design framework in January 2010 and the 2010 planning application in April 2010 (application number: 10/02373/FUL). This included demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 10/02373/FUL).

Site Description

The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares and is currently vacant. There are railway tunnels that run under the site at its northern end in an east-west direction.

The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. To the north-west is Clifton Terrace with 2-storey properties rising to 4-storeys at the corner of Grosvenor Street in mixed commercial use. Grosvenor Street is predominantly a residential street, characterised by 3-storey Georgian properties with attic accommodation. To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction. Haymarket railway station sits further to the west.

Properties on Dalry Road are predominantly commercial with 2-storey residential use on the upper levels; these form part of the Dalry Colonies Conservation Area. To the south lie the 4-storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing. Morrison Link, to the east, is solely occupied by a hotel within a 5-storey, sandstone building.

The site is not within, but is immediately adjacent to, both the West End Conservation Area, which runs along the north side of Morrison Street, and the New Town Conservation Area, which runs along the north side of Haymarket Terrace. Likewise the site bounds the Old and New Towns of Edinburgh World Heritage Site, on Morrison Street, but does not lie within its confines.

Planning Policy

The proposal is located in the urban area of the Edinburgh Local Development Plan and therefore should comply with the relevant LDP policies. It also sits within the Haymarket Urban Design Framework.

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:

Layout and Urban Form

The Panel noted the reduction in height and mass to buildings to the centre of the site but also expressed some concern that the detailed articulation of the proposed blocks needed to respect the context of lower rise buildings, in particular the Dalry Colonies.

The Panel felt there is an opportunity for a greater setback to the development at the junction of Dalry Road and Morrison Street and that this prominent corner should have an active frontage. The current conditions for pedestrian movement were considered to be overcrowded and there was also potential for overshadowing from the development.

The Panel considered that the proposed projecting corner 'portico' at the junction of Morrison Street and Morrison Link, overhanging the main pedestrian link to the northeast, required careful treatment to suitably define Morrison Street, create a welcoming entrance to the site and avoid creating a windswept space.

The need to activate Morrison Link opposite the Royal Leonardo Hotel and expand uses along this street given the change in ground levels was also raised by the Panel. The Panel considered that the proposals should demonstrate excellence in terms of sustainable design.

Relationship to the World Heritage Site

The Panel noted with some concern that the proposals required further refinement in terms of their impact on the views from the World Heritage Site, in particular the channelled street view from Grosvenor Street, which terminates on the largest office building.

The proposals will be experienced on gateway views into the city from the west and with backdrop views to the Castle and the approach from Haymarket Terrace needs to be considered.

The Panel felt that the model highlighted the mass and scale of the proposals in relation to the surrounding context and other landmark buildings in the west of the city. The proposed architectural treatment would therefore require ongoing visual and sectional analysis.

Connectivity with wider area and public realm

With regard to Haymarket's excellent public and sustainable transport links, the Panel supported reductions in car parking capacity to approx. 50-60 spaces.

The use of computer aided footfall modelling was welcomed, in particular to demonstrate safe and direct links from Haymarket Station through the proposed public realm and onwards to Morrison Street. However, the Panel raised that modelling was reliant on accurate assumptions about surrounding pedestrian flows.

The Panel considered the form and aspect of the proposed public realm, together with ground floor active uses to present the opportunity to create a new destination public space in the west end of the city. This could accommodate appropriate events and disperse activity from the city centre. There is also the opportunity to incorporate rooftop spaces and green roofs. Professional expertise in landscape architecture was considered essential.

The Panel expressed some concern that the potential success of the proposed public realm, coupled with the high levels of traffic on Morrison Street and at Haymarket, could detract from retail offer and reduce footfall in the surrounding streets rather than being a catalyst for renewal.

The Panel requested that review of active travel links through the southeast of the site to Morrison Link and the Western Approach Road would be essential to provide better access between Haymarket and redevelopment at Fountainbridge. Steps in this location could present a barrier to movement. The Panel noted the potential for a covered walkway to be included between buildings to the east of the site.

Consideration should be given to how the proposals fit with wider review of traffic, streetscape and active travel priorities at the Haymarket junction and the historic role of this space as a meeting point. The impact of current one-way system was recognised as outwith the applicant's control.

Scottish Water comment

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

Water

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

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. Due to the size of the development, the developer may need to carry out network investigations on both the water and wastewater network to identify what, if any, mitigation is required to support the new development and protect the service provided to our existing customers. It is recommended that the developer submit a Pre-Development Enquiry application as early as possible.

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

Infrastructure within boundary

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

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

Surface Water

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

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

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

Non Domestic/Commercial Property:

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

Trade Effluent Discharge from Non Dom Property:

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

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

Police Scotland comment

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

Archaeology comment

The application site has been identified as being of archaeological significance primarily due to its Victorian Railway heritage but also for its potential for containing earlier possible medieval remains. Accordingly, a condition was attached to consent requiring the undertaking of a phased programme of archaeological work.

Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.

In response to a condition attached to the 2010 application 10/02373/FUL for the redevelopment of the site, an archaeological mitigation strategy was agreed. This required the undertaking of a phased programme of archaeological work. Phase 1 was carried out by CFA Archaeology recording the remains of the Victorian Railway goods yard was completed in 2014. However, the Phase 2 fieldwork and reporting started by CFA has still to be fully completed.

Accordingly, it is essential that the following condition is attached to this applicant to ensure the completion of the required programme of archaeological work;

'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) 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.

SEPA comment

We have no objection to this planning application. Please note the advice provided below.

1. Sustainable Urban Drainage System (SUDS)

1.1 We provided an email to all local authorities on 30 March 2017 confirming that from May 2017 our standing advice for SUDS would be extended to include major developments and that we would no longer be providing site specific SUDS advice on major developments, excluding EIA. We therefore refer your authority to our standing advice on SUDS.

1.2 We advise that developers should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.

1.3 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). The applicant may also need to apply for a construction site licence under CAR for water management across the whole construction site. Please refer to Section 4.3 below for further details.

1.4 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, the views of your authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.

2. Waste water drainage

2.1 The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposals should change we would wish to be consulted at the earliest opportunity.

3. Air quality

3.1 We note that an air quality assessment has not been included with the application documents. The local authority is the responsible authority for local air quality management under the Environment Act 1995. We would therefore recommend that air quality issues should be discussed in more detail with the Council's air quality specialists.

We would welcome the opportunity to comment on any assessment requested to be undertaken by the planning authority.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

4.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,*
- o is in excess of 5km, or*
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.*

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

4.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

West End Community Council

WECC is generally supportive of this latest approach to the development of the last major city centre gap site. There remain, however, concerns with and objections to some aspects.

Comments and Concerns:

1 Transport:

We welcome the proposal to make the site pedestrian and cyclist friendly, with good permeability, as described in the Transport Statement. We would expect strict time control of vehicle access for servicing and maintenance purposes in the main concourse (e.g. avoiding early morning rush hour pedestrian traffic) and in particular for the service yard beside the Dalry Colonies.

2 Amenity (blocks adjacent to the Dalry Colonies):

We support the retention of the hotels design with its consideration of resident amenity, e.g. overlooking and greening We assume that there would be no issue over light pollution and that design measures re bedroom windows will be incorporated, e.g. automatic lighting control/blinds.

3 Landscape Design:

The centre triangle would contribute to Edinburgh's flow of green spaces in the City Centre, although the triangular shape is not in keeping. Tree and plant choices will need careful consideration (as detailed in an earlier WECC submission). We recommend extending tree specimen provision to include the Morrison Street edge.

4 Archaeology:

We trust that the second phase of these works will be completed as necessary.

Objections:

1 Building design, height and materials:

We regret the move away from the use of stone to reflect the tradition of Morrison Street, the Dalry Colonies and Dalry Road - the site is on the edge of both a Conservation Area and the World Heritage Site. The opportunity to reflect the railway history of the site has also been lost. The new height of block B1 on Morrison Street will have an over-powering effect on facing residential properties.

2 Public realm:

2.1 The proposed seating would be easy to maintain, but is not user-friendly for all members of the public. The elderly and those with physical impairment need seating with arms. Seat backs provide support. The height of bench seating can make it difficult to use. What provision is there for young children?

2.2 The specified materials can be cold to sit on whereas railway sleepers are not - and there is a sustainability bonus in recycling.

2.3 Art work should be included as was envisaged in earlier schemes. Both green spaces and monuments are a characteristic of the city centre. Edinburgh Policy has talked of incorporating public art to "add to the visual interest and quality". The Haymarket Goods Yard is an important relic of Edinburgh's industrial past. It is often forgotten that Edinburgh is Scotland's second city in terms of industry and transport. A culturally substantial sculpture or railway history mosaic would be appropriate.

2.4 The paving materials provide interest, but it would be appropriate to include the use of railway-related materials such as cast iron for handrails and litter bins (supporting local industry).

3 Amenity:

3.1 Public toilet provision:

We understand that there was a condition placed on the original sale of the land that public toilets be provided to replace those now demolished at the corner of Morrison Street. Considering the widespread loss of such provision in recent years in the city, it is unacceptable that the developer is avoiding re-instatement and expecting the local population, tourists, commuters and sports fans to resort to cafés and restaurants.

Mother and baby facilities need to be included in the provision. If permission is granted, conditions should be placed:

use to be free

provision to be adequate to cope with events such as football matches, concerts etc.

signage to be prominently displayed on entries to the site and on café frontages

clause in the leases requiring adherence to this provision

(We note that in the past it has been suggested that Haymarket Station toilets are nearby. This is only available, however, by purchasing a train ticket to allow platform access. We are also aware of the on-going abuse of some of the Dalry Colonies paths.)

3.2 Sunlight and Daylight Report:

In Section 7.00 Surrounding Properties we query the acceptability of, for example, "12 residential buildings fall short of BRE guidelines"

Section 6.0 refers to Block B1 having 7 storeys. We query whether the actual height is ground plus 7 storeys and the effect should be re-assessed.

Refs: ELDP Policies Des 1; Des 4; Des 5; Des 7; Des 8; Des 11; Env 9

We trust that the above will be considered material and will be taken into consideration.

West End Community Council updated comment

The additional documents lodged in September 2019 reinforce our opinions of 01.07.2019.

In particular the West End CC considers the extensive use of glass to be inappropriate in this location on the edge of the Edinburgh World Heritage Site and Conservation Areas.

The height and mass of Block B! does not respect the setting of the surrounding Listed Buildings.

With reference to the photomontages:

1 Views 1 and 2 Haymarket Terrace looking east: the position from which the photographs are taken gives advantage to the idea that there is little adverse impact from B!. There is currently an anticipatory glimpse of Arthur's Seat on approach from the west. This is lost if the height and mass of B! are allowed.

2 Views 3, 4, 7 etc. show the overwhelming effect on the Dalry Road streetscape and the Hearts War Memorial.

3 View 9 Morrison Street shows that the materials do not even reflect the use of stone on the contemporary hotel building at the junction (Morrison Crescent and Torphichen Place).

4 The logging of the photomontages is confusing for the user, with inconsistent numbering and ordering.

5 The WECC Planning Convenor is aware of three occasions when the photomontages have come up on the CEC web-site as "document unavailable". This does not help members to study and comment.

Refs: ELDP Policies Des 1; Des 4; Des 11

We trust that the above will be considered material and will be taken into consideration.

HES comment

Background

To the north of the proposed development site, a section of Morrison Street forms the southern boundary of the Edinburgh World Heritage Site's (WHS) western New Town area. We provided an assessment on a previous, consented scheme for the site (10/02373/FUL including more recent consented amendments), noting that, in our view, those proposals did not raise significant issues.

Our Advice

The scale and massing of the current proposed development reflects the scale and massing of the previously consented scheme. Whilst, in our view, the proposals could impact on the immediate setting of this part of the WHS, we do not consider that this impact would be significant, or that it would have a detrimental effect, on the Site's Statement of Outstanding Universal Value.

The setting of the category A listed Haymarket Station would not, in our view, be significantly impacted by the proposals.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and

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

Further Information

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

Environmental Protection comment

Environmental Protection has previously commented on similar planning applications for this site which have been consented subject to conditions (10/02373/FUL). It is noted that many of the conditions recommended by Environmental Protection would no longer be accepted by planning as they may be unenforceable or not specific enough for a detailed planning application.

Environmental Protection had raised concerns during previous applications for this site which included a high-rise hotel building. One application was rejected by Scottish Ministers however subsequent applications removed the high-rise element and replaces it with a 7-storey office block at Morrison Street edge of the site. The rest of the development site remains broadly the same as before. Concerns had been raised due to the new building heights creating additional canyon effects at this busy Haymarket junction, especially at Morrison Street. The development site is within an Air Quality Management Area which was declared for the failure to meet traffic related pollutant nitrogen dioxide objective levels.

The last planning application included a supporting air quality impact assessment. That air quality modelling assessment highlighted that a small localised area on Morrison Street (close to the junction with Dalry Road) will be subject to slight/moderate increase in nitrogen dioxide levels due to the increased canyon effect which would have occur with the erection of the previously proposed office block. Although the developer had sought to break up that office facade on Morrison Street, some adversely impact is simply unavoidable due to the new buildings. This impact would occur regardless of final building height. This will be an issue for this proposed development as the building footprints are similar.

While the number of car parking spaces proposed has significantly reduced from the consented 450 parking spaces to just 55 car parking spaces for this latest proposal. The site is essentially an open piece of ground with no formal road layout or marked car parking bays. The new development will have around 55 spaces located in the basement floors beneath blocks B4 and B5. This will serve the new commercial units and a portion of the car park may remain available for public access. The new office, retail and leisure units will be serviced either from the newly formed internal street (this can be controlled to restrict entry times by a traffic management system), or from a newly created service yard created at the edge of the site. A condition has been recommended to restrict the service yard hour's operation to exclude late night deliveries.

The applicant should be made aware that there are now requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of

extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions. As the site is in an AQMA the applicant must do more than the minimum with regards reducing impacts on local air quality.

Environmental Protection recommend that 7Kw (type 2 sockets) charging provision are installed for all spaces with a number rapid 50Kw electric vehicle charging points installed to charge taxis and service vehicles. The site will be well served by taxis due to the proposed use. Electrification of Edinburgh taxis is growing as is the demand for rapid (50KW) electric vehicle chargers. Information on chargers is detailed in the Edinburgh Design Standards -Technical Information Design Standards.

Any application must keep the numbers of car parking spaces to a minimum, commit to providing good cycle provisions, electric vehicle charging facilities for bikes/road vehicles and supported with an up to date travel pack. The introduction of car club spaces can reduce the overall requirement for car parking numbers. It should be noted that the car club currently operates many electric vehicles in its fleet. Any allocated car club spaces shall be supported with an electric vehicle charging point.

The potential impacts traffic generated by the site will have on the nearby AQMA is not known. The reduced proposed number of parking spaces is welcomed but the site is extremely well served by public transport. The applicant must fully have considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*
- 6. Taxi specific rapid electric vehicle charging points*
- 7. Rapid charger located in the service area.*

Before Environmental Protection can support the application, the applicant must provide plans showing the location of the charging points and power outputs of each charger. The installation of wall mounted chargers in a basement is a very cost-effective method.

Environmental Protection also advise the applicant that any energy centres must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. Environmental Protection would support the introduction of other renewable energy systems especially intelligent power systems that would work along with the electric vehicle infrastructure. A development of this size and scale would be able to produce renewable energy and store it in the electric vehicles.

We will need details on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), again Environmental Protection will not support biomass and if a large gas-powered energy centre is required then secondary abatement technology will need to be incorporated to ensure NOx emissions are minimised. It is recommended that the applicant submits a chimney height calculation at the earliest possible stage to ensure planning are satisfied with any proposed chimney which may need to be sizable.

If you are proposing an energy centre or centralised boilers you will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).

Environmental Protection have raised issues about noise from delivery activities from the service yard as a potential problem to the neighbouring residential properties in the Colonies. The commercial units should be serviced by delivery vehicles during daytime in order minimise the impact on current residential neighbours and hotel guests. The applicant has undertaken an updated acoustic assessment which recommends that an acoustic barrier of about 3.5m high will help protect residential amenity. Environmental Protection will require specific details on the proposed acoustic barrier including the exact location, materials (mass and density) and details of the design of the barrier.

In order to protect residential amenity, we will also recommend that late night deliveries are prohibited.

Conditions can be recommended to deal with contaminated land. The applicant has provided details on the kitchen ventilation risers to serve all the food outlets this can be conditioned the applicant must ensure that this includes the proposed public houses. Music breakout from the public houses will need to be further investigated and modelled to ensure noise breakout will not be audible in the nearest residential properties. If mitigation is required then this must be detailed. Office and hotel uses will require substantial plant/equipment a noise impact assessment must model the likely noise impacts based on the general location of the plant. This must be in the form of a frequency analysis and allow for neighbouring windows to be open. Environmental Protection cannot recommend the previously accepted conditions we will require more detailed information upfront to enable us to produce specific enforceable conditions.

Therefore, Environmental Protection recommends the application is continued until more detailed information is submitted.

Gorgie Dalry Community Council comment

CYCLE ROUTES

There are concerns that there is no provision within this scheme for dedicated / identifiable cycle routes. We note that the transport statement mentions the provision of cycling routes around the site, such as on Dalry Road, but these lanes are shared with buses, and involve crossing the tram lines when cycling into the city, which is unsafe and has caused accidents. Cyclists would therefore choose to cycle through this proposal, as it offers a safe, direct route from Dalry Road to Morrison Street and the CBD. This could affect pedestrian safety, whereby cyclists would share this space in an uncontrolled manner, which has had detrimental impacts in other areas of the city.

HEIGHT AND MASSING

We have concerns over the height of Block B1, which has a roof datum level of +95.000. This is extremely tall and very out-of-keeping with any of the surrounding buildings to all sides, contravening Policy Des 4 Development Design - Impact on Setting. This disparity is clear in Site Elevations 1 and 2, whereby the height difference between B1 and the Dalry Colonies, Ryrie's and the buildings along Haymarket Terrace and at the corner with Morrison Street is extreme, towering over any surrounding building, often at more than twice the height. This difference is the most detrimental at the top of Dalry Road, opposite Ryrie's, as it completely dwarfs this historic low-rise property and those nearby. It is a very open corner, offering great views and wide skies, which will be masked completely.

IMPORTANCE OF 4* HOTELS

From our presentation and discussions with the Planning Consultant at our meeting, their representative informed us that this current proposal includes provision of a 4 Hotel(s), which is welcomed by the GDCC. This is a higher specification than previous applications, which had 3* hotel provision. We are happy to see higher quality hotels on offer at this site.*

MATERIALS

While we were assured by the Planning Consultant that the Client and Foster + Partners will be having detailed discussions on the final materials for the proposal, we wish to note that the all-glass facades within this proposal are out-of-keeping with the area, and help this to stick-out even more so from the surroundings, contravening Policy Env 6 Conservation Areas - Development. We would appreciate efforts to make the proposal blend in more with the urban landscape, with a mix of sandstone and other good-quality materials that characterise the area, Conservation Area and World Heritage Site bordering the site.

DELIVERY TIMES

There seems to be a lack of information regarding the management and running of the site, with regards to deliveries. We are concerned that with at least 2 hotels on the site, that there may be numerous deliveries at all hours, which may be mismanaged and cause continual disturbance to nearby Neighbours, especially those in the Dalry Colonies and Morrison Crescent. We wish to be included in discussions on the running of this site with the Council, to ensure that delivery times are set and strictly enforced, to protect the quality of life of nearby residents.

Network rail comment

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to Haymarket Tunnels, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

There must be no additional loading/surcharge on Haymarket Tunnels (including sidewalls) by the proposed development. All proposed works above/adjacent the tunnels must be subject to further discussions and agreement with Network Rail.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to Haymarket Tunnels 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. The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);*
- 2. The applicant will be required to:*
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £22,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
- 3. The applicant will be required to submit design and modelling of Dalry Road/Morrison Street/Clifton Terrace/W Maitland Street junction including the two proposed crossing to the satisfaction and at no cost to the Council;*
- 4. The applicant to design and build single stage pedestrian and cycle crossing on Dalry Road to the satisfaction and at no cost to the Council (see Note c);*

5. *The applicant to design and build pedestrian and cycle crossing on Morrison Street to the satisfaction and at no cost to the Council;*
6. *The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist;*
7. *The proposed layby on Morrison Link is subject to detailed design and approval by the Council's Locality (footway width should not to be reduced to less than 2.5m wide on strategic street P3-footways ESDG); the applicant should explore the possibility of providing the layby to the immediate south of the proposed access to the underground car park on Morrison Link;*
8. *The applicant to provide 688 cycle spaces and complies with the minimum cycle parking requirement of 477 spaces; details on the number, type, location and layout of the cycle parking to be submitted to the satisfaction of the Head of Planning. These should comply with the Parking standards for Development Control (see Note h);*
9. *55 car parking spaces including 3 accessible bays to be provided at ramped access underground car park and complies with the Council's parking standards which could permit a maximum of 215 spaces;*
10. *3 electric vehicle charging outlet is required for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
11. *5 motorcycle spaces will be required for the proposed development instead of the expected 69 spaces due to the constraints of the site (see Note h below);*
12. *Continuous footway crossing will be required on the proposed access to the underground parking to provide pedestrian priority;*
13. *Details of measures to restrict parking and waiting on the shared footway/boulevard area are required. This shall be submitted to the Head of Planning for approval in writing prior to the opening of the Development;*
14. *Access to the development underground car park will be via Morrison Link left in only vehicle access to reduce peak hour congestion due to right turn vehicle accessing the underground car park;*
15. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/cycle tracks, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.*
16. *The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation;*

17. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of secure cycle parking, shower or locker facilities, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

18. The applicant should note that new Street names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

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

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

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

22. 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;

23. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

A transport statement has been submitted in support of the application. This has been assessed and considered to be an acceptable reflection of estimated people trips generated by the development and correct accessibility review. The submitted document is generally in line with the published guidelines on transport statement. The proposed development is predicted to generate a total people trips of (1,783, 298), (361, 1,533) during morning (08:00-09:00) and evening (17:00-18:00) peak hour periods respectively. Lower parking provision and proximity of the site to sustainable modes of transport means significant proportion of predicted people trips is expected to be by sustainable modes of transport (tram, bus, rail, walking and cycling).

- a) Tram contribution in Zone 1;
 - o 365bed hotel =£1,098,173.91
 - o 50,413sqm =£3,488,579.60

- o 2893sqm = £264,865.73
- o Total =£4,851,620; it is understood that tram contribution will not be required for this development;

b) A pedestrian route (12m wide) to be provided to link Dalry Road to Morrison Street; and at least 6m wide stepped route with cycle wheel ramped to be provided to link Dalry Road to Morrison Link; ramped access is preferred however, planning is of the view that the quality of public realm will be compromised with if ramped access is provided;

c) The proposed single stage pedestrian crossing on Dalry Road leads to a stepped access within the proposed development and does not provide direct levelled access to the car free pedestrian route within the development linking Dalry Road to Morrison Street. It is understood that the disused tunnel under the site will not allow provision of desired levelled access within the site adjacent the proposed crossing;

d) Vehicles servicing buildings 2 and 3 will utilise the service yard to the south of the development, entering via the access point on Morrison Crescent. This yard has been designed to accommodate various delivery and refuse vehicles;

e) The loading bay on Morrison Link will be used to service Buildings 4 and 5

f) The proposed loading bay on Morrison Street will be used to service Buildings 1 and 5 (see item 6 above);

g) Emergency and maintenance vehicles access to the site are from Morrison Street, Morrison Crescent, Dalry Road, Service yard at Morrison Crescent and north eastern pedestrian route;

h) 63 motorcycle spaces required for the office; 3 for the retail use; and 3 for the hotel use;

i) 688 cycle spaces to be provided complies with the minimum requirement of 477 cycle spaces;

- o Office cycle spaces = 336+50=386

- o Retail cycle spaces =12+6= 18

- o Hotel cycle spaces = 73

TRAMS - Important Note:

The proposed site is adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

Roads Authority Issues - updated

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

1. *The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);*
2. *The applicant will be required to:*
 - a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - c. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
3. *The applicant will be required to submit design and modelling of Dalry Road/Morrison Street/Clifton Terrace/W Maitland Street junction including the proposed two crossings (per item 4 and 5 below) to the satisfaction and at no cost to the Council;*
4. *The applicant to design and build a single stage pedestrian/cycle crossing on Dalry Road (to replace existing 2 stage crossing on Dalry Road further south and align with the proposed footway within the development that links Dalry Road to Morrison Street) to the satisfaction and at no cost to the Council (see Note c);*
5. *The applicant to design and build pedestrian/cycle crossing on Morrison Street close to its junction with Dalry Road to the satisfaction and at no cost to the Council;*
6. *The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist;*

7. *The proposed layby on Morrison Link is subject to detailed design and approval by the Council's Locality (footway width should not to be reduced to less than 2.5m wide on strategic street P3-footways ESDG); the applicant should explore the possibility of providing the layby on Morrison Link to the immediate south of the proposed access to the underground car park;*
8. *The applicant to provide 688 cycle spaces and complies with the minimum cycle parking requirement of 477 spaces; details on the number, type, location and layout of the cycle parking to be submitted to the satisfaction of the Head of Planning. These should comply with the Parking standards for Development Control (see Note h);*
9. *55 car parking spaces including 3 accessible bays to be provided at ramped access underground car park and complies with the Council's parking standards which could permit a maximum of 215 spaces;*
10. *3 electric vehicle charging outlet is required for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
11. *5 motorcycle spaces will be required for the proposed development instead of the expected 69 spaces due to the constraints of the site (see Note h below);*
12. *Continuous footway crossing will be required on the proposed access to the underground parking to provide pedestrian priority;*
13. *Details of measures to restrict parking and waiting on the shared footway/boulevard area are required. This shall be submitted to the Head of Planning for approval in writing prior to the opening of the Development;*
14. *Access to the development underground car park will be via Morrison Link left in only vehicle access to reduce peak hour congestion due to right turn vehicle accessing the underground car park;*
15. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/cycle tracks, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.*
16. *The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation;*
17. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of secure cycle parking, shower or locker facilities, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

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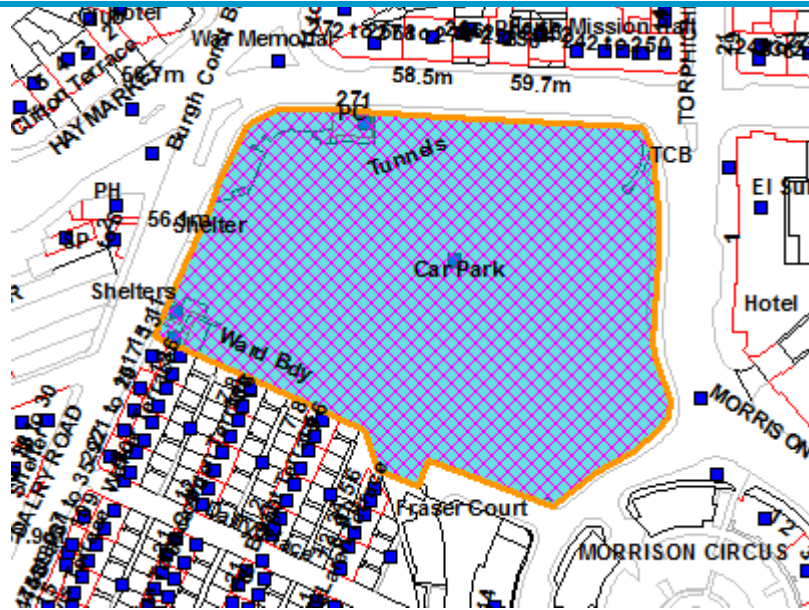
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Location Plan



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END

Development Management Sub Committee

Wednesday 18 December 2019

Application for Planning Permission 18/02606/FUL at Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area and the setting of listed buildings. There are no adverse impacts on the setting of the conservation area.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LEN16, LDEL01, LDES01, LDES03, LDES04, LDES10, LEN18, LTRA02, LTRA03, NSG, NSGD02, NSLBCA, CRPRAT,

Report

Application for Planning Permission 18/02606/FUL At Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.

Recommendations

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

Background

2.1 Site description

The site is an area of 0.3 hectares within the settlement of Ratho. A large part of the site is currently designated as open space within the Edinburgh Local Development Plan (LDP) and is undeveloped with overgrown vegetation. The site slopes down in the northern section towards the canal with an area of amenity land providing a buffer between the site itself and Union Canal, a Scheduled Ancient Monument. Ratho Park playing fields border the site to the south.

To the east is West Croft, a residential street featuring two storey terraced blocks. Directly to the west of the site are the rear gardens of the properties which front onto Baird Road. A number of these properties are category B listed:

- 4 and 6 Baird Road (Ref: LB27710, 08/03/1994);
- 8 and 10 Baird Road (Ref: LB27715, 08/03/1994) and
- 12 and 14 Baird Road (Ref: LB27720, 08/03/1994).

This application site is located within the Ratho Conservation Area.

2.2 Site History

29 April 2014 - Application approved on part of the site for the erection of two dwelling houses (as amended) (Ref: 07/00442/FUL).

31 March 1999 - Application withdrawn on wider site for residential development of seven houses (Ref: 98/02829/FUL).

22 September 2006 - Application refused on part of the site for the erection of two storey dwelling, access driveway, boundary treatments and associated works (Ref: 06/01139/FUL).

Main report

3.1 Description of the Proposal

The proposal seeks the erection of 11 residential dwellings with enhanced gables and pitched roofs. The residential density equates to 36.6 units/ha. The applicant describes the proposal as being split into two separate character areas within the site: The Historic Context; and The Waterfront Context.

The Historic Context contains a combined block of five two storey terraced dwellings. This block faces onto West Croft at an angle, with the southern gable perpendicular to the playing fields. Grey facing brick is the proposed principle exterior finish with zinc roof panels and timber windows. Each dwelling within the terraced block has three bedrooms and an integrated garage. There is also space for one car in each driveway, with a small front garden and larger garden to the rear.

The Waterfront Context contains a block of six dual aspect three storey townhouses. These are located to the north of the site, with the main frontage towards the Union Canal. Timber cladding is the principal material, using a variety of muted colour tones. The townhouses each have four bedrooms and an integrated garage. There is a driveway and small garden on the southern elevation and larger garden area to the north facing the canal.

Vehicular access is proposed to be taken from West Croft with an adjacent footpath providing a link to the existing path along the banks of the canal. In addition to the driveways of each dwelling, two further car parking spaces are proposed within the scheme.

Supporting Documents

As part of this application the following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design Statement;
- Ecology Report; and
- Parking Statement.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposals will detrimentally impact on the character and appearance of the conservation area or surrounding Historic Environment;
- c) the proposals raises any issues in respect of the impact on the setting of a listed building;
- d) the loss of open space is acceptable;
- e) the scale, design and materials for the proposal are acceptable;
- f) the proposal will provide acceptable level of amenity for neighbouring and future residents;
- g) the proposal will raise any traffic, parking or road safety issues;
- h) there will be a detrimental impact on local infrastructure and facilities;
- i) there will be a detrimental impact on local biodiversity;
- j) any impacts on equalities and human rights have been addressed and
- k) any public comments raised have been addressed.

a) Principle of Development

The site is within the Urban Area as designated by the LDP. LDP Policy Hou 1 gives priority to the delivery of housing on sites in the Urban Area, subject to compatibility with other policies.

The site was granted planning permission for two 1.5 storey detached dwellings in 2014 (Ref: 07/00442/FUL) and therefore the principle of residential development has previously been established. This permission has now expired and any change in material considerations will be assessed throughout this report.

b) Setting of a Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

The proposed development is separated from the listed properties at Baird Road which have a frontage away from the proposed development. The development is appropriately positioned to ensure that there would have no impact on the setting of the listed buildings. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposal complies with LDP policy Env 3.

c) Impact on Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP Policy Env 6 seeks to ensure that new development should preserve the character and appearance of conservation areas through high quality design and appropriate materials. The character of this conservation area is predominantly of small scale vernacular cottages with simple pitched roofs and a uniform palette of materials.

The properties to the west of the site are typical of the character of the area, as set out in the Ratho Conservation Area Appraisal. The proposed design includes pitched roofs, robust gables and minimal front gardens, typical of the conservation area characteristics. The proposal provides a contemporary design approach whilst being sympathetic to surrounding design characteristics.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area.

d) Loss of Open Space

A large part of this site is designated as open space in the LDP. LDP Policy Env 18 criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. The open space is of poor amenity value. The site is currently used as an informal thoroughfare to the canal path and the proposal would enhance and formalise these desire lines with a 'Canal Link' footpath providing a link from West Croft to Union Canal, enhancing the quality and character of the environment.

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over- provision in the area. Given that the site is neighbouring playing fields, the site could be considered to form a small part of a larger area. The South West Locality Open Space Action Plan does identify an area of homes in Ratho that are not served by the Large Greenspace Standard, indicating a deficit of good quality large greenspaces in the town. On balance, it is considered that due to the location next to formal playing fields and links to the canal path, the loss of a small area of open space in this location would not have a significant impact on the provision in the immediate area.

Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The site is a small part of a wider network of open space including the canal path, playing fields and community woodland. The proposal would not be detrimental to the wider open space network or the biodiversity value.

Criterion d) ensures that any loss of open space must provide benefits to the local community through alternative provision or improvements to existing open space. Whilst the quantity of designated open space would be vastly reduced through this proposal, it is considered that the quality of open space would be improved through the provision of formalised footpath connections, a landscaped area of public open space and a viewing shelter with canal views.

It is considered that this proposal largely complies with LDP Policy Env 18 and on balance the loss of open space is acceptable.

e) Scale, Design and Materials

LDP Policy Des 1 supports development that contributes towards a sense of place and draws on positive characteristics of the surrounding area. The policy does not support poor quality design. LDP Policies Des 3 and 4 state that proposals should enhance existing features and have a positive impact on the character of the surrounding area.

The townhouses within the proposal are higher than existing surrounding properties. However, these are located at the northern end of the site where the site levels are at their lowest, sloping down towards the canal. Therefore the topography of the site allows for building heights to be increased in this location with limited visual impact on the existing skyline.

The proposal has incorporated elements from surrounding traditional architecture and united these principles to deliver a contemporary design solution. Steeply pitched roofs and a high quality palette of materials allow this proposal to convey good design principles whilst incorporating elements of architecture from the surrounding conservation area. The relevant design policies have been achieved and the site's frontage to the Union Canal would be enhanced.

The Edinburgh Design Guidance encourages the efficient use of land in suburban developments, as well as a mix of house types. The proposed density of 36.6 units/ha is higher than that within the conservation area to west of the site but in-keeping with the developments to the east. A range of terraced housing and townhouses on this site is acceptable.

Overall the proposal offers good elements of design interest along the Union Canal.

f) Amenity for Future and Neighbouring Residents

Future residents

The Edinburgh Design Guidance sets out minimum internal floor areas of new dwellings to ensure satisfactory amenity of new residents. These have been met within this proposal.

The proposal provides sufficient private and public open space for future residents, as well as access to the wider path network.

Neighbouring residents

The Edinburgh Design Guidance sets out standards for appropriate daylight and overshadowing as a result of new development on existing properties. The proposal is compliant with these.

Access for neighbouring residents to the wider path network would be enhanced through this proposal by the provision of a footpath through the site to the canal.

g) Traffic, Parking and Road Safety

The access into the development is proposed to be taken from West Croft, which is currently an adopted residential street. The road geometry and capacity is suitable to accommodate the increased journeys.

The application site is located within Zone 3 of the Council's Parking Standards and has been assessed accordingly. The applicant is proposing a total of 24 car parking spaces, 22 of which are in the form of garage space/ driveways and two visitor on street spaces.

With regards to cycle parking, a minimum of three cycle spaces per dwelling is required. These spaces will be provided within the curtilage of the properties.

The Roads Authority has no objection to the application and the proposal meets the Council's Parking Standards.

h) Infrastructure and Facilities

LDP Policy Del 1 seeks to ensure that new development mitigates any additional negative impact it has on existing infrastructure. The site falls within the South West Education Contribution Zone (Sub-Area SW-2) and the Council has identified that there is insufficient capacity at both Ratho Primary School and Balerno High School.

To cover the total cost of the additional infrastructure required, the contribution for 11 houses is £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. A reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,228 (as at Q4 2017).

The impact on infrastructure and facilities is therefore acceptable subject to a legal agreement.

i) Biodiversity

LDP Policy Env 16 aims to protect against any adverse impact on various species protected under European or UK Law. The applicant has submitted an Ecological Assessment in support of this application. The Assessment concluded that there would be a loss of low value habitat to development, but this could be mitigated by tree and shrub planting throughout the site. The loss of trees will be mitigated with new tree planting.

Furthermore, the protection of the canal, breeding birds and small mammals prior to and during construction will be protected through the requirement of a Construction Environmental Management Plan.

j) Equalities and Human Rights

No impacts in relation to equalities or human rights have been identified.

k) Public Comments

Material objections:

- Detrimental impact on the conservation area: addressed in section 3.3 d);
- Congestion: addressed in section 3.3 f);
- Density: addressed in section 3.3 c);
- Overshadowing and loss of privacy: addressed in section 3.3 e);
- Loss of footpath and access to canal: addressed in section 3.3 b);
- Not in-keeping with local character: addressed in section 3.3 d);
- Loss of trees: addressed in section 3.3 h);
- Loss of open space: addressed in section 3.3 b);
- Lack of amenities in Ratho: addressed in section 3.3 g);
- No capacity in local schools: addressed in section 3.3 g);
- Impact on local wildlife: addressed in section 3.3 h).

Non-material considerations:

- Blocking private views;
- No need for more housing;
- The proposal does not relate to previous planning consent;
- Wall to the north of the site should be repaired in line with 15/04140/PPP;
- Construction disruption;
- Traffic during construction.

Ratho and District Community Council

Ratho and District Community Council submitted a response and object to the proposal on the following grounds:

- -Over-development: addressed in section 3.3 c);
- -Design not in-keeping with Ratho Conservation Area: addressed in section 3.3 d);
- -Poor vehicular access: addressed in section 3.3 f);
- -Lack of information on trees: addressed in section 3.3 h);
- -Lack of facilities and infrastructure: addressed in section 3.3 g);
- -Existing congestion and parking issues: addressed in 3.3 f);
- -Loss of bats: addressed in section 3.3 h);
- -Extra construction traffic: non-material.

Conclusion

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable. A legal agreement is required to mitigate pressure on local school accommodation.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. No development shall take place until a Construction Environmental Management Plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.
3. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
 - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'
 - reinstatement of grass areas
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
 - which waste materials can be brought on to the site/what if any exceptions e.g. green waste
 - monitoring of waste imports (although this may be covered by the site licence)
 - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
 - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

4. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- Attenuation times
- Profiles & dimensions of water bodies
- Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the interests of nature conservation.
3. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
4. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
5. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

To cover the total cost of the additional infrastructure required, the contribution for 11 houses is £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. A reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,230 (as at Q4 2017).

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

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 Cranes and Other Construction Issues.
6. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operationssafety/>))
Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
8. The incorporation of green roofs into the scheme is recommended. Further details on green roofs can be found at www.edinburgh.gov.uk/biodiversity
9. The applicant should engage in discussions with Scottish Canals to ensure access is protected for maintenance at Union Canal.
10. A minimum of three cycle spaces per dwelling is required and will be provided in curtilage to the properties.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following neighbour notification, 119 letters of objection were received. The matters raised are addressed in the assessment section of the report.

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan.

Date registered

11 June 2018

Drawing numbers/Scheme01-11,
01A-04A,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

E-mail:murray.couston@edinburgh.gov.uk Tel: 0131 529 3594

Links - Policies

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

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

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

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

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

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

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

Relevant Non-Statutory Guidelines

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

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

The Ratho Conservation Area Character Appraisal emphasises the strong representation of vernacular development within the village core, the predominant building form of small-scale vernacular cottages providing a unified character, the consistency in the use of traditional building materials, the uncluttered streetscape and the prevalence of residential use.

Appendix 1

Application for Planning Permission 18/02606/FUL At Land 54 Metres East Of 26, Baird Road, Ratho Proposed erection of 11 residential dwellings.

Consultations

Archaeology response

The northern boundary of the site lies adjacent to the southern bank of the Union Canal. This monument is scheduled under the 1979 Ancient Monuments and Archaeological Monuments Areas Act (Ref No. AMH: 4291). In addition the sites location places it on the eastern limits of the historic village of Ratho. The settlement is first recorded in the mid-13th century though the nearby parish church dates from a century earlier. The site appears vacant in the 1st Edition OS map of the 1850's however by the end of the century a small Gas works has been constructed, probably to feed Ratho Village.

Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Firstly any works arising from this development must avoid any disturbance to the physical remains of the adjacent scheduled Union Canal. The views of HES must also be sought in this regard.

Out with the scheduled area of the canal, the site may contain archaeological evidence associated with not only the construction and use of the Union Canal but also evidence for the development and occupation of Ratho from the medieval period onwards. In particular the site is of significance in terms of its Victorian industrial heritage being the site of a small scale gasworks, with stone boundary walls thought to contain structural evidence relating to the gasworks buildings. The impact therefore of associated ground-breaking works for this development (construction, services, landscaping etc.) must be regarded as having a potential moderate archaeological impact. It is recommended therefore that prior to development that a phased programme of archaeological works is undertaken to fully excavate, record and analysis all significant remains both buried and upstanding.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site and detailed recording (phased plan, elevations, photographic and written surveys) of the site's upstanding stone walls. The results of which would allow for the production of appropriate

more detailed mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains prior to construction.

Therefore, it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.

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

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

Edinburgh Airport response

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below: Submission of a Bird Hazard Management Plan Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- o monitoring of any standing water within the site temporary or permanent*
- o sustainable urban drainage schemes (SUDS) - such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operationssafety/>).*
- o management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'*
- o reinstatement of grass areas*
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- o which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- o monitoring of waste imports (although this may be covered by the site licence)*
- o physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- o signs deterring people from feeding the birds.*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority. Reason: It is necessary to manage the development in order

to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- o Attenuation times*
- o Profiles & dimensions of water bodies*
- o Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved. Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

We would also make the following observations:

Cranes Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Lighting

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operationssafety/>))

Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft. It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Children + Families response

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

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

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

Assessment and Contribution Requirements

Assessment based on:

11 Houses

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

School projections indicate that there is insufficient capacity at Ratho Primary School to accommodate an increase in primary school pupils within its catchment area as a result of the proposed development.

The Education Appraisal did not consider the impact of new housing on this site, but did acknowledge that if new housing development did come forward within the catchment of Ratho Primary School new accommodation will be required to accommodate the additional pupils. This is reflected in current school projections which indicate that there is no spare capacity at the school.

In order that additional capacity can be delivered to accommodate the increase in pupils as a result of the new development, a contribution towards additional primary school capacity is therefore required. Planning should identify a reasonable contribution towards

the cost of delivering this additional classroom. Elsewhere within the South West Education Contribution Zone, new housing developments are required to pay £1,216 per flat and £5,212 per house (as at Q4 2017) towards new primary school classes. For a development of 11 houses, a contribution of £57,332 (as at Q4 2017) would be required.

School roll projections for Balerno High School indicate that there will not be sufficient spare capacity to accommodate the increase in additional secondary school pupils anticipated in the area as a result of this development. Although the Council's current Action Programme does not identify a requirement for additional capacity at the school (this is based on the impact of new housing sites allocated in the LDP and other land within the urban area), the Education Appraisal stated that if additional sites come forward contributions towards increasing capacity may be required. As additional capacity will be required to accommodate pupils from the application site an appropriate contribution is required to mitigate the impact of the development. The pro-rata contribution rate for secondary school extensions, which is set out in the Supplementary Guidance, should also be applied to the proposed development (£6,536 per house - as at Q4 2017). For a development of 11 houses, a contribution of £71,896 (as at Q4 2017) would be required.

If the Council is minded to grant the application, future versions of the Council's Action Programme and Supplementary Guidance would reflect the additional education infrastructure actions set out above.

To cover the total cost of the additional infrastructure required, the contribution required for 11 houses is therefore £71,896 (as at Q4 2017), plus a contribution towards the delivery of additional primary school classrooms. As set out above, a reasonable contribution towards new primary school capacity would be £57,332 (as at Q4 2017). This would give a total contribution requirement towards new education infrastructure of £129,228 (as at Q4 2017).

If the appropriate contribution is provided by the developer, Communities and Families does not object to the application.

Scottish Canals response

Scottish Canals has considered the above planning application and would make the following comments:

The drawings appear to propose removal of part of the established access track along the front of the canal and replacing this with grass and a small path that comes down to the canal bank. We would question the validity of the planning application if the applicant cannot demonstrate they own all of the land within the red line boundary.

Scottish Canals own the path on the south side of the canal and we require this access road for maintenance of the canal at this location and also to access the pontoons. There are 4 residential boats and 5 leisure boats at this location and they require access 24 hours a day including access for emergency services.. Also the end of the proposed path is along the top of the grass banking that slopes steeply into the canal at this location. This would appear to be an issue for walkers as the path leads to a dead end with no means of getting to any paved access route along the canal-side.

The design of the townhouses is not in keeping with the character of Ratho and would appear to be higher than any other structure in this part of the village. The density of the townhouses is also very urban and again not in keeping with the character of Ratho village.

Our residential boaters at this location have in the past enjoyed the ability to park their cars on the area of land at the end of the access route. Whilst this is within the boundary of the proposed development and outwith our ownership we would ask if it is possible to accommodate some parking for boaters within the development site.

There is an opportunity for surface water discharge to be taken from the site into the canal subject to Scottish Canals' agreement and suitable filtration being agreed.

Scottish Canals would also wish to see the final landscaping details for the proposal particularly in relation to the boundary treatments facing the canal and landscape proposals adjoining our ownership.

Roads Authority Issues response

The application should be continued for the applicant to provide further information in regard to the proposed development.

Reasons:

- 1. The applicant's attention was drawn to Section 2.4, "Design, Integration and Quantity of Parking," in the Edinburgh Design Guidance (October 2017), in particular the subsection, "Parking Standards," where it states that all applications must have reasoned justification for any level of car parking. Details of what should be included in this justification could be found on pages 58 & 59 of the guidance document. Furthermore, the justification should inform the level of car parking proposed, and that the level of proposed car parking should not be an arbitrary number that is decided upon by the amount of spaces that can be accommodated, or that is desired from a commercial perspective, on the site. Justification for the proposed parking provision has not been included in the Design Statement or other documentation submitted as part of the application;*
- 2. No mention is made of the proposed provision of cycle parking in support of the development application. This should be provided;*
- 3. As a development of 11 dwellings, all accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips would require to be agreed. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site - to this end, the applicant should provide a swept path analysis demonstrating that a 12m refuse collection vehicle is able to negotiate the development;*
- 4. Electric vehicle charging outlets should be considered for this development. No mention is made in the Design Statement. As a minimum passive provision would be*

expected i.e. ducting and infrastructure to allow electric vehicles to be readily accommodated in the future. More details can be found in the Edinburgh Design Guidance;

Roads Authority Issues further response

Regarding this application;

Car Parking numbers - the maximum number of spaces as per the 2017 standards is 22 (2 per unit). The developer is proposing 26 which exceeds this. This number will have to be justified in line with page 58 of the standards, as stated in our previous response. I note that 4 visitor spaces are included in this total. The developer should carry out a parking survey of the surrounding street/s to determine if these are required. The information in the 2-page summary is not sufficient in this regard.

Cycle Parking - the number proposed is fine, we will accept them being within curtilage.

Motor Cycle Parking - need to identify the location of this space.

Refuse vehicle access - we require a swept path drawing demonstrating that a 12m refuse vehicle can safely turn within the available turning area.

Adopted areas - it would be useful to have a drawing showing the proposed adoption extents.

Roads Authority Issues updated comment

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

- 1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 3. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been*

adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

The application will be assessed under the 2017 parking standards for Zone 3.

Car Parking; For 11 units (4 or more rooms) a maximum of 2 spaces per dwelling is permitted.

The applicant is proposing a total of 24 spaces, 22 of which are in the form of garage space/driveways and 2 on street. Having reviewed the overall parking provision, it is acceptable to transport that 2 additional on street spaces be provided.

Cycle Parking; For 11 units (4 or more rooms), a minimum of 3 cycle spaces per dwelling is required. These spaces will be provided in curtilage to the properties.

Historic Environmental Scotland - response dated 09/09/2019

Thank you for your consultation which we received on 27 August 2019. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation	Type
SM11097	Union Canal, Fountainbridge to River Almond	Scheduled Monument	

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

The proposals include works that are adjacent to the boundary of the above scheduled monument. The location of the scheduled area can be found by searching our website at <http://portal.historicenvironment.scot/>. Should any works directly affect the protected area, the applicant will need to contact us to ascertain if scheduled monument consent would be required.

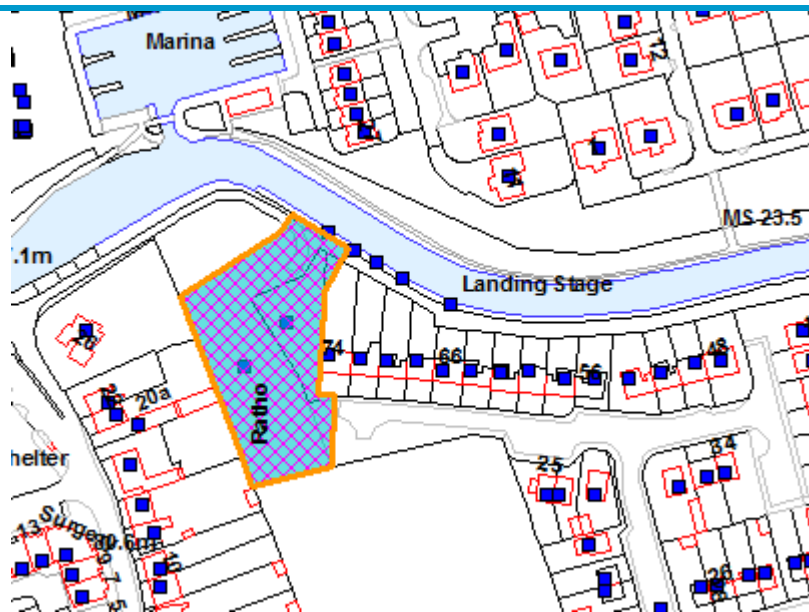
Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision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

Further Information

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

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

Location Plan



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